

Disabled Access Credit for Eligible Small Businesses

2023

3548

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 number <input type="checkbox"/> FEIN	
Address of facility (number and street)	California Secretary of State file number	
City	State	ZIP code

1 Eligible access expenditures. See instructions	1		00
2 Maximum amount of eligible access expenditures	2	\$250	00
3 Enter the smaller of line 1 or line 2	3		00
4 Current year credit. Multiply line 3 by 50% (.50).	4		00
5 Pass-through Disabled Access Credit(s) from Schedule K-1 (100S, 541, 565, or 568). See instructions.	5		00
6 Total current year Disabled Access Credit. Add line 4 and line 5, but do not enter more than \$125	6		00
7 Credit carryover from prior year	7		00
8 Total available Disabled Access Credit. Add line 6 and line 7.	8		00
9 a Credit claimed. Enter the amount of the credit claimed on the current year tax return. See instructions. (Do not include any assigned credit claimed on form FTB 3544, Part B).	9a		00
9 b Total credit assigned. Enter the total amount from form FTB 3544, Part A, column (g). If you are not a corporation, enter -0-. See instructions	9b		00
10 Credit carryover available for future years. Add line 9a and line 9b, subtract the result from line 8	10		00

General Information

California allows a Disabled Access Credit that is similar to the federal Disabled Access Credit under Internal Revenue Code (IRC) Section 44, with exceptions. Unless specifically identified otherwise, references in these instructions are to the IRC as of **January 1, 2015**, and to the California Revenue and Taxation Code (R&TC).

A Purpose

Eligible small businesses use form FTB 3548, Disabled Access Credit for Eligible Small Businesses, to figure a credit for expenditures to provide access to disabled individuals. Also, use this form to claim pass-through Disabled Access Credits received from S corporations, estates, trusts, partnerships, or limited liability companies (LLCs) classified as partnerships.

S corporations, estates, trusts, partnerships, and LLCs classified as partnerships should complete form FTB 3548 to figure the amount of credit to pass 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. Show the pass-through credit for each shareholder, beneficiary, partner, or member on Schedule K-1 (100S, 541, 565, or 568), Share of Income, Deductions, Credits, etc.

B Description

The amount of California credit allowed to an eligible small business is 50% (.50) of the qualified expenditures that do not exceed \$250 per taxable year. The maximum credit per eligible small business per taxable year is \$125.

C California and Federal Differences

The federal Disabled Access Credit under IRC Section 44 and the California Disabled Access Credit under R&TC Sections 17053.42 and 23642 are generally the same, except:

- California bases the credit on 50% (.50) of the eligible access expenditures up to \$250. Federal bases the credit on 50% (.50) of

the eligible access expenditures that exceed \$250 up to a maximum of \$10,250.

- California allows a carryover of the credit until it is exhausted. The federal credit is one of the general business credits subject to the limitations imposed by IRC Section 38.

D Qualifications

To qualify for the Disabled Access Credit, you must be an **eligible small business** that complies with the federal Americans with Disabilities Act of 1990 (Public Law 101-336) and pay or incur eligible access expenditures for taxable years beginning on or after January 1, 1996.

E Definitions

Eligible small business is any business or person that meets both of the following requirements:

- Had gross receipts for the preceding taxable year that did not exceed \$1 million, or if gross receipts exceeded \$1 million, employed no more than 30 full-time employees during the preceding taxable year.
- Elects to claim the Disabled Access Credit for the taxable year by filing form FTB 3548.

For purposes of the definition of an eligible small business:

- Gross receipts are reduced by returns and allowances made during the taxable year.
- An employee is considered full-time if employed at least 30 hours per week for 20 or more calendar weeks in the taxable year.
- Generally, all members of the same controlled group and all persons under common control are considered to be one person. See IRC Section 44(d)(2)(A).

Eligible access expenditures are the amounts the eligible small business pays or incurs to comply with applicable requirements under the Americans with Disabilities Act of 1990. Eligible access expenditures include amounts paid or incurred to:

1. Remove architectural, communication, physical, or transportation barriers that prevent a business from being accessible to, or usable by individuals with disabilities, but only in connection with a facility first placed in service before November 6, 1990 (the effective date of the Americans with Disabilities Act of 1990).