

118TH CONGRESS
1ST SESSION

H. R. 3533

To reduce the excessive appreciation of United States residential real estate
due to foreign purchases.

IN THE HOUSE OF REPRESENTATIVES

MAY 18, 2023

Ms. SALAZAR introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To reduce the excessive appreciation of United States
residential real estate due to foreign purchases.

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.**

4 This Act may be cited as the “Home Advantage for
5 American Families Act”.

1 **SEC. 2. EXPANSION OF TOOLS TO COMBAT MONEY LAUN-**
 2 **DERING.**

3 (a) IN GENERAL.—Subchapter II of chapter 53 of
 4 title 31, United States Code, is amended by adding at the
 5 end the following:

6 **“§ 5337. Reports on applicable residential property**

7 “(a) DEFINITIONS.—In this section:

8 “(1) APPLICABLE RESIDENTIAL PROPERTY.—

9 The term ‘applicable residential property’ means
 10 property described in section 1445(f) of the Internal
 11 Revenue Code of 1986 and which is located in any
 12 of the 15 largest metropolitan statistical areas by
 13 population (as determined by the Office of Manage-
 14 ment and Budget).

15 “(2) FOREIGN PERSON.—The term ‘foreign per-
 16 son’ means any person that is not a citizen or per-
 17 manent resident of the United States.

18 “(3) SALE OF APPLICABLE RESIDENTIAL PROP-
 19 ERTY.—The term ‘sale of applicable residential prop-
 20 erty’ means the sale of an interest in applicable resi-
 21 dential property.

22 “(b) REPORTS.—Any foreign person involved in a
 23 transaction related to the sale of applicable residential
 24 property shall submit to the Secretary of the Treasury a
 25 report with respect to the transaction or any related trans-
 26 action that contains—

1 “(1) the name and any other identification in-
2 formation that the Secretary determines is necessary
3 of the individual purchasing the applicable residen-
4 tial property;

5 “(2) the amount and source of the funds re-
6 ceived by the seller, as determined by the Secretary;

7 “(3) the date and nature of the transaction;
8 and

9 “(4) any other information, including the iden-
10 tification of the person filing the report, that the
11 Secretary determines is necessary.

12 “(c) REGULATIONS.—Not later than 180 days after
13 the date of enactment of this section, the Secretary shall
14 promulgate regulations carrying out this section.”.

15 (b) TECHNICAL AND CONFORMING AMENDMENT.—
16 The table of sections for chapter 53 of title 31, United
17 States Code, is amended by adding at the end the fol-
18 lowing:

“5337. Reports on applicable residential property.”.

19 (c) LIST OF TOP 15 LARGEST METROPOLITAN STA-
20 TISTICAL AREAS.—Not less frequently than every 5 years,
21 the Director of the Office of Management and Budget
22 shall update the list of the 15 largest metropolitan statis-
23 tical areas by population.

1 **SEC. 3. INCREASED WITHHOLDING ON SALE DISPOSITION**
 2 **OF CERTAIN UNITED STATES REAL PROP-**
 3 **ERTY INTERESTS.**

4 (a) IN GENERAL.—Section 1445 of the Internal Rev-
 5 enue Code of 1986 is amended by redesignating subsection
 6 (f) as subsection (g) and by inserting after subsection (e)
 7 the following new subsection:

8 “(f) SPECIAL RULE FOR CERTAIN DISPOSITIONS OF
 9 RESIDENTIAL REAL PROPERTY.—

10 “(1) IN GENERAL.—In the case of the disposi-
 11 tion of any applicable residential property, sub-
 12 section (a) shall be applied by substituting ‘30 per-
 13 cent’ for ‘15 percent’.

14 “(2) APPLICABLE RESIDENTIAL PROPERTY.—
 15 For purposes of this subsection, the term ‘applicable
 16 residential property’ means any interest which—

17 “(A) is an interest described in section
 18 897(c)(1)(A)(i), and

19 “(B) is an interest in residential real prop-
 20 erty.”.

21 (b) EFFECTIVE DATE.—The amendments made by
 22 subsection (a) shall apply to dispositions after the date
 23 which is 60 days after the date of the enactment of this
 24 Act.

1 **SEC. 4. INCREASE IN LOW-INCOME HOUSING TAX CREDIT**

2 **STATE CEILING.**

3 (a) IN GENERAL.—Section 42(h)(3)(C) of the Inter-
 4 nal Revenue Code of 1986 is amended by striking “plus”
 5 at the end of clause (iii), by striking the period at the
 6 end of clause (iv) and inserting “, plus”, and by inserting
 7 after clause (iv) the following:

8 “(v) the qualified single-family hous-
 9 ing amount determined under subpara-
 10 graph (J).”.

11 (b) QUALIFIED SINGLE-FAMILY HOUSING
 12 AMOUNT.—

13 (1) IN GENERAL.—Section 42(h)(3) of the In-
 14 ternal Revenue Code of 1986 is amended by adding
 15 at the end the following new subparagraph:

16 “(J) QUALIFIED SINGLE-FAMILY HOUSING
 17 AMOUNT.—The qualified single-family housing
 18 amount determined under this subparagraph
 19 for any calendar year is an amount equal to the
 20 sum of—

21 “(i) 10 percent of the amount deter-
 22 mined under subparagraph (C)(ii) for such
 23 calendar year (determined after application
 24 of subparagraphs (H) and (I)),

25 “(ii) the excess (if any) of the amount
 26 described in clause (i) for the preceding

1 calendar year over the amounts allocated
2 to projects described in paragraph (9) for
3 such preceding calendar year,

4 “(iii) the amount allocated within the
5 State (not in excess of the amount deter-
6 mined under this subparagraph for the
7 preceding calendar year reduced by the
8 amount described in clause (ii) for the sec-
9 ond preceding calendar year) for any
10 project—

11 “(I) which is described in para-
12 graph (9) and which fails to meet the
13 10 percent test under paragraph
14 (1)(E)(ii) on a date after the close of
15 the calendar year in which the alloca-
16 tion was made,

17 “(II) which does not become a
18 qualified low-income housing project
19 described in paragraph (9) within the
20 period required by this section or the
21 terms of the allocation, or

22 “(III) which is described in para-
23 graph (9) and with respect to which
24 an allocation is cancelled by mutual

1 consent of the housing credit agency
 2 and the allocation recipient, plus

3 “(iv) the amount, if any, determined
 4 under subparagraph (D), applied—

5 “(I) by substituting ‘unused
 6 qualified single-family housing carry-
 7 over’ for ‘unused housing credit carry-
 8 over’ in clause (i) thereof,

9 “(II) without regard to clause (ii)
 10 thereof,

11 “(III) by substituting ‘unused
 12 qualified single-family housing
 13 carryovers’ for ‘unused housing credit
 14 carryovers’ in clause (iii) thereof, and

15 “(IV) by substituting ‘an amount
 16 equal to its entire qualified single-
 17 family housing amount to projects de-
 18 scribed in paragraph (9)’ for ‘entire
 19 State housing credit ceiling (deter-
 20 mined without regard to amounts de-
 21 scribed in subparagraph (C)(v))’ in
 22 clause (iv)(I) thereof.”.

23 (2) CONFORMING AMENDMENTS.—

24 (A) Section 42(h)(3)(C) of such Code is
 25 amended by inserting “(other than amounts al-

1 located from the qualified single-family housing
 2 amount)” after “the housing credit dollar
 3 amount previously allocated within the State”.

4 (B) Section 42(h)(3)(D) of such Code is
 5 amended by inserting “(determined without re-
 6 gard to amounts described in subparagraph
 7 (C)(v))” after “entire State housing credit ceil-
 8 ing”.

9 (c) SET ASIDE OF INCREASED AMOUNTS.—Section
 10 42(h) of the Internal Revenue Code of 1986 is amended
 11 by adding at the end the following new paragraph:

12 “(9) SET ASIDE OF QUALIFIED SINGLE-FAMILY
 13 HOUSING AMOUNT.—The portion of the State hous-
 14 ing credit ceiling which is equal to the qualified sin-
 15 gle-family housing amount for any calendar year
 16 shall be allocated to projects consisting of 1 to 4
 17 dwelling units that are located in qualified census
 18 tracts (as defined in subsection (d)(5)(B)(i)).”.

19 (d) EFFECTIVE DATE.—The amendments made by
 20 this section shall apply to allocations made for calendar
 21 years beginning after the date of the enactment of this
 22 Act.

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