

114TH CONGRESS  
2D SESSION

# S. 3237

To amend the Internal Revenue Code of 1986 to reform the low-income housing credit, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

JULY 14, 2016

Ms. CANTWELL (for herself, Mr. HATCH, and Mr. WYDEN) introduced the following bill; which was read twice and referred to the Committee on Finance

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## A BILL

To amend the Internal Revenue Code of 1986 to reform the low-income housing credit, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the  
5 “Affordable Housing Credit Improvement Act of 2016”.

6 (b) **TABLE OF CONTENTS.**—The table of contents for  
7 this Act is as follows:

Sec. 1. Short title; table of contents.

**TITLE I—REFORM OF STATE ALLOCATION FORMULAS**

Sec. 101. Increases in State allocations.

**TITLE II—REFORMS RELATING TO TENANT ELIGIBILITY**

- Sec. 201. Average income test.  
 Sec. 202. Uniform income eligibility for rural projects.  
 Sec. 203. Codification of rules relating to increased tenant income.  
 Sec. 204. Modification of student occupancy rules.  
 Sec. 205. Tenant voucher payments taken into account as rent for certain purposes.

TITLE III—CREDIT RATE AND OTHER RULES RELATING TO  
 CREDIT ELIGIBILITY AND DETERMINATION

- Sec. 301. Minimum credit rate.  
 Sec. 302. Reconstruction or replacement period after casualty loss.  
 Sec. 303. Modification of rights relating to building purchase.  
 Sec. 304. Modification of 10-year rule; limitation on acquisition basis.  
 Sec. 305. Certain relocation costs taken into account as rehabilitation expenditures.  
 Sec. 306. Repeal of qualified census tract population cap.  
 Sec. 307. Determination of community revitalization plan to be made by State housing credit agency.  
 Sec. 308. Prohibition of local approval and contribution requirements.  
 Sec. 309. Increase in credit for certain projects designated to serve extremely low-income households.  
 Sec. 310. Increase in credit for bond-financed projects designated by State agency.  
 Sec. 311. Elimination of basis reduction for low-income housing properties receiving certain energy benefits.

TITLE IV—REFORMS RELATING TO NATIVE AMERICAN  
 ASSISTANCE

- Sec. 401. Selection criteria under qualified allocation plans.  
 Sec. 402. Inclusion of Indian areas as difficult development areas for purposes of certain buildings.

TITLE V—AFFORDABLE HOUSING TAX CREDIT

- Sec. 501. Affordable housing tax credit.

1       **TITLE I—REFORM OF STATE**  
 2       **ALLOCATION FORMULAS**

3       **SEC. 101. INCREASES IN STATE ALLOCATIONS.**

4       (a) PHASE-IN OF INCREASES.—

5               (1) IN GENERAL.—Clause (ii) of section  
 6       42(h)(3)(C) of the Internal Revenue Code of 1986  
 7       is amended—

1 (A) by striking “\$1.75” in subclause (I)  
2 and inserting “the per capita dollar amount”,  
3 and

4 (B) by striking “\$2,000,000” in subclause  
5 (II) and inserting “the minimum ceiling  
6 amount”.

7 (2) PER CAPITA DOLLAR AMOUNT; MINIMUM  
8 CEILING AMOUNT.—Subparagraph (I) of section  
9 42(h)(3) of such Code is amended to read as follows:

10 “(I) PER CAPITA DOLLAR AMOUNT; MIN-  
11 IMUM CEILING AMOUNT.—For purposes of this  
12 paragraph—

13 “(i) PER CAPITA DOLLAR AMOUNT.—  
14 The per capita dollar amount is—

15 “(I) for calendar year 2016,  
16 \$2.35,

17 “(II) for calendar year 2017,  
18 \$2.59,

19 “(III) for calendar year 2018,  
20 \$2.82,

21 “(IV) for calendar year 2019,  
22 \$3.06,

23 “(V) for calendar year 2020,  
24 \$3.29, and

25 “(VI) \$3.53 thereafter.

1 “(ii) MINIMUM CEILING AMOUNT.—

2 The minimum ceiling amount is—

3 “(I) for calendar year 2016,

4 \$2,690,000,

5 “(II) for calendar year 2017,

6 \$2,959,000,

7 “(III) for calendar year 2018,

8 \$3,228,000,

9 “(IV) for calendar year 2019,

10 \$3,497,000,

11 “(V) for calendar year 2020,

12 \$3,766,000, and

13 “(VI) \$4,035,000 thereafter.”.

14 (3) MODIFICATION OF COST-OF-LIVING ADJUST-  
15 MENT.—Subparagraph (H) of section 42(h)(3) of  
16 such Code is amended—

17 (A) by striking “2002” in clause (i) and  
18 inserting “2016”,

19 (B) by striking “the \$2,000,000 and \$1.75  
20 amounts in subparagraph (C)” in clause (i) and  
21 inserting “the dollar amounts applicable to such  
22 calendar year under clauses (i) and (ii) of sub-  
23 paragraph (I)”,

24 (C) by striking “2001” in clause (i)(II)  
25 and inserting “2015”,

1 (D) by striking “\$2,000,000” in clause  
2 (ii)(I) and inserting “minimum ceiling”, and  
3 (E) by striking “\$1.75” in clause (ii)(II)  
4 and inserting “per capita dollar”.

5 (4) EFFECTIVE DATE.—The amendments made  
6 by this subsection shall apply to calendar years be-  
7 ginning after December 31, 2016.

8 (b) PERMANENT INCREASES.—

9 (1) IN GENERAL.—Clause (ii) of section  
10 42(h)(3)(C) of the Internal Revenue Code of 1986,  
11 as amended by subsection (a)(1), is amended—

12 (A) by striking “the per capita dollar  
13 amount” in subclause (I) and inserting  
14 “\$3.53”, and

15 (B) by striking “the minimum ceiling  
16 amount” in subclause (II) and inserting  
17 “\$4,035,000”.

18 (2) CONFORMING AMENDMENT.—Paragraph (3)  
19 of section 42(h) of such Code is amended by striking  
20 subparagraph (I), as amended by subsection (a)(2).

21 (3) COST-OF-LIVING ADJUSTMENT.—Subpara-  
22 graph (H) of section 42(h)(3) of such Code, as  
23 amended by subsection (a)(3), is amended—

24 (A) by striking “the dollar amounts appli-  
25 cable to such calendar year under clauses (i)

1 and (ii) of subparagraph (I)” in clause (i) and  
 2 inserting “the \$4,035,000 and \$3.53 amounts  
 3 in subparagraph (C)”,

4 (B) by striking “minimum ceiling” in  
 5 clause (ii)(I) and inserting “\$4,035,000”, and

6 (C) by striking “per capita dollar” in  
 7 clause (ii)(II) and inserting “\$3.53”.

8 (4) EFFECTIVE DATE.—The amendments made  
 9 by this subsection shall apply to calendar years be-  
 10 ginning after December 31, 2021.

## 11 **TITLE II—REFORMS RELATING** 12 **TO TENANT ELIGIBILITY**

### 13 **SEC. 201. AVERAGE INCOME TEST.**

14 (a) IN GENERAL.—Paragraph (1) of section 42(g) of  
 15 the Internal Revenue Code of 1986 is amended—

16 (1) by striking “subparagraph (A) or (B)” and  
 17 inserting “subparagraph (A), (B), or (C)”, and

18 (2) by inserting after subparagraph (B) the fol-  
 19 lowing new subparagraph:

20 “(C) AVERAGE INCOME TEST.—

21 “(i) IN GENERAL.—The project meets  
 22 the minimum requirements of this sub-  
 23 paragraph if 40 percent or more (25 per-  
 24 cent or more in the case of a project de-  
 25 scribed in section 142(d)(6)) of the resi-

1           dential units in such project are both rent-  
2           restricted and occupied by individuals  
3           whose income does not exceed the imputed  
4           income limitation designated by the tax-  
5           payer with respect to the respective unit.

6           “(ii) SPECIAL RULES RELATING TO  
7           INCOME LIMITATION.—For purposes of  
8           clause (i)—

9                   “(I) DESIGNATION.—The tax-  
10                   payer shall designate the imputed in-  
11                   come limitation of each unit taken  
12                   into account under such clause.

13                   “(II) AVERAGE TEST.—The aver-  
14                   age of the imputed income limitations  
15                   designated under subclause (I) shall  
16                   not exceed 60 percent of area median  
17                   gross income.

18                   “(III) 10-PERCENT INCRE-  
19                   MENTS.—The designated imputed in-  
20                   come limitation of any unit under sub-  
21                   clause (I) shall be 20 percent, 30 per-  
22                   cent, 40 percent, 50 percent, 60 per-  
23                   cent, 70 percent, or 80 percent of  
24                   area median gross income.”.

1 (b) RULES RELATING TO NEXT AVAILABLE UNIT.—  
 2 Subparagraph (D) of section 42(g)(2) of the Internal Rev-  
 3 enue Code of 1986 is amended—

4 (1) in clause (i), by striking “clause (ii)” and  
 5 inserting “clauses (ii), (iii), and (iv)”,

6 (2) in clause (ii)—

7 (A) by striking “If” and inserting “In the  
 8 case of a project with respect to which the tax-  
 9 payer elects the requirements of subparagraph  
 10 (A) or (B) of paragraph (1), if”,

11 (B) by striking the second sentence, and

12 (C) by striking “NEXT AVAILABLE UNIT  
 13 MUST BE RENTED TO LOW-INCOME TENANT IF  
 14 INCOME RISES ABOVE 140 PERCENT OF INCOME  
 15 LIMIT” in the heading and inserting “RENTAL  
 16 OF NEXT AVAILABLE UNIT IN CASE OF 20–50 OR  
 17 40–60 TEST”, and

18 (3) by adding at the end the following new  
 19 clauses:

20 “(iii) RENTAL OF NEXT AVAILABLE  
 21 UNIT IN CASE OF AVERAGE INCOME  
 22 TEST.—In the case of a project with re-  
 23 spect to which the taxpayer elects the re-  
 24 quirements of subparagraph (C) of para-  
 25 graph (1), if the income of the occupants



1 of the unit increases above 140 percent of  
2 the greater of—

3 “(I) 60 percent of area median  
4 gross income, or

5 “(II) the imputed income limita-  
6 tion designated with respect to the  
7 unit under paragraph (1)(C)(ii)(I),  
8 clause (i) shall cease to apply to any such  
9 unit if any residential rental unit in the  
10 building (of a size comparable to, or small-  
11 er than, such unit) is occupied by a new  
12 resident whose income exceeds the limita-  
13 tion described in clause (v).

14 “(iv) DEEP RENT SKEWED  
15 PROJECTS.—In the case of a project de-  
16 scribed in section 142(d)(4)(B), clause (ii)  
17 or (iii), whichever is applicable, shall be  
18 applied by substituting ‘170 percent’ for  
19 ‘140 percent’, and—

20 “(I) in the case of clause (ii), by  
21 substituting ‘any low-income unit in  
22 the building is occupied by a new resi-  
23 dent whose income exceeds 40 percent  
24 of area median gross income’ for ‘any

1 residential rental unit’ and all that  
2 follows in such clause, and

3 “(II) in the case of clause (iii),  
4 by substituting ‘any low-income unit  
5 in the building is occupied by a new  
6 resident whose income exceeds the  
7 lesser of 40 percent of area median  
8 gross income or the imputed income  
9 limitation designated with respect to  
10 such unit under paragraph  
11 (1)(C)(ii)(I)’ for ‘any residential rent-  
12 al unit’ and all that follows in such  
13 clause.

14 “(v) LIMITATION DESCRIBED.—For  
15 purposes of clause (iii), the limitation de-  
16 scribed in this clause with respect to any  
17 unit is—

18 “(I) the imputed income limita-  
19 tion designated with respect to such  
20 unit under paragraph (1)(C)(ii)(I), in  
21 the case of a unit which was taken  
22 into account as a low-income unit  
23 prior to becoming vacant, and

24 “(II) the imputed income limita-  
25 tion which would have to be des-

1                   ignated with respect to such unit  
2                   under such paragraph in order for the  
3                   project to continue to meet the re-  
4                   quirements           of           paragraph  
5                   (1)(C)(ii)(II), in the case of any other  
6                   unit.”.

7           (c) EFFECTIVE DATE.—The amendments made by  
8 this section shall apply to elections made under section  
9 42(g)(1) of the Internal Revenue Code of 1986 after the  
10 date of the enactment of this Act.

11 **SEC. 202. UNIFORM INCOME ELIGIBILITY FOR RURAL**  
12 **PROJECTS.**

13           (a) IN GENERAL.—Paragraph (8) of section 42(i) of  
14 the Internal Revenue Code of 1986 is amended by striking  
15 the second sentence.

16           (b) EFFECTIVE DATE.—The amendment made by  
17 this section shall apply to taxable years beginning after  
18 December 31, 2016.

19 **SEC. 203. CODIFICATION OF RULES RELATING TO IN-**  
20 **CREASED TENANT INCOME.**

21           (a) IN GENERAL.—Clause (i) of section 42(g)(2)(D)  
22 of the Internal Revenue Code of 1986, as amended by this  
23 Act, is amended by striking “clauses (ii), (iii), and (iv)”  
24 and all that follows and inserting “clauses (ii), (iii), (iv),  
25 and (vi), notwithstanding an increase in the income of the

1 occupants above the income limitation applicable under  
2 paragraph (1)—

3 “(I) a low-income unit shall con-  
4 tinue to be treated as a low-income  
5 unit if the income of such occupants  
6 initially was 60 percent or less of area  
7 median gross income and such unit  
8 continues to be rent-restricted, and

9 “(II) a unit to which, at the time  
10 of initial occupancy by such occu-  
11 pants, any Federal, State, or local  
12 government income restriction ap-  
13 plied, and which subsequently becomes  
14 part of a building with respect to  
15 which rehabilitation expenditures are  
16 taken into account under subsection  
17 (e), shall be treated as a low-income  
18 unit if the income of such occupants  
19 initially was 60 percent or less of area  
20 median gross income and does not ex-  
21 ceed 120 percent of area median gross  
22 income as of the date of acquisition of  
23 the property by the taxpayer.”.

24 (b) EXCEPTION.—Subparagraph (D) of section  
25 42(g)(2) of the Internal Revenue Code of 1986, as amend-

1 ed by this Act, is amended by adding at the end the fol-  
 2 lowing new clause:

3                   “(vi) EXCEPTION TO RULE RELATING  
 4                   TO INCREASED TENANT INCOME.—In the  
 5                   case of an occupant of a low-income unit  
 6                   who initially qualified to occupy such unit  
 7                   by reason of paragraph (1)(C) with an in-  
 8                   come in excess of 60 percent of area me-  
 9                   dian gross income but not in excess of 80  
 10                  percent of area median gross income,  
 11                  clause (i) shall be applied for substituting  
 12                  ‘80 percent’ for ‘60 percent’ each place it  
 13                  appears.”.

14           (c) EFFECTIVE DATE.—The amendments made by  
 15 this section shall apply to taxable years beginning after  
 16 December 31, 2015.

17 **SEC. 204. MODIFICATION OF STUDENT OCCUPANCY RULES.**

18           (a) IN GENERAL.—Subparagraph (D) of section  
 19 42(i)(3) of the Internal Revenue Code of 1986 is amended  
 20 to read as follows:

21                   “(D) RULES RELATING TO STUDENTS.—  
 22                   “(i) IN GENERAL.—A unit occupied  
 23                   solely by individuals who—  
 24                                   “(I) have not attained age 24,  
 25                                   and

1           “(II) are enrolled in a full-time  
2           course of study at an institution of  
3           higher education (as defined in section  
4           3304(f)),  
5           shall not be treated as a low-income unit.

6           “(ii) EXCEPTION FOR CERTAIN FED-  
7           ERAL PROGRAMS.—In the case of a feder-  
8           ally assisted building (as defined in sub-  
9           section (d)(6)(C)(i)), clause (i) shall not  
10          apply to a unit the occupants of which  
11          meet all requirements applicable under the  
12          housing program described in subsection  
13          (d)(6)(C)(i) through which the building is  
14          assisted, financed, or operated.

15          “(iii) OTHER EXCEPTIONS.—Clause  
16          (i) shall not apply to a unit occupied by an  
17          individual who—

18                 “(I) is married,

19                 “(II) is a person with disabilities  
20                 (as defined in section 3(b)(3)(E) of  
21                 the United States Housing Act of  
22                 1937),

23                 “(III) is a veteran (as defined in  
24                 section 101(2) of title 38, United  
25                 States Code),

1           “(IV) has one or more qualifying  
2 children (as defined in section  
3 152(c)), or

4           “(V) meets the income limitation  
5 applicable under subsection (g)(1) to  
6 the project of which the building is a  
7 part and is, or was immediately prior  
8 to attaining the age of majority—

9           “(aa) an emancipated minor  
10 or in legal guardianship as deter-  
11 mined by a court of competent  
12 jurisdiction in the individual’s  
13 State of legal residence,

14           “(bb) under the care and  
15 placement responsibility of the  
16 State agency responsible for ad-  
17 ministering a plan under part B  
18 or part E of title IV of the Social  
19 Security Act, or

20           “(cc) was an unaccompanied  
21 youth (within the meaning of sec-  
22 tion 725(6) of the McKinney-  
23 Vento Homeless Assistance Act  
24 (42 U.S.C. 11434a(6))) or a  
25 homeless child or youth (within

1 the meaning of section 725(2) of  
2 such Act (42 U.S.C.  
3 11434a(2))).”.

4 (b) EFFECTIVE DATE.—The amendment made by  
5 this section shall apply to taxable years beginning after  
6 December 31, 2016.

7 **SEC. 205. TENANT VOUCHER PAYMENTS TAKEN INTO AC-**  
8 **COUNT AS RENT FOR CERTAIN PURPOSES.**

9 (a) IN GENERAL.—Subparagraph (B) of section  
10 42(g)(2) is amended by adding at the end the following  
11 new sentence: “In the case of a project with respect to  
12 which the taxpayer elects the requirements of subpara-  
13 graph (C) of paragraph (1), or the portion of a project  
14 to which subsection (d)(5)(C) applies, clause (i) shall not  
15 apply with respect to any tenant-based assistance (as de-  
16 fined in section 8(f)(7) of the United States Housing Act  
17 of 1937 (42 U.S.C. 1437f(f)(7))).”.

18 (b) EFFECTIVE DATE.—The amendments made by  
19 this section shall apply to rent paid in taxable years begin-  
20 ning after December 31, 2016.



1 **TITLE III—CREDIT RATE AND**  
2 **OTHER RULES RELATING TO**  
3 **CREDIT ELIGIBILITY AND DE-**  
4 **TERMINATION**

5 **SEC. 301. MINIMUM CREDIT RATE.**

6 (a) IN GENERAL.—Subsection (b) of section 42 of the  
7 Internal Revenue Code of 1986 is amended—

8 (1) by redesignating paragraph (3) as para-  
9 graph (4), and

10 (2) by inserting after paragraph (2) the fol-  
11 lowing new paragraph:

12 “(3) MINIMUM CREDIT RATE.—In the case of  
13 any new or existing building to which paragraph (2)  
14 does not apply and which is placed in service by the  
15 taxpayer after December 31, 2015, the applicable  
16 percentage shall not be less than 4 percent.”.

17 (b) EFFECTIVE DATE.—The amendments made by  
18 this section shall apply to buildings placed in service after  
19 December 31, 2015.

20 **SEC. 302. RECONSTRUCTION OR REPLACEMENT PERIOD**  
21 **AFTER CASUALTY LOSS.**

22 (a) IN GENERAL.—Subparagraph (E) of section  
23 42(j)(4) of the Internal Revenue Code of 1986 is amended  
24 by striking “a reasonable period established by the Sec-  
25 retary” and inserting “a reasonable period established by

1 the applicable housing credit agency (not to exceed 25  
2 months from the date on which the casualty loss arises).  
3 The determination under paragraph (1) shall not be made  
4 with respect to a property the basis of which is affected  
5 by a casualty loss until the period described in the pre-  
6 ceding sentence with respect to such property has ex-  
7 pired.”.

8 (b) EFFECTIVE DATE.—The amendment made by  
9 this section shall apply to casualty losses arising after the  
10 date of the enactment of this Act.

11 **SEC. 303. MODIFICATION OF RIGHTS RELATING TO BUILD-**  
12 **ING PURCHASE.**

13 (a) IN GENERAL.—Subparagraph (A) of section  
14 42(i)(7) of the Internal Revenue Code of 1986 is amend-  
15 ed—

16 (1) by striking “a right of 1st refusal” and in-  
17 serting “an option”, and

18 (2) by striking “the property” and inserting  
19 “the property or a partnership interest relating to  
20 the property”.

21 (b) CONFORMING AMENDMENT.—Subparagraph (B)  
22 of section 42(i)(7) of the Internal Revenue Code of 1986  
23 is amended by adding at the end the following new sen-  
24 tence: “In the case of a purchase of a partnership interest,  
25 the minimum purchase price is an amount equal to such

1 interest's ratable share of the amount determined under  
 2 the first sentence of this subparagraph.”.

3 (c) EFFECTIVE DATE.—The amendments made by  
 4 this section shall apply to agreements entered into or  
 5 amended after the date of the enactment of this Act.

6 **SEC. 304. MODIFICATION OF 10-YEAR RULE; LIMITATION ON**  
 7 **ACQUISITION BASIS.**

8 (a) IN GENERAL.—Clause (ii) of section 42(d)(2)(B)  
 9 of the Internal Revenue Code of 1986 is amended by in-  
 10 sserting “, or the taxpayer elects the application of sub-  
 11 paragraph (C)(ii)” after “service”.

12 (b) LIMITATION ON ACQUISITION BASIS.—Subpara-  
 13 graph (C) of section 42(d)(2) of the Internal Revenue  
 14 Code of 1986 is amended—

15 (1) by striking “For purposes of subparagraph  
 16 (A), the adjusted basis” and inserting “For pur-  
 17 poses of subparagraph (A)—

18 “(i) IN GENERAL.—The adjusted  
 19 basis”, and

20 (2) by adding at the end the following new  
 21 clauses:

22 “(ii) BUILDINGS IN SERVICE WITHIN  
 23 PREVIOUS 10 YEARS.—If the period be-  
 24 tween the date of acquisition of the build-  
 25 ing by the taxpayer and the date the build-

1 ing was last placed in service is less than  
2 10 years, the taxpayer's basis attributable  
3 to the acquisition of the building which is  
4 taken into account in determining the ad-  
5 justed basis shall not exceed the sum of—

6 “(I) the lowest amount paid for  
7 acquisition of the building by any per-  
8 son during the 10 years preceding the  
9 date of the acquisition of the building  
10 by the taxpayer, adjusted as provided  
11 in clause (iii), and

12 “(II) the value of any capital im-  
13 provements made by the person who  
14 sells the building to the taxpayer  
15 which are reflected in such seller's  
16 basis.

17 “(iii) ADJUSTMENT.—With respect to  
18 a basis determination made in any taxable  
19 year, the amount described in clause (ii)(I)  
20 shall be increased by an amount equal to—

21 “(I) such amount, multiplied by

22 “(II) a cost-of-living adjustment,  
23 determined in the same manner as  
24 under section 1(f)(3) for the calendar  
25 year in which the taxable year begins

1                   by taking into account the acquisition  
2                   year in lieu of calendar year 1992.

3                   For purposes of the preceding sentence,  
4                   the acquisition year is the calendar year in  
5                   which the lowest amount referenced in  
6                   clause (ii)(I) was paid for the acquisition  
7                   of the building.”.

8           (c) CONFORMING AMENDMENTS.—Clause (i) of sec-  
9   tion 42(d)(2)(D) of the Internal Revenue Code of 1986  
10 is amended—

11           (1) by striking “FOR SUBPARAGRAPH (B)” in  
12   the heading, and

13           (2) by striking “subparagraph (B)(ii)” in the  
14   matter preceding subclause (I) and inserting “sub-  
15   paragraph (B)(ii) or (C)(ii)”.

16   (d) EFFECTIVE DATE.—The amendments made by  
17   this section shall apply to buildings placed in service after  
18   December 31, 2015.

19   **SEC. 305. CERTAIN RELOCATION COSTS TAKEN INTO AC-**  
20                   **COUNT AS REHABILITATION EXPENDITURES.**

21   (a) IN GENERAL.—Paragraph (2) of section 42(e) of  
22   the Internal Revenue Code of 1986 is amended by adding  
23   at the end the following new subparagraph:

24                   “(C) CERTAIN RELOCATION COSTS.—In  
25                   the case of a rehabilitation of a building to

1           which section 280B does not apply, costs relat-  
 2           ing to the relocation of occupants, including—  
 3                   “(i) amounts paid to occupants,  
 4                   “(ii) amounts paid to third parties for  
 5                   services relating to such relocation, and  
 6                   “(iii) amounts paid for temporary  
 7                   housing for occupants,  
 8           shall be treated as chargeable to capital account  
 9           and taken into account as rehabilitation ex-  
 10          penditures.”.

11          (b) **EFFECTIVE DATE.**—The amendment made by  
 12 this section shall apply to expenditures paid or incurred  
 13 after December 31, 2015.

14 **SEC. 306. REPEAL OF QUALIFIED CENSUS TRACT POPU-**  
 15 **LATION CAP.**

16          (a) **IN GENERAL.**—Clause (ii) of section 42(d)(5)(B)  
 17 of the Internal Revenue Code of 1986 is amended—

18           (1) by striking subclauses (II) and (III), and  
 19           (2) by striking “QUALIFIED CENSUS TRACT.—  
 20                   “(I) IN GENERAL.—The term”,  
 21           and inserting “QUALIFIED CENSUS TRACT.—The  
 22           term”.

23          (b) **TECHNICAL CORRECTIONS.**—Sections  
 24 42(d)(4)(C)(i) and 42(m)(1)(B)(ii)(III) of the Internal  
 25 Revenue Code of 1986 are each amended by striking “as

1 defined in paragraph (5)(C)” and inserting “as defined  
2 in paragraph (5)(B)(ii)”.

3 (c) EFFECTIVE DATE.—The amendment made by  
4 subsection (a) shall apply to designations of qualified cen-  
5 sus tracts under section 42(d)(5)(B)(ii) of the Internal  
6 Revenue Code of 1986 after December 31, 2016.

7 **SEC. 307. DETERMINATION OF COMMUNITY REVITALIZA-**  
8 **TION PLAN TO BE MADE BY STATE HOUSING**  
9 **CREDIT AGENCY.**

10 (a) IN GENERAL.—Subclause (III) of section  
11 42(m)(1)(B)(ii) of the Internal Revenue Code of 1986 is  
12 amended by inserting “, as determined by the State hous-  
13 ing credit agency,” after “the development of which”.

14 (b) EFFECTIVE DATE.—The amendment made by  
15 this section shall apply to allocations of housing credit dol-  
16 lar amounts made after December 31, 2016.

17 **SEC. 308. PROHIBITION OF LOCAL APPROVAL AND CON-**  
18 **TRIBUTION REQUIREMENTS.**

19 Not later than 120 days after the date of the enact-  
20 ment of this Act, the Secretary of the Treasury shall issue  
21 guidance prohibiting States from including a requirement  
22 of local approval or local contributions, either as a thresh-  
23 old qualification requirement or as part of a point system  
24 to be considered for allocations of housing credit dollar  
25 amount under the State’s qualified allocation plan for pur-

1 poses of section 42(m)(1)(B) of the Internal Revenue Code  
 2 of 1986 (other than the requirement of section  
 3 42(m)(1)(A)(ii) of such Code).

4 **SEC. 309. INCREASE IN CREDIT FOR CERTAIN PROJECTS**  
 5 **DESIGNATED TO SERVE EXTREMELY LOW-IN-**  
 6 **COME HOUSEHOLDS.**

7 (a) IN GENERAL.—Paragraph (5) of section 42(d) of  
 8 the Internal Revenue Code of 1986 is amended by adding  
 9 at the end the following new subparagraph:

10 “(C) INCREASE IN CREDIT FOR PROJECTS  
 11 DESIGNATED TO SERVE EXTREMELY LOW-IN-  
 12 COME HOUSEHOLDS.—In the case of any build-  
 13 ing—

14 “(i) 20 percent or more of the resi-  
 15 dential units in which are designated by  
 16 the taxpayer for occupancy by households  
 17 the aggregate household income of which  
 18 does not exceed the greater of—

19 “(I) 30 percent of area median  
 20 gross income, or

21 “(II) 100 percent of an amount  
 22 equal to the Federal poverty line  
 23 (within the meaning of section  
 24 36B(d)(3)), and



1                   “(ii) which is designated by the State  
2                   housing credit agency as requiring the in-  
3                   crease in credit under this subparagraph in  
4                   order for such building to be financially  
5                   feasible as part of a qualified low-income  
6                   housing project,  
7                   subparagraph (B) shall not apply to the portion  
8                   of such building which is comprised of such  
9                   units, and the eligible basis of such portion of  
10                  the building shall be 150 percent of such basis  
11                  determined without regard to this subpara-  
12                  graph.”.

13           (b) **EFFECTIVE DATE.**—The amendment made by  
14 this section shall apply to buildings placed in service after  
15 December 31, 2015.

16 **SEC. 310. INCREASE IN CREDIT FOR BOND-FINANCED**  
17 **PROJECTS DESIGNATED BY STATE AGENCY.**

18           (a) **IN GENERAL.**—Clause (v) of section 42(d)(5)(B)  
19 is amended by striking the second sentence.

20           (b) **EFFECTIVE DATE.**—The amendment made by  
21 this section shall apply to buildings placed in service after  
22 December 31, 2015.

1 **SEC. 311. ELIMINATION OF BASIS REDUCTION FOR LOW-IN-**  
2 **COME HOUSING PROPERTIES RECEIVING**  
3 **CERTAIN ENERGY BENEFITS.**

4 (a) **NEW ENERGY EFFICIENT HOME CREDIT.**—Sub-  
5 section (e) of section 45L of the Internal Revenue Code  
6 of 1986 is amended—

7 (1) by striking “**ADJUSTMENT.**—For purposes”  
8 and inserting “**ADJUSTMENT.**—

9 “(1) **IN GENERAL.**—For purposes”, and

10 (2) by adding at the end the following new  
11 paragraph:

12 “(2) **EXCEPTION FOR LOW-INCOME HOUSING**  
13 **PROPERTIES.**—Paragraph (1) shall not apply to any  
14 property with respect to which a credit is allowed  
15 under section 42.”.

16 (b) **ENERGY EFFICIENT COMMERCIAL BUILDINGS**  
17 **DEDUCTION.**—Subsection (e) of section 179D of the In-  
18 ternal Revenue Code of 1986 is amended—

19 (1) by striking “**REDUCTION.**—For purposes”  
20 and inserting “**REDUCTION.**—

21 “(1) **IN GENERAL.**—For purposes”, and

22 (2) by adding at the end the following new  
23 paragraph:

24 “(2) **EXCEPTION FOR LOW-INCOME HOUSING**  
25 **PROPERTIES.**—Paragraph (1) shall not apply to any

1 property with respect to which a credit is allowed  
2 under section 42.”.

3 (c) ENERGY CREDIT.—Paragraph (3) of section  
4 50(c) of the Internal Revenue Code of 1986 is amended—

5 (1) by striking “and” at the end of subpara-  
6 graph (A),

7 (2) by striking the period at the end of sub-  
8 paragraph (B) and inserting “, and”, and

9 (3) by adding at the end the following new sub-  
10 paragraph:

11 “(C) paragraph (1) shall not apply to any  
12 property with respect to which a credit is al-  
13 lowed under section 42.”.

14 (d) EFFECTIVE DATE.—The amendments made by  
15 this section shall apply to property placed in service after  
16 December 31, 2015.

17 **TITLE IV—REFORMS RELATING**  
18 **TO NATIVE AMERICAN AS-**  
19 **SISTANCE**

20 **SEC. 401. SELECTION CRITERIA UNDER QUALIFIED ALLO-**  
21 **CATION PLANS.**

22 (a) IN GENERAL.—Subparagraph (C) of section  
23 42(m)(1) of the Internal Revenue Code of 1986 is amend-  
24 ed by striking “and” at the end of clause (ix), by striking

1 the period at the end of clause (x) and inserting “, and”,  
 2 and by adding at the end the following new clause:

3 “(xi) the affordable housing needs of  
 4 individuals in the State who are members  
 5 of Indian tribes (as defined in section  
 6 45A(c)(6)).”.

7 (b) EFFECTIVE DATE.—The amendments made by  
 8 this section shall apply to allocations of credits under sec-  
 9 tion 42 of the Internal Revenue Code of 1986 made after  
 10 December 31, 2016.

11 **SEC. 402. INCLUSION OF INDIAN AREAS AS DIFFICULT DE-**  
 12 **VELOPMENT AREAS FOR PURPOSES OF CER-**  
 13 **TAIN BUILDINGS.**

14 (a) IN GENERAL.—Subclause (I) of section  
 15 42(d)(5)(B)(iii) of the Internal Revenue Code of 1986 is  
 16 amended by inserting before the period the following: “,  
 17 and any Indian area”.

18 (b) INDIAN AREA.—Clause (iii) of section  
 19 42(d)(5)(B) of the Internal Revenue Code of 1986 is  
 20 amended by redesignating subclause (II) as subclause  
 21 (III) and by inserting after subclause (I) the following new  
 22 subclause:

23 “(II) INDIAN AREA.—For pur-  
 24 poses of subclause (I), the term ‘In-  
 25 dian area’ means any Indian area (as

1 defined in section 4(11) of the Native  
2 American Housing Assistance and  
3 Self Determination Act of 1996 (25  
4 U.S.C. 4103(11)).”.

5 (c) ELIGIBLE BUILDINGS.—Clause (iii) of section  
6 42(d)(5)(B) of the Internal Revenue Code of 1986, as  
7 amended by subsection (b), is amended by adding at the  
8 end the following new subclause:

9 “(IV) SPECIAL RULE FOR BUILD-  
10 INGS IN INDIAN AREAS.—In the case  
11 of an area which is a difficult develop-  
12 ment area solely because it is an In-  
13 dian area, a building shall not be  
14 treated as located in such area unless  
15 such building is assisted or financed  
16 under the Native American Housing  
17 Assistance and Self Determination  
18 Act of 1996 (25 U.S.C. 4101 et seq.)  
19 or the project sponsor is an Indian  
20 tribe (as defined in section  
21 45A(c)(6)), a tribally designated hous-  
22 ing entity (as defined in section 4(22)  
23 of such Act (25 U.S.C. 4103(22))), or  
24 wholly owned or controlled by such an

1 Indian tribe or tribally designated  
2 housing entity.”.

3 (d) EFFECTIVE DATE.—The amendments made by  
4 this section shall apply to buildings placed in service after  
5 December 31, 2016.

6 **TITLE V—AFFORDABLE**  
7 **HOUSING TAX CREDIT**

8 **SEC. 501. AFFORDABLE HOUSING TAX CREDIT.**

9 (a) IN GENERAL.—The heading of section 42 of the  
10 Internal Revenue Code of 1986 is amended by striking  
11 “**LOW-INCOME**” and inserting “**AFFORDABLE**”.

12 (b) CONFORMING AMENDMENTS.—

13 (1) Subsection (a) of section 42 of the Internal  
14 Revenue Code of 1986 is amended by striking “low-  
15 income” and inserting “affordable”.

16 (2) Paragraph (5) of section 38(b) of such Code  
17 is amended by striking “low-income” and inserting  
18 “affordable”.

19 (3) The heading of subparagraph (D) of section  
20 469(i)(3) of such Code is amended by striking  
21 “LOW-INCOME” and inserting “AFFORDABLE”.

22 (4) The heading of subparagraph (B) of section  
23 469(i)(6) of such Code is amended by striking  
24 “LOW-INCOME” and inserting “AFFORDABLE”.

1           (5) Paragraph (7) of section 772(a) of such  
2 Code is amended by striking “low-income” and in-  
3 sserting “affordable”.

4           (6) Paragraph (5) of section 772(d) of such  
5 Code is amended by striking “low-income” and in-  
6 sserting “affordable”.

7           (c) CLERICAL AMENDMENT.—The item relating to  
8 section 42 in the table of sections for subpart D of part  
9 IV of subchapter A of chapter 1 of the Internal Revenue  
10 Code of 1986 is amended to read as follows:

“Sec. 42. Affordable housing credit.”

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