

**KANSAS**  
**COMMERCIAL RESTORATION AND PRESERVATION CREDIT**



For the taxable year beginning \_\_\_\_\_, 20 \_\_\_\_; ending \_\_\_\_\_, 20 \_\_\_\_

Name of taxpayer (as shown on return)	Social Security Number or Employer ID Number (EIN)
If partner, shareholder or member, enter name of partnership, S corporation, LLC or LLP	Employer ID Number (EIN)

**PART A –PROPERTY INFORMATION FOR CREDIT ISSUED IN CURRENT YEAR**

**CERTIFICATE NUMBER:** \_\_\_\_\_ **AMOUNT OF CREDIT \$** \_\_\_\_\_

Address of structure \_\_\_\_\_

City \_\_\_\_\_

County \_\_\_\_\_

State \_\_\_\_\_

Zip \_\_\_\_\_

Description of Structure \_\_\_\_\_

**PART B– COMPUTATION OF THIS YEAR'S CREDIT**

1. Total credit issued by the Department of Revenue (from Tax Credit Certificate)..... 1. \_\_\_\_\_
2. Proportionate share percentage (see instructions) ..... 2. \_\_\_\_\_
3. Your share of credit (multiply line 1 by line 2) ..... 3. \_\_\_\_\_
4. Amount of available carry forward from prior year's K-92 ..... 4. \_\_\_\_\_
5. Amount of credit received from a transferor in this tax year..... 5. \_\_\_\_\_
6. Amount of credit transferred to a transferee in this tax year ..... 6. \_\_\_\_\_
7. Total tax credit available this year (add lines 3, 4, and 5 and subtract line 6) ..... 7. \_\_\_\_\_
8. Total tax liability for this tax year after all credits other than this credit ..... 8. \_\_\_\_\_
9. Credit this tax year (lesser of line 7 or line 8). Enter here and on the appropriate line of Form K-40, K-41, K-120, or K-130 ..... 9. \_\_\_\_\_
10. Amount of credit to carry forward to next year's Schedule K-92 (subtract line 9 from line 7)..... 10. \_\_\_\_\_

## INSTRUCTIONS FOR SCHEDULE K-92

## GENERAL INFORMATION

K.S.A. 79-32,211c establishes for all tax years starting after December 31, 2021, a tax credit against the tax liability imposed by the Kansas income, privilege, or premium tax of an amount equal to 10% of the costs and expenses incurred for the restoration and preservation of a commercial structure at least 50 years old that does not receive the historic preservation credit provided by K.S.A. 79-32,211. An additional 10% credit for costs and expenses is allowed for the installation of fire suppression materials or equipment. To qualify for the credit related to the structure, the total amount of costs and expenses for the structure must be equal to at least \$25,000 but shall not exceed \$500,000. Similarly, to qualify for the credit related to fire suppression materials or equipment, the total amount of costs and expenses for the fire suppression materials or equipment must be equal to at least \$25,000 but shall not exceed \$500,000.

No person claiming a commercial restoration and preservation tax credit may claim a tax credit for the same structure under K.S.A. 79-32,211, and amendments thereto.

The total, aggregate amount of credit that may be allowed for all taxpayers per tax year is \$10 million.

To receive the credit an Application for Commercial Restoration and Preservation Credit must be completed and submitted to the Department of Revenue for review. The application must be submitted between December 1st and December 31st of the year in which the costs and expenditures were made. If approved, the Department will issue a Tax Credit Certificate for the credit allowed no later than February 1st of the following year.

If the amount of approved tax credit exceeds the taxpayer's income, privilege or premium tax liability for the year in which the investment was completed, the excess amount may be carried over for deduction from the taxpayer's income, privilege or premium tax liability in the next succeeding year or years until the total amount of the credit has been deducted from the tax liability, except that no such credit shall be carried over for deduction after the 10th taxable year succeeding the taxable year in which the expenditures were made.

Any bank, savings and loan association or savings bank shall pay taxes on 50% of the interest earned on loans to taxpayers used for costs and expenses for the restoration and preservation of a commercial structure at least 50 years old or for the installation of fire suppression materials or equipment.

A credit granted to an S-corporation, partnership, or a limited liability company that does not elect to be taxed at the entity level will be passed through to the shareholders, partners, and members of a pass-through entity who will claim this credit in the same manner as they account for their proportionate share of the income or loss of that entity, or as the S-corporation, partnership, or limited liability company provides in its bylaws or other executed agreement(s).

**IMPORTANT:** A separate K-92 schedule is required for each Tax Credit Certificate that has been issued by the Department of Revenue.

After an Application for Commercial Restoration and Preservation Credit has been approved and a Tax Credit Certificate has been issued, all or part of the restoration and preservation credit may be transferred to another individual or entity. Transfers become effective per an agreement between the two parties. Once a transfer has been made, the transferor and the transferee should complete and submit Form K-260, Kansas Tax Credit Transfer Notification Form to the Department of Revenue. Submission of this form notifies the Department that a transfer has taken place and allows the Department to update ownership records for tax reporting purposes. Submission of the Form K-260 should not precede the actual transfer or agreement and does not constitute the actual transfer.

A transferee may claim a transferred credit it received on its tax return in either the tax year the restoration and preservation expenditures were made, or in the tax year the transferee received the transferred credit. Unused credit amounts claimed by a transferee may be carried forward for up to 5 years, except that all such amounts must be claimed within 10 years following the tax year in which the costs and expenses were made.

Any taxpayer that is carrying forward a commercial restoration and preservation credit is responsible for maintaining records of their use of the credit. This information must be provided to the Department upon request. One possible format to use for tracking carryover credit is provided below.

K.S.A. 74-50,227 requires the collection of certain tax incentive information for publication on a database managed by the Kansas Department of Commerce. Information collected will include the name and address, including county of the recipient receiving the benefits from the tax incentive program, the annual amount of incentive claimed, distributed or received, qualification criteria for the incentive, and required benchmarks for continued participation in the program and progress made towards the benchmarks.

[illegible]

Enter all requested information at the top of this schedule.

## **PART A - PROPERTY INFORMATION FOR CREDIT ISSUED IN CURRENT YEAR**

Enter the certificate number and the amount of the tax credit from the Tax Credit Certificate issued by the Department of Revenue. Enter the street address of the commercial structure as well as a brief description of the structure.

## **PART B - COMPUTATION OF THIS YEAR'S CREDIT**

### **SPECIFIC LINE INSTRUCTIONS**

**LINE 1** – Enter the total credit issued by the Department of Revenue. This credit amount will be referenced on the Tax Credit Certificate issued by the Department.

**LINE 2** – Enter your proportionate share percentage. Partners, shareholders or members of pass through entities, enter the percentage that represents your proportionate share in the partnership, S Corporation, LLC or LLP. All other taxpayers, enter 100%.

**LINE 3** – Multiply line 1 by line 2. This is your share of the credit.

**LINE 4** – Enter amount of available carry forward from prior year's K-92.

**LINE 5** – Enter the amount of Commercial Restoration and Preservation Credit received from a transferor in this tax year.

**LINE 6** – Enter the amount of Commercial Restoration and Preservation Credit transferred to a transferee in this tax year.

**LINE 7** – Add lines 3, 4 and 5, and subtract line 6. This is the total tax credit available.

**LINE 8** – Enter the amount of your Kansas tax liability for this tax year after all credits other than this credit.

**LINE 9** – Enter the lesser of line 7 or line 8. Enter here and on the appropriate line of Form K-40, K-41, K-120, or K-130.

**LINE 10** – Subtract line 9 from line 7 and enter the result. This amount cannot be less than zero. Enter this amount on next year's Schedule K-92.

### **TAXPAYER ASSISTANCE**

For assistance in completing this schedule contact the Kansas Department of Revenue:

Taxpayer Assistance Center  
Scott Office Building  
120 SE 10th Ave  
PO Box 750260  
Topeka KS 66699-0260

Phone: 785-368-8222

Fax: 785-296-8989

Additional copies of this credit schedule and other tax forms are available from our website at: **ksrevenue.gov**.