

(I) WHOSE FEDERAL ADJUSTED GROSS INCOME AS MODIFIED UNDER §§ 10-204 THROUGH 10-206 OF THIS TITLE DOES NOT EXCEED THE APPLICABLE POVERTY INCOME LEVEL;

(II) WHOSE EARNED INCOME AS DEFINED UNDER § 32(C)(2) OF THE INTERNAL REVENUE CODE DOES NOT EXCEED THE APPLICABLE POVERTY INCOME LEVEL;

(III) WHO IS NOT CLAIMED AS AN EXEMPTION ON ANOTHER INDIVIDUAL'S TAX RETURN UNDER § 10-211 OF THIS TITLE; AND

(IV) FOR WHOM THE CREDIT ALLOWED UNDER § 10-704 OF THIS SUBTITLE IS LESS THAN THE STATE INCOME TAX.

(4) "POVERTY INCOME STANDARD" MEANS THE MOST RECENT POVERTY INCOME GUIDELINE PUBLISHED BY THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES, AVAILABLE AS OF JULY 1 OF THE TAXABLE YEAR.

(B) AN ELIGIBLE LOW INCOME TAXPAYER MAY CLAIM A CREDIT AGAINST THE INCOME TAX FOR A TAXABLE YEAR IN THE AMOUNT DETERMINED UNDER SUBSECTION (C) OF THIS SECTION.

(C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE CREDIT ALLOWED UNDER SUBSECTION (B) OF THIS SECTION EQUALS THE LESSER OF:

(I) THE STATE INCOME TAX DETERMINED AFTER SUBTRACTING THE CREDIT ALLOWED UNDER § 10-704(B)(1) OF THIS SUBTITLE; OR

(II) AN AMOUNT EQUAL TO 5% OF THE ELIGIBLE LOW INCOME TAXPAYER'S EARNED INCOME, AS DEFINED UNDER § 32(C)(2) OF THE INTERNAL REVENUE CODE.

~~(2) OF THE AMOUNT DETERMINED UNDER PARAGRAPH (1) OF THIS SUBSECTION, AN INDIVIDUAL WHO FILES AN INCOME TAX RETURN FOR A PERIOD OF LESS THAN 1 YEAR IS ALLOWED A FRACTION:~~

~~(I) THE NUMERATOR OF WHICH IS THE NUMBER OF MONTHS THAT THE RETURN COVERS, AND~~

~~(II) THE DENOMINATOR OF WHICH IS 12.~~

(2) OF THE AMOUNT DETERMINED UNDER PARAGRAPH (1) OF THIS SUBSECTION, AN INDIVIDUAL WHO IS A NONRESIDENT OR IS A RESIDENT OF THE STATE FOR ONLY A PART OF THE YEAR IS ALLOWED ONLY A FRACTION:

(I) THE NUMERATOR OF WHICH IS THE INDIVIDUAL'S MARYLAND ADJUSTED GROSS INCOME; AND

(II) THE DENOMINATOR OF WHICH IS THE INDIVIDUAL'S FEDERAL ADJUSTED GROSS INCOME.