

§ 1.35-2

26 CFR Ch. I (4-1-23 Edition)

(c) The application of section 35 may be illustrated by the following example:

Example. In his taxable year, 1955, A received \$4,500 of partially tax-exempt interest. A's taxable income is \$4,000 upon which the tax prior to any credits against tax is \$840. His foreign tax credit under section 33 is \$610, and his dividends received credit under section 34 is \$120. A's credit under section 35 for partially tax-exempt interest is \$110, determined as follows:

<i>Section 35(a)</i>	
Partially tax-exempt interest	\$4,500
Credit computed under section 35(a); 3 percent of \$4,500	135
<i>Section 35(b)(1)</i>	
Tax imposed by chapter 1	840
Less:	
Credit allowed under section 33	\$610
Credit allowed under section 34	120
	\$730
Limitation on credit under section 35(b)(1)	110
<i>Section 35(b)(2)</i>	
Taxable income	4,000
Limitation on credit under section 35(b)(2); 3 percent of \$4,000	120

Since of the three figures (\$135, \$110, and \$120), the lesser is \$110, A's credit under section 35 is limited to \$110.

§ 1.35-2 Taxpayers not entitled to credit.

For taxable years beginning after December 31, 1957, no credit shall be allowed under section 35 to a nonresident alien individual with respect to whom a tax is imposed for such taxable year under section 871(a).

§ 1.36B-0 Table of contents.

This section lists the captions contained in §§ 1.36B-1 through 1.36B-6.

§ 1.36B-1 Premium tax credit definitions.

- (a) In general.
- (b) Affordable Care Act.
- (c) Qualified health plan.
- (d) Family and family size.
 - (1) In general.
 - (2) Special rule for tax years to which section 151(d)(5) applies.
- (e) Household income.
 - (1) In general.
 - (2) Modified adjusted gross income.
- (f) Dependent.
- (g) Lawfully present.
- (h) Federal poverty line.
- (i) [Reserved]
- (j) Advance credit payment.
- (k) Exchange.
- (l) Self-only coverage.
- (m) Family coverage.

- (n) Rating area.
- (o) Applicability dates.

§ 1.36B-2 Eligibility for premium tax credit.

- (a) In general.
- (b) Applicable taxpayer.
 - (1) In general.
 - (2) Married taxpayers must file joint return.
 - (i) In general.
 - (ii) Victims of domestic abuse and abandonment.
 - (iii) Domestic abuse.
 - (iv) Abandonment.
 - (v) Three-year rule.
 - (3) Dependents.
 - (4) Individuals not lawfully present or incarcerated.
 - (5) Individuals lawfully present.
 - (6) Special rule for taxpayers with household income below 100 percent of the Federal poverty line for the taxable year.
 - (i) In general.
 - (ii) Exceptions.
 - (7) Computation of premium assistance amounts for taxpayers with household income below 100 percent of the Federal poverty line.
 - (c) Minimum essential coverage.
 - (1) In general.
 - (2) Government-sponsored minimum essential coverage.
 - (i) In general.
 - (ii) Obligation to complete administrative requirements to obtain coverage.
 - (iii) Special rule for coverage for veterans and other individuals under chapter 17 or 18 of title 38, U.S.C.
 - (iv) Retroactive effect of eligibility determination.
 - (v) Determination of Medicaid or Children's Health Insurance Program (CHIP) ineligibility.
 - (vi) Examples.
 - (3) Employer-sponsored minimum essential coverage.
 - (i) In general.
 - (A) Plans other than health reimbursement arrangements (HRAs) or other account-based group health plans described in paragraph (c)(3)(i)(B) of this section.
 - (B) HRAs and other account-based group health plans integrated with individual health insurance coverage.
 - (ii) Plan year.
 - (iii) Eligibility for months during a plan year.
 - (A) Failure to enroll in plan.
 - (B) Waiting periods.
 - (C) Example.
 - (iv) Post employment coverage.
 - (v) Affordable coverage.
 - (A) In general.
 - (1) Affordability for employee.
 - (2) Affordability for related individual.
 - (3) Employee safe harbor.
 - (4) Wellness program incentives.

