

**FORM 321
2022**

**New Jersey Corporation Business Tax
Angel Investor Tax Credit**

Name as Shown on Return	Federal ID Number	Unitary ID Number, if applicable NU
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Read the instructions before completing this form

Combined Return Filers

The taxpayer is included as a taxable member on a New Jersey combined return. See instructions.
Fill in oval if member is **not** sharing its credit with other members of the group.

Part I Qualifications

1. Does the taxpayer have an approval letter issued by the New Jersey Economic Development Authority? YES NO
2. Has the taxpayer received a tax credit certificate issued by the New Jersey Division of Taxation? YES NO
Check the box to indicate a copy of the certificate has been submitted to the Division of Taxation.....

Note: If the answer to question 1 or 2 is "NO," do not complete the rest of this form. The taxpayer is **not** eligible for this tax credit. Otherwise, go to Part II.

Part II Calculation of the Available Credit

3. Enter the approved credit amount as reported on the tax credit certificate for the current tax year..	3.	
4. Angel Investor Tax Credit carried forward from prior year	4.	
5. Total credit available (add lines 3 and 4)	5.	

**Part III Calculation of the Allowable Credit Amount and Carryforward
(Combined return filers DO NOT complete Part III. Continue with Part IV.)**

6. Enter tax liability from page 1, line 2 of CBT-100, CBT-100S, or BFC-1	6.	
7. Other tax credits used by taxpayer on current year's return (see instructions):		
(a) _____		
(b) _____		
(c) _____		
(d) _____		
..... Total	7.	
8. Subtract line 7 from line 6. If zero or less, enter zero	8.	
9. Allowable credit for current tax period. Enter lesser of line 5 or line 8 here and on Part I, Schedule A-3 of the CBT-100, CBT-100S, or BFC-1	9.	
10. Amount of credit available to be refunded/carried forward (subtract line 9 from line 5).....	10.	
11. Enter the amount of line 10 to be refunded here and on Part II, Schedule A-3 of the CBT-100, CBT-100S, or BFC-1.....	11.	
12. Amount of credit carryforward to following year's return (subtract line 11 from line 10)	12.	

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Part IV Calculation of Allowable Credit Amount and Carryforward – Combined Return Filers ONLY

Section A – ALL Combined Return Filers

13. Enter the group tax liability from Schedule A, Part III, line 5, column (a) of CBT-100U.....	13.	
14. Other tax credits used by combined group on current year's return (see instructions):		
(a) _____		
(b) _____		
(c) _____		
(d) _____ Total	14.	
15. Subtract line 14 from line 13. If zero or less, enter zero.....	15.	
16. Allowable credit for the current tax period. Enter the lesser of line 5 or line 15. If sharing , also enter in the member's column of Part I, Schedule A-3 of the CBT-100U	16.	
If SHARING credit, complete lines 17–19.		
If NOT sharing credit, skip lines 17–19 and complete Section B.		
17. Amount of credit available to be refunded/carried forward (subtract line 16 from line 5)	17.	
18. Enter the amount of line 17 to be refunded here and in the member's column of Part II, Schedule A-3 of the CBT-100U	18.	
19. Amount of credit carryforward to following year's return (subtract line 18 from line 17).....	19.	

Section B – Combined Return Filers NOT Sharing Credit

20. a) Enter combined group tax liability from line 13.....	20a.		
b) Divide line 20a by the combined group allocation factor from Schedule J, line 9	20b.		
c) Member's share of combined group tax liability – Multiply line 20b by member's allocation factor from Schedule J, line 9	20c.		
21. Other tax credits used by taxpayer on current year's return (see instructions):			
(a) _____			
(b) _____			
(c) _____			
(d) _____ Total	21.		
22. Subtract line 21 from line 20c. If zero or less, enter zero	22.		
23. Allowable credit for the current tax period. Enter the lesser of line 16 or line 22 here and in the member's column of Part I, Schedule A-3 of the CBT-100U	23.		
24. Amount of credit available to be refunded/carried forward (subtract line 23 from line 5)	24.		
25. Enter the amount of line 24 to be refunded here and in the member's column of Part II, Schedule A-3 of the CBT-100U	25.		
26. Amount of credit carryforward to following year's return (subtract line 25 from line 24).....	26.		

Instructions for Form 321 Angel Investor Tax Credit

Purpose of this Form

This form must be completed by any taxpayer that claims a tax credit as provided for in the Angel Investor Tax Credit Act, N.J.S.A. 54:10A-5.28. If the taxpayer claims this credit on Form CBT-100, CBT-100U, CBT-100S, or BFC-1, a completed Form 321 must be included with the return to validate the claim.

A taxpayer is allowed a credit against the tax imposed pursuant to Section 5 of P.L. 1945, C.162 (C.54:10A-5) for a qualified investment made by the taxpayer in a New Jersey-based emerging technology business, or to a New Jersey technology business holding company, or in a qualified venture fund, subject to certain statutory restrictions and limitations.

A Research and Development Tax Credit is not allowed for expenses paid from funds for which an Angel Investor Tax Credit is allowed, or that are includable in the calculation of the allowed amount of this tax credit.

Any unused Angel Investor Tax Credit can be refunded or carried forward for 15 years. However, a taxpayer cannot carry over any amount of unused credit to a tax year during which a corporate acquisition, with respect to which a taxpayer was a target corporation, occurred or during which the taxpayer was a party to a merger or a consolidation.

Parts III and IV are used to calculate the allowable credit and carryover. Taxpayers filing Forms CBT-100, CBT-100S, or BFC-1 complete Part III and CBT-100U filers complete Part IV.

Combined Return Filers

If filing a combined return, the form must be completed by the member that earned the credit. All combined return filers must check the combined return filers box at the top of the form and complete Part IV, Section A.

Members Opting Not to Share. In general, tax credits are earned by a member of the combined group and are shareable with the combined group. However, members are not required to share their credits. See N.J.S.A. 54:10A-4.6.i and TB-90(R), *Tax Credits and Combined Returns*. In addition to Section A, members that choose not to share must also complete Part IV, Section B and fill in the oval at the top of the form to indicate they are not sharing the credit.



Taxpayers must include the appropriate credit form in the year the credit was earned even if they are not claiming the credit on their tax return.

Part I – Qualifications

To be eligible for the tax credit, the answer to questions 1 and 2 must be “YES.” If the answer to question 1 or 2 is “NO,” the taxpayer is **not** entitled to the Angel Investor Tax Credit.

A copy of the tax credit certificate and a copy of the completed Form 321 must be submitted by mail to the New Jersey Division of Taxation, CBT Refunds/Tax Credits, PO Box 259, Trenton, NJ 08695-0259. Failure to submit this documentation by mail will result in the delay and/or denial of the tax credit claimed.

Part II – Calculation of Available Credit

Line 3 – The amount of the tax credit is equal to the amount reported on the tax credit certificate that was issued by the New Jersey Division of Taxation.

Part III – Calculation of the Allowable Credit Amount and Carryforward (for CBT-100, CBT-100S, and BFC-1 Filers only)

For CBT-100, CBT-100S, and BFC-1 filers, the allowable Angel Investor Tax Credit for the current year is calculated in Part III. Combined return filers do not complete Part III, and must complete Part IV instead.

Line 7 – Taxpayers claiming multiple credits must list any credits already applied to the tax liability to ensure accuracy of the calculation for maximum credit allowable.

Part IV – Calculation of the Allowable Credit Amount and Carryforward for Combined Return Filers

For CBT-100U filers, the total and allowable Angel Investor Tax Credit for the current year is calculated in Part IV. All combined return filers must complete Section A. Members that choose not to share their credit must also complete Section B.

Section A – To be completed by ALL combined return filers

This section calculates the amount of credit allowable for the group. If a member chooses not to share their credit with the group, Section A must still be completed to ensure the credit allowed for the member does not exceed the amount that would otherwise be allowed against the group tax liability.

Line 14 – Combined groups claiming multiple credits must list any credits already applied to the tax liability to ensure accuracy of the calculation for maximum credit allowable.

Section B

This section is used to calculate the amount of credit allowable for members that choose not to share their credit with the group. Section B is completed based on the member's share of the group tax liability. The amount of the credit is also limited to the amount that would otherwise be allowed against the group tax liability if the member had been sharing the credit.

Line 21 – Members claiming multiple credits must list any credits already applied to the member's tax liability to ensure accuracy of the calculation for maximum credit allowable.