

(II) IF PERFORMED AS PART OF THE REHABILITATION CERTIFIED UNDER THIS SECTION, WOULD HAVE MADE THE REHABILITATION INELIGIBLE FOR CERTIFICATION.

(2) THE GRANT CREDIT ALLOWED UNDER THIS SECTION SHALL BE RECAPTURED AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION IF, DURING THE CALENDAR TAXABLE YEAR IN WHICH A CERTIFIED REHABILITATION IS COMPLETED OR ANY OF THE 4 CALENDAR TAXABLE YEARS SUCCEEDING THE CALENDAR TAXABLE YEAR IN WHICH THE CERTIFIED REHABILITATION IS COMPLETED, ANY DISQUALIFYING WORK IS PERFORMED ON THE CERTIFIED HERITAGE STRUCTURE FOR WHICH THE CERTIFIED REHABILITATION HAS BEEN COMPLETED.

(3) (I) 1. IF THE DISQUALIFYING WORK IS PERFORMED DURING THE CALENDAR TAXABLE YEAR IN WHICH THE CERTIFIED REHABILITATION WAS COMPLETED, 100% OF THE GRANT CREDIT SHALL BE RECAPTURED.

2. IF THE DISQUALIFYING WORK IS PERFORMED DURING THE FIRST FULL YEAR SUCCEEDING THE CALENDAR TAXABLE YEAR IN WHICH THE CERTIFIED REHABILITATION WAS COMPLETED, 80% OF THE GRANT CREDIT SHALL BE RECAPTURED.

3. IF THE DISQUALIFYING WORK IS PERFORMED DURING THE SECOND FULL YEAR SUCCEEDING THE CALENDAR TAXABLE YEAR IN WHICH THE CERTIFIED REHABILITATION WAS COMPLETED, 60% OF THE GRANT CREDIT SHALL BE RECAPTURED.

4. IF THE DISQUALIFYING WORK IS PERFORMED DURING THE THIRD FULL YEAR SUCCEEDING THE CALENDAR TAXABLE YEAR IN WHICH THE CERTIFIED REHABILITATION WAS COMPLETED, 40% OF THE GRANT CREDIT SHALL BE RECAPTURED.

5. IF THE DISQUALIFYING WORK IS PERFORMED DURING THE FOURTH FULL YEAR SUCCEEDING THE CALENDAR TAXABLE YEAR IN WHICH THE CERTIFIED REHABILITATION WAS COMPLETED, 20% OF THE GRANT CREDIT SHALL BE RECAPTURED.

(II) THE INDIVIDUAL OR BUSINESS ENTITY THAT ~~RECEIVED THE GRANT~~ CLAIMED THE TAX CREDIT SHALL PAY THE AMOUNT TO BE RECAPTURED AS DETERMINED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH AS TAXES PAYABLE TO THE STATE FOR THE CALENDAR TAXABLE YEAR IN WHICH THE DISQUALIFYING WORK IS PERFORMED.

(F) (1) THE COMPTROLLER MAY DETERMINE, UNDER THE PROCESS FOR RETURN EXAMINATION AND AUDIT UNDER §§ 13-301 AND 13-302 OF THE TAX - GENERAL ARTICLE:

(I) THE AMOUNT OF REHABILITATION EXPENDITURES USED IN CALCULATING THE CREDIT;

(II) WHETHER SUCH EXPENDITURES ARE QUALIFIED REHABILITATION EXPENDITURES UNDER THIS SECTION; AND