

2021 Main Street Small Business Tax Credits

3866

Attach to your California tax return.

Name(s) as shown on your California tax return	<input type="checkbox"/> SSN or ITIN <input type="checkbox"/> CA Corporation no. <input type="checkbox"/> FEIN
Name of taxpayer generating the credit. See instructions.	<input type="checkbox"/> SSN or ITIN <input type="checkbox"/> CA Corporation no. <input type="checkbox"/> FEIN
	California Secretary of State (SOS) file number

Part I Available Credit – Main Street Small Business Tax Credit II

Complete Part I only if you applied for this credit between November 1, 2021, and November 30, 2021, and received a tentative credit reservation confirmation from the California Department of Tax and Fee Administration (CDTFA) for the taxable year 2021.

1 Enter the tentative credit reservation confirmation number for taxable year 2021. See instructions.....	● 1		
2 Enter the allocated credit amount from the CDTFA tentative credit reservation confirmation for taxable year 2021.....	● 2		00
3 Pass-through credit from Schedule K-1 (100S, 541, 565 or 568). See instructions.....	● 3		00
4 Total available credit. Add lines 2 and 3.....	● 4		00
5 Total credit claimed. See instructions. Use credit code 241.....	● 5		00
6 Credit carryover to 2022. Subtract line 5 from line 4.....	● 6		00

Part II Carryover – Main Street Small Business Tax Credit (Taxable Year 2020)

Complete Part II only if you applied for this credit between December 1, 2020, and January 15, 2021, and received a tentative credit reservation confirmation from the CDTFA for the taxable year 2020.

7 Enter the tentative credit reservation confirmation number for taxable year 2020. See instructions.....	● 7		
8 Credit carryover from prior year. See instructions.....	● 8		00
9 Total credit claimed. See instructions. Use credit code 240.....	● 9		00
10 Credit carryover to 2022. Subtract line 9 from line 8.....	● 10		00

What's New

Main Street Small Business Tax Credit II – For the taxable year beginning January 1, 2021, and before January 1, 2022, a **new** credit, Main Street Small Business Tax Credit II, is available to a qualified small business employer that received a tentative credit reservation from the California Department of Tax and Fee Administration (CDTFA). The credit is equal to \$1,000 for each net increase in qualified employees. The credit cannot exceed \$150,000 for any qualified small business employer.

For taxpayers that elected to apply the credit towards sales and use taxes, the credit allowed for Main Street Small Business Tax Credit II is reduced by the tentative credit reservation amount allocated under the Main Street Small Business Tax Credit for the 2020 taxable year.

For taxpayers that elected to apply the credit towards income taxes, the credit allowed for Main Street Small Business Tax Credit II is reduced by the tentative credit reservation amount received under the Main Street Small Business Tax Credit for the 2020 taxable year.

A qualified small business employer, among other requirements, must have met the following requirements:

- Have 500 or fewer employees on December 31, 2020, (all employees, including part-time employees), whose wages are subject to California withholding laws.

- Have experienced a decrease of 20% or more in gross receipts:
 - Calendar year filers compare gross receipts for 2020 to gross receipts for 2019.
 - Fiscal year filers can either:
 - Compare gross receipts for fiscal year 2019-20 to the gross receipts for fiscal year 2018-19.
 - Compare the gross receipts average for fiscal year 2019-20 and fiscal year 2020-21 to the gross receipts for fiscal year 2018-19.
 - New businesses that commenced business after January 1, 2019, but on or before January 1, 2020, can determine by comparing gross receipts from:
 - January 1, 2020, through February 28, 2020, multiplied by 1.5 to gross receipts for the period of April 1, 2020, and ending on June 30, 2020.

The Main Street Small Business Tax Credit II must be claimed on a timely filed original tax return. The taxpayer cannot be required to be included or authorized to be included in a combined report under California Revenue and Taxation Code (R&TC) Sections 25101, 25110, or 25101.15.

Taxpayers made an irrevocable election to apply this credit to either sales and use tax, or income tax when they applied for the credit. Only use this form if you elected to apply this credit to income tax.

For more information, get R&TC Sections 17053.71 or 23628, or go to ftb.ca.gov and search for **main street small business tax credit**.

Important Information

Main Street Small Business Tax Credit (Taxable year 2020)

This credit can only be claimed if the taxpayer has a carryover from taxable year 2020.

For more information, see the Specific Line Instructions for Part II and R&TC Sections 17053.72 and 23627, or go to ftb.ca.gov and search for **main street small business tax credit**.

General Information

A Purpose

Use form FTB 3866, Main Street Small Business Tax Credits, to claim a tax credit or a carryover credit for a qualified small business employer that had a net increase in qualified full-time employees, and to determine carryover credit amounts.

Also, use form FTB 3866 to claim pass-through Main Street Small Business Tax Credits received from an S corporation, estate, trust, partnership, or limited liability company (LLC) classified as a partnership.

S corporations, estates, trusts, partnerships, and LLCs classified as partnerships should complete form FTB 3866 to report the amount of credit that will be passed through to shareholders, beneficiaries, partners, or members.

Attach this form to Form 100S, California S Corporation Franchise or Income Tax Return; Form 541, California Fiduciary Income Tax Return; Form 565, Partnership Return of Income; or Form 568, Limited Liability Company Return of Income. Report the pass-through credit amount and the tentative credit reservation confirmation number for each shareholder, beneficiary, partner, or member on Schedule K-1 (100S, 541, 565, or 568), Share of Income, Deductions, Credits, etc.

B Tentative Credit Reservation

Main Street Small Business Tax Credit II – A qualified small business employer was required to apply for a tentative credit reservation from the CDTFA between November 1, 2021, and November 30, 2021, and obtain a confirmation number. If you did not receive a tentative credit reservation from the CDTFA you cannot claim this credit. For more information, go to cdtfa.ca.gov.

C Limitations

The taxpayer must reduce any wage deduction claimed on their income tax returns by the amount of the Main Street Small Business Tax Credit II allowed for the 2021 taxable year, including any credit carried forward to future years.

S corporations may claim only 1/3 of the credit against the 1.5% entity level tax (3.5% for financial S corporations). The remaining 2/3 must be disregarded and may not be used as a carryover. S corporations can pass through 100% of the credit to their shareholders.

If a taxpayer owns an interest in a disregarded business entity [a single member limited liability company (SMLLC) not recognized by California, and for tax purposes is treated as a sole proprietorship owned by an individual or a branch owned by a corporation], the usable credit amount received from the disregarded entity is limited to the difference between the taxpayer's regular tax figured with the income of the disregarded entity, and the taxpayer's regular tax figured without the income of the disregarded entity.

Get Form 568, Limited Liability Company Tax Booklet, for more information.

The credit cannot reduce the regular tax below the minimum franchise tax (corporations and S corporations), the annual tax (limited partnerships, limited liability partnerships, and LLCs classified as a partnership), the alternative minimum tax (corporations, exempt organizations, individuals, and fiduciaries), the built-in gains tax (S corporations), or the excess net passive income tax (S corporations).

The credit cannot reduce regular tax below the tentative minimum tax. Get Schedule P (100, 100W, 540, 540NR, or 541), Alternative Minimum Tax and Credit Limitations, for more information.

D Carryover

If the available credit exceeds the current year tax liability or is limited by tentative minimum tax, the unused credit may be carried over for five years or until the credit is exhausted, whichever occurs first. Apply the carryover to the earliest taxable year. In no event can the credit be carried back and applied against a prior year's tax. Retain all records that document this credit and carryovers. The Franchise Tax Board (FTB) may require access to these records.

Specific Line Instructions

Name(s) as shown on your California tax return – Enter the name of the individual or business and the social security number (SSN), individual tax identification number (ITIN), California corporation number, federal employer identification number (FEIN), or the California Secretary of State (SOS) file number as shown on your tax return.

Name of taxpayer generating the credit – Enter the name of the taxpayer that generated the tax credit. Also, enter the SSN, ITIN, California corporation number, FEIN, or the California SOS file number of the taxpayer in the space provided. Complete this section even if it is the same taxpayer that appears on the California return. **Do not** enter the word "same."

Part I – Available Credit – Main Street Small Business Tax Credit II

Complete this part only if you applied for this credit between **November 1, 2021, and November 30, 2021**, and received a tentative credit reservation confirmation number from the CDTFA.

Line 1 – Tentative credit reservation confirmation number

Enter the seven digit confirmation number your business received from the CDTFA, or as reported to you on your Schedule K-1. The confirmation number will begin with the number 3.

If you do not have a confirmation number you cannot claim this credit. If you received more than one confirmation number, you must file a separate form FTB 3866 for each number.

Line 3 – Pass through credit from Schedule K-1 (100S, 541, 565, or 568)

Enter the total amount of credits received from an S corporation, estate, trust, partnership or LLC classified as a partnership. The allocable share of the credit, including the confirmation number, should be included as an attached statement on your Schedule K-1.

Line 5 – Credit claimed

This amount may be less than the amount on line 4 if your credit is limited by your tax liability. For more information, see General Information C, Limitations, and refer to the credit instructions in your tax booklet. Enter the total credit claimed amount on this line and on your current tax return. **Use credit code 241**. Refer to the credit instructions in the tax booklet for your tax return for more information. Attach form FTB 3866 to your income tax return.

Part II – Carryover – Main Street Small Business Tax Credit (Taxable Year 2020)

Complete this part only if you reported a Main Street Small Business Tax Credit carryover on your 2020 timely filed original tax return.

Line 7 – Tentative credit reservation confirmation number

Enter the seven digit confirmation number your business received from the CDTFA or as reported to you on your Schedule K-1. The confirmation number will begin with the number 1.

If you do not have a confirmation number you cannot claim this credit. If you received more than one confirmation number, you must file a separate form FTB 3866 for each number.

Line 8 – Credit carryover from prior year

Enter the credit amount from the 2020 form FTB 3866, line 5. This is the total available credit.

Line 9 – Total credit claimed

This amount may be less than the amount on line 8 if your credit is limited by your tax liability. For more information, see General Information C, Limitations, and refer to the credit instructions in your tax booklet. Enter the total credit claimed amount on this line and on your current tax return. **Use credit code 240.** Refer to the credit instructions in the tax booklet for your tax return for more information. Attach form FTB 3866 to your income tax return.

Franchise Tax Board Privacy Notice on Collection

Our privacy notice can be found in annual tax booklets or online. Go to ftb.ca.gov/privacy to learn about our privacy policy statement, or go to ftb.ca.gov/forms and search for **1131** to locate FTB 1131 EN-SP, Franchise Tax Board Privacy Notice on Collection. To request this notice by mail, call 800.338.0505 and enter form code **948** when instructed.