# Understanding the Legislative Landscape

**IPED's Tax Credit Property Dispositions Conference** 



Nathaniel Cushman Nixon Peabody LLP



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Housing Advisory Group

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Novogradac Consulting LLP

@NovocoPolicy

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### Agenda

**HUD Budget** 

Affordable Housing Credit Improvement Act of 2023

**Legislative Priorities & Timeline** 

Tax Relief for American Families and Workers Act of 2024

Other Affordable Housing Tax Incentive Bills

2025 Major Tax Bill

2024 Election

**Regulatory Environment & More** 

**Advocacy Strategy & Resources** 

# **HUD Budget**

HUD Budget Note: amounts in millions	FY2022 Enacted	FY2023 Enacted	President FY2024 Request	House FY2024 Bill	Senate FY2024 Bill	% Change FY24 Senate – FY23 Enacted
Housing Choice Vouchers	\$27,370	\$30,253	\$32,703	\$31,133	\$31,738	4.9%
Project Based Section 8	\$13,985	\$14,907	\$15,904	\$15,820	\$15,791	5.9%
Public Housing Fund Total	\$8,452	\$8,514	\$8,893	\$8,363	\$8,875	4.2%
Operating Subsidies	\$5,039	\$5,109	\$5,133	\$5,103	\$5,530	8.2%
Capital Subsidies	\$3,200	\$3,200	\$3,225	\$3,180	\$3,200	0%
Section 202	\$1,033	\$1,075	\$1,023	\$913	\$1,075	0%
Section 811	\$352	\$360	\$356	\$208	\$360	0%
HOPWA	\$450	\$499	\$505	\$505	\$505	1.2%
CDBG	\$3,300	\$3,300	\$3,300	\$3,300	\$3,300	0%
HOME	\$1,500	\$1,500	\$1,800	\$500	\$1,500	0%
Homeless Assistance	\$3,213	\$3,633	\$3,749	\$3,729	\$3,908	7.6%
Choice Neighborhoods Initiative	\$350	\$350	<b>\$1</b> 85	\$0	<b>\$150</b>	-57.1%
Gross HUD discretionary appropriations	\$65,702	\$70,534	\$73,301	\$71,509	\$73,295	3.9%
Net receipts, collections and rescissions	\$12,008	\$10,356	\$2,728	\$2,728	\$2,728	-73.7%
Net HUD discretionary appropriations	\$53,694	\$60,178	\$70,573	\$68,217	\$70,060	16.4%

Visit <u>www.HUDresourcecenter.com</u> for additional HUD budget resources

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REINTRODUCED MAY 11, 2023

117th Cosponsors : H.R. 2573: 71R 137D

118<sup>th</sup> Cosponsors: H.R. 3238: 108R 108D as of 2/15/24



#### IN THE HOUSE OF REPRESENTATIVES

#### A BILL

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

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



LAHOOD R-IL



**WENSTRUP** R-OH



R-NY



**DELBENE** D-WA



BEYER D-VA



**PANETTA** D-CA

**Retiring at the** end of 2024

117th Cosponsors: S. 1136: 11R 33D

118th Cosponsors: S. 1557: 15R 14D 1I as of 2/15/24



TITLE I-REPORM OF STATE ALLOCATION PORMULAS

TITLE II-REPORMS BELATING TO TENANT ELIGIBILITY

Sec. 101. Increases in State allocations



YOUNG R-IN



**WYDEN** D-OR





**BLACKBURN** R-TN



**TILLIS** R-NC

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### **House Ways and Means Committee Roster**



HR 2573 Cosponsors 117<sup>th</sup> Congress



HR 3238 Cosponsors 118<sup>th</sup> Congress as of 2/15/24 Announced retirement/resignation

#### DEMOCRATS

Richard Neal, Ranking Member, MA

Lloyd Doggett, TX Mike Thompson, CA

- **★** John Larson, CT
- \* Earl Blumenauer, OR
- \* Bill Pascrell, NJ
- **\*** Danny Davis, IL
- \* Linda Sánchez, CA
- \* Terri Sewell, AL
- \* Suzan DelBene, WA

- **★** Judy Chu, CA
- **★** Gwen Moore, WI
- **★ Dan Kildee, MI**
- ★ Don Beyer, VA
- **M** Dwight Evans, PA
- \* Brad Schneider, IL
- ★ Jimmy Panetta, CA
- **★** Jimmy Gomez, CA

#### REPUBLICANS

- ★ Jason Smith, Chair, MO
- ★ Vern Buchanan, FL Adrian Smith. NE
- **★** Mike Kelly, PA
- **★** David Schweikert, AZ
- **\*** Darin LaHood, IL
- ★ Brad Wenstrup, OH Jodey Arrington, TX
- **\*** Drew Ferguson, GA
- **★** Ron Estes, KS
- Lloyd Smucker, PA Kevin Hern, OK
- **★** Carol Miller, WV

- **#** Greg Murphy, NC
- **★ David Kustoff, TN**
- Mike Carey, OH
- ★ Randy Feenstra, IA
  Michelle Fischbach, MN
- **★** Brian Fitzpatrick, PA
- **★** Nicole Malliotakis, NY
- **\*** Blake Moore, UT
- ★ Michelle Steel, CA Greg Steube, FL
- \* Claudia Tenney, NY
- ★ Beth Van Duyne, TX

March 1, 2024

### **Senate Finance Committee Roster**





S 1557 Cosponsors 118<sup>th</sup> Congress as of 2/15/24 Up for election in 2024

Announced retirement

#### DEMOCRATS

- \*\* Ron Wyden, OR, Chair
- M Debbie Stabenow, MI
- Maria Cantwell. WA
- \*\* Bob Menendez, NJ
- **\*** Tom Carper, DE
- **★ Ben Cardin, MD**
- \* Sherrod Brown, OH
- Michael Bennet, CO
- **Bob Casey, PA**

★ Mark Warner, VA

\* Sheldon Whitehouse, RI

★ Maggie Hassan, NH

\* Catherine Cortez Masto, NV

Elizabeth Warren, MA

#### REPUBLICANS

Mike Crapo, ID, Ranking Member

Chuck Grassley, IA

John Cornyn, TX

John Thune, SD

Tim Scott, SC

★ Bill Cassidy, LA

James Lankford, OK

Steve Daines, MT

**★ Todd Young, IN** 

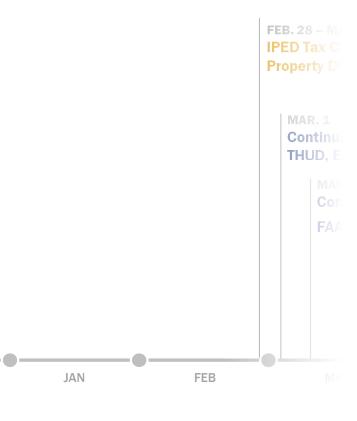
John Barrasso, WY

Ron Johnson, WI

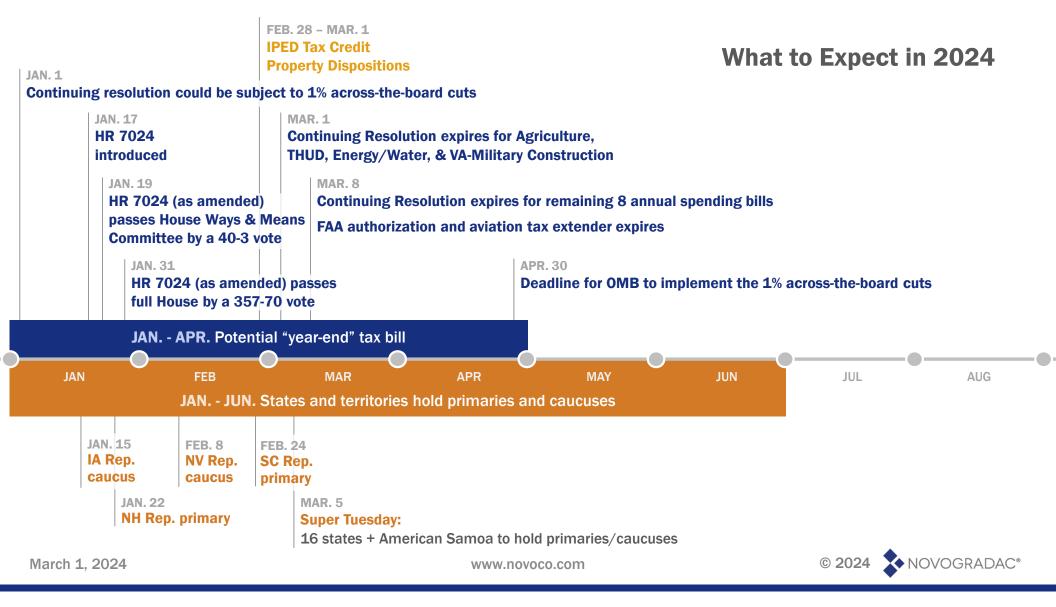
**★** Thom Tillis, NC

Marsha Blackburn, TN

# **Legislative Priorities** & Timeline









### What to Expect in 2024

#### **EXPIRED PROVISIONS**

#### "Democratic" Ask

 Refundability and enhancement of child tax credit

- "Republican" Ask
- Business could reinstate expensing R&E costs in the first year, eliminates 5-year amortization
- Add back depreciation and amortization to earnings before interest and taxes as basis to calculate 30% limit on interest cost deductions for businesses
- Reinstate 100% bonus depreciation (eliminate phasedown over 2023-25)

JAN FE

FEB

MAR

APR

MAY

JUN

JUL

AUG

## **Tax Relief for American Families** and Workers Act of 2024

### Tax Relief for American Families and Workers Act of 2024

#### H.R. 7024

Introduced Jan. 17, 2024 | Passed House Ways & Means Committee Jan. 19, 2024 | Passed full House Jan. 31, 2024



#### 118TH CONGRESS H.R. 7024

To make improvements to the child tax credit, to provide tax incentives to promote economic growth, to provide special rules for the taxes of certain residents of Taiwan with income from sources within the United States, to provide tax relief with respect to certain Federal disasters, to make improvements to the low-income housing tax credit, and for other purposes.

#### IN THE HOUSE OF REPRESENTATIVES

#### $\rm January~17,~2024$

Mr. Surru of Missouri introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committee on Rules, 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 outcerned.

#### A BILL

- To make improvements to the child tax credit, to provide tax incentives to promote economic growth, to provide special rules for the taxation of certain residents of Taiwan with income from sources within the United States, to provide tax relief with respect to certain Federal disasters, to make improvements to the low-income housing tax 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,

- Low-Income Housing Tax Credit Provisions
  - Restoration of 12.5% increase in 9% allocations for 2023-2025
  - Reduction in Private Activity Bond financing threshold from 50% to 30% for 2024-2025
- Restoration of 100% bonus depreciation for 2023-2025, retains 20% for 2026
- Adding back depreciation and amortization (EBITDA) to calculation on limit of deducting debt under Section 163(j) – 2023 - 2025
- Restoring expensing for R&D
- Allowing more low-income households to receive refund from Child Tax Credit
- Taiwan
- Disaster relief for individuals
- Accelerating the end of the Employee Retention Tax Credit (pay for)

EFFECT OF PRIMARY PROVISIONS

### Lowering the 50% Test to 30%

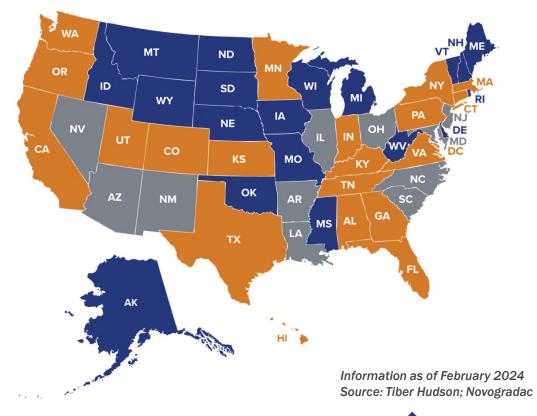
**186,310** units for 2024-2025 (estimate as of Jan. 2024)

**850,670** units 2024-2033

(estimate as of Jan. 2024)



Oversubscribed (20 states & Washington, D.C.)



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#### **EFFECT OF PRIMARY PROVISIONS**

### Increase in 9% allocations

Restoring the 12.5% increase in 9% allocations for 2023-2025:

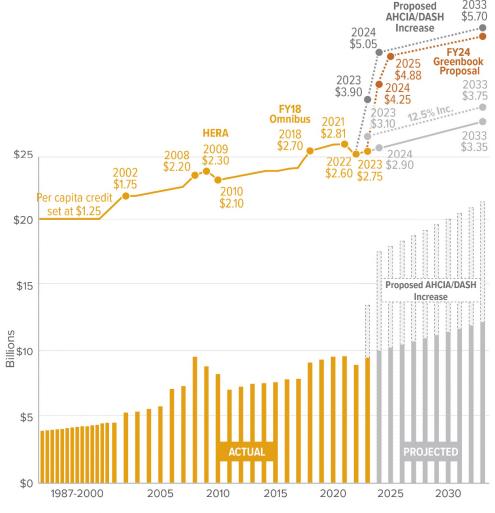
**16,263 units** 

Restoring the 12.5% increase in 9% allocations for 2024-2033:

61,940 units

(estimates as of Jan. 2024)

### 9% LIHTC Allocations

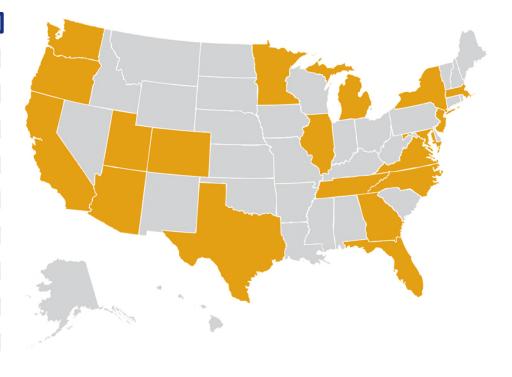


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ESTIMATE AS OF JAN. 2024

Additional **Homes Over** 10 Years **Temporary** 

		, , ,	
1	California	39,620	179,510
2	New York	19,460	88,150
3	Texas	17,830	80,320
4	Florida	12,600	56,740
5	Georgia	8,750	39,570
6	Virginia	7,170	32,410
7	Washington	6,890	31,180
8	Oregon	6,640	30,160
9	Tennessee	6,190	27,990
10	Illinois	5,750	25,810
11	Massachusetts	5,140	23,220
12	Minnesota	4,820	21,790
13	Maryland	4,810	21,760
14	North Carolina	4,740	21,250
15	Colorado	4,170	18,850
16	New Jersey	4,120	18,490
17	Arizona	3,430	15,390
18	DC	3,260	14,840
19	Michigan	2,850	12,640
20	Utah	2,700	12,210



# Other Affordable Housing **Tax Incentive Bills**

### **Neighborhood Homes Investment Act**

H.R. 3940 introduced 6/9/23 | S.657 introduced 3/6/23



- 3 SECTION L SHORT TITLE. 4 This Jet may be rited as the "Neighborhood Homos 5 Investment Act".
- 6 SEC 2 FINDINGS AND SENSE OF CONGRESS.
- (a) PENENS.—Congress finds the following:
   (1) Expects have determined that it result take
   nearly a decade to address the brusing shortupe in



**KELLY** R-PA



**TENNEY** R-NY



LARSON D-CT

117th Cosponsors: H.R. 2134: 31R 78D 118th Cosponsors: H.R. 3940: 21R 34D as of 2/15/24

#### THE SECOND S. 657 To amount the Internal Homeon Clode of 1986 to establish a lost creekt for neighborhood meinfallacker, and for other purposes.

#### A BILL

1 Be if exceled by the Sexute and House of Represente

- Time of the United States of America in Congress assembled,
   SECTION 1. SHORT TITLE.
- 4 This Art may be sited as the "Neighborhood Home
- 7 (a) FINDENCE.—Congress finds the following: 8 (I) Experts have determined that it could take 9 merely a decade to address the housing shortage in



CARDIN D-MD



YOUNG R-IN



**WYDEN** D-OR

117th Cosponsors: S. 98: 7R 17D 118th Cosponsors: S. 657: 5R 6D as of 2/15/24

### **Workforce Housing Tax Credit Act**

a.k.a. Middle-Income Housing Tax Credit (MIHTC)

#### **Introduced December 7, 2023**







**CAREY** R-OH



**SALINAS** D-OR



3. SECTION I. SHOPT TITLE.

6 SEC 2 SENSE OF CONGRESS RELATING TO THE MIDDLE.

(1) the middle-income housing tax eredit under 10 section 42 of the Internal Revenue Code of 1986 is

7 ENCOME HOUSING TAX CHEDIT.
8 It is the sense of Congress that—

40003

#### A BILL To amend the Internal Revenue Code of 1986 to provide a credit for middle-income housing, and for other purposes

- 1 Be it enocted by the Senate and House of Representa-3 SECTION 1. SHORT TITLE. This Art may be cited as the "Workforce Housing
   Tax Credit Art".
   SEC. 1. MIDDLE-INCOME HOUSING TAX CHEDIT.
- 7 (a) IN GENERAL.—Subpart D of part IV of sub-8 chapter A of chapter 1 of the Internal Revenue Code of 9 1986 is amended by inserting after section 42 the fel-



**WYDEN** D-OR



**SULLIVAN** D-AK

### Neighborhood Homes Investment Act

H.R. 3940 introduced 6/9/23 | S.657 introduced 3/6/23

#### Projected NHTC Allocation from 2024 to 2033

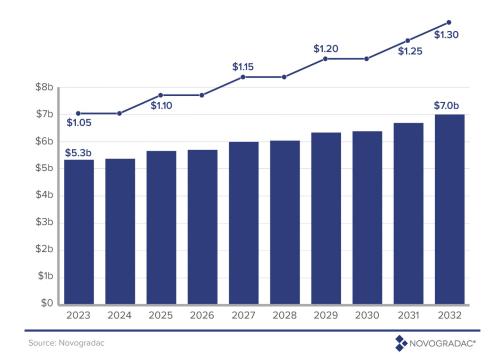


### **Workforce Housing Tax Credit Act**

a.k.a. Middle-Income Housing Tax Credit (MIHTC)

**Introduced December 7, 2023** 

Projected 5% MIHTC Allocation from 2023 to 2032



@ 202



# 2025 Major Tax Bill

### **Deficit Impact of Extending Tax Cuts and Jobs Act Provisions**

EXPIRING PROVISIONS DEC. 31, 2025

Policy (First Year Policy Expires of Changes)	2024-2033 Cost/Savings (-)
Reduced Individual Income Tax Rates (2026)	\$1.8 trillion
Elimination of Personal Exemptions (2026)	-\$1.6 trillion
End of Alternative Minimum Tax (AMT) for most taxpayers (2026)	\$1.1 trillion
Doubled Standard Deduction (2026)	\$1.0 trillion
\$10,000 SALT Deduction Cap and Other Deduction Changes (2026)	-\$935 billion
Increased Child Tax Credit from \$1,000 to \$2,000 (2026)	\$604 billion
20 Percent Pass-Through Deduction (2026)	\$548 billion
Limit on Pass-Through Business Loss Deduction (2029)	-\$137 billion
Doubled Estate Tax Exemption Threshold (2026)	\$126 billion
Opportunity Zone Capital Gains Deferrals (2027)	\$67 billion
Subtotal, Extend TCJA Individual and Estate Tax Extensions	\$2.6 trillion
100 Percent Bonus Depreciation (2023)	\$325 billion
Reinstated R&E Expensing (2022)	\$200 billion
Reduced Foreign-Derived Intangible Income (FDII) Deduction (2026)	\$111 billion
Looser Limit on Qualified Business Interest Deduction	\$50 billion
Other Changes (2026 and 2028) NMTC Permanence: estimated \$8 billion over 20	26-35 \$39 billion
Subtotal, Extend TCJA Business Provisions	\$720 billion
Interest	\$420 billion

\$3.8
TRILLION

Total, Extend TCJA
Individual, Estate,
and Business
Provisions with
Interest

Sources: Congressional Budget Office, Joint Committee on Taxation, and Committee for a Responsible Federal Budget. Numbers may not sum due to rounding

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### 2024 House & Senate Outlook



#### **Current Senate**

48D 3I 49R

20D, 3I, 11R seats up for reelection

28. no election

Lean D Likely R 11D, 2I 10 Solid D Likely Toss- Solid R

> Up 2D. 1I

D

**Senate Race Ratings** 

38. no election

**Notable Races** 

Open Seat - WV (currently held by Joe Manchin-D), Open Seat - MI (currently held by Debbie Stabenow-D),

Rosen - NV, Tester - MT, Brown - OH, Menendez - NJ, Baldwin - WI, Sinema - AZ | Scott - FL, Cruz - TX

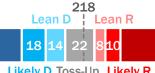


#### **Current House**

219R 213D

3 Vacancies

#### **House Race Ratings**



192 Solid R

Likely D Toss-Up Likely R

10D, 12R

CA-20 (former seat of former Speaker Kevin McCarthy-R), OH-06 (former seat of Bill Johnson-R), **NY-26** (former seat of Brian Higgins-D)

171 Solid D

### **2024 Key Senate Races**

### LEAST VULNERABLE MOST VULNERABLE

#### **REPUBLICAN SEATS**

Cruz (TX)

Scott (FL)

Rep. incumbents in red states

#### **DEMOCRATIC SEAT**

Open Seat (MI)

 Currently held by Debbie Stabenow-D

Formerly held dem. seat in a purple/blue state

#### **DEMOCRATIC SEATS**

Casey Jr. (PA)

#### Menendez (NJ)

 Facing federal indictment and significant primary opposition

Rosen (NV)

Baldwin (WI)

Dem. incumbents in purple/blue states

#### **DEMOCRATIC SEATS**

Open Seat (WV)

• Currently held by Joe Manchin-D

Tester (MT)

Brown (OH)

Dem. incumbents in red states

### **2024 Election Scenarios**







### **Recent Presidents Who Had Major Tax Bills** the Year of Their Inauguration

















**CARTER** 

**REAGAN** 

**BUSH** 

**CLINTON** 

**BUSH** 

**OBAMA** 

**TRUMP** 

**BIDEN** 

### **Recent Presidents Who Were Reelected**

#### **Major Tax Bills During Second Term**

Since two-term limit was established, six out of nine presidents (66%) running for reelection were successful.



CARTER



**REAGAN Tax Reform** Act of 1986



BUSH



**CLINTON Taxpayer Relief** Act of 1997



**Tax Increase Prevention and** Reconciliation

(TIPRA)





**OBAMA** 





TRUMP



**BIDEN** 

# Regulatory **Environment & More**



#### **Recent Tax Legislation**

- More energy tax credits
- Transferrable tax credits
- Refundable tax credits
- Book minimum tax



Global Minimum Tax?

Guidance released July 17, 2023



Inflation & Higher Interest Rates



ESG, Impact Investing & Public Commitments



Recession?

Supply & Demand Factors affecting INVESTOR EQUITY PRICING





#### **FASB Changes**

Final FASB Accounting Standards Update (ASU) released March 29, 2023



Basel III
Endgame
Capital requirements
for large banks

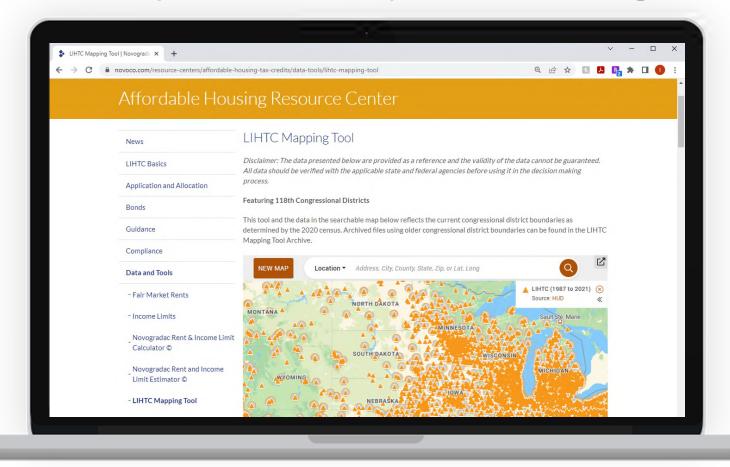
#### **Community Reinvestment Act**

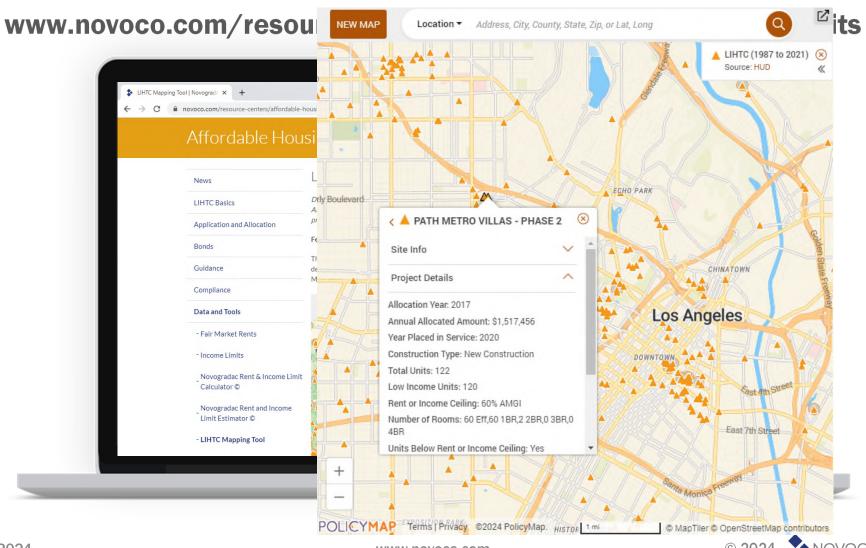
OCC, FDIC and Fed released final regulations Oct. 24, 2023

March 1, 2024 www.novoco.com

# **Advocacy Strategy** & Resources

### www.novoco.com/resource-centers/affordable-housing-tax-credits





### **Reports of LIHTC Properties by State and Congressional District**

www.novoco.com/resource-centers/affordable-housing-tax-credits



LIHTC Properties in California Through 2021

ProjectName	Address	City	State	Zip Code	Nonprofit Sponsor	Allocation Year	Annual Allocated Amount	Year PIS	Construction Type	Total Units	Low Income Units	Rent or Income Ceiling	Credit %	HUD Multi-Family Financing/ Rental Assistance
TESORO DEL VALLE	2301 HUMBOLDTST	LOS ANGELES	CA	90031	No	2003	\$1,431,322	2005	New Construction	121	119	60% AMGI	yoʻli present value	
CHANCELLOR	3191 W SEVENTH ST	LOS ANGELES	CA	90005	No	2001	\$271,723	2005	Acquisition and Rehab	101	100	60% AMGI	30% present value	
TRESTLES APTS	1566 SCOTT ST	SAN JOSE	CA	95126	No	2004	\$451,469	2005	Acquisition and Rehab	71	69	60% AMGI	30% present value	
WYNDOVER APTS	809 DIABLO AVE	NOVATO	CA	94947	No	2004	\$747,773	2005	Acquisition and Rehab	136	135	60% AMGI	30% present value	
YUBA GARDENS APTS	1788 HAMMONTON SMARTVILLE RD	MARYSVILLE	CA	95901	No	2005	\$266,205	2005	Acquisition and Rehab	120	118	60% AMGI	30% present value	
HASTINGS PARK APTS	4635 ANTELOPE RD	SACRAMENTO	CA	95843	No	2004	\$666,460	2005	Acquisition and Rehab	242	195	60% AMGI	30% present value	
SECURITY BUILDING LOFTS	510 S SPRING ST	LOS ANGELES	CA	90013	No	2002	\$251,103	2006	Acquisition and Rehab	153	31	50% AMGI	30% present value	
RENAISSANCE AT NORTH PARK SENIOR APTS	4330 30TH ST	SAN DIEGO	CA	92104	No	2003	\$1,309,844	2006	New Construction	96	94	5e% AMGI	70% present value	
CANYON CREEK APTS	400 OAK HILL RD	PASO ROBLES	CA	93446	No	2003	\$1,168,337	2006	New Construction	68	66	60% AMGI	yolk present value	
MAIN STREET VISTAS	5950 S MAINST	LOS ANGELES	CA	90003	No	2003	\$872,955	2006	New Construction	49	48	60% AMGI	70% present value	
FIGUEROA PLACE	1320 W SUNSET HLVD	LOS ANGELES	CA	90026	No	2003	\$588,154	2006	New Construction	33	32	60% AMCI	yof/i present value	
MISSION GATEWAY	33155 MISSION HLVD	UNION CITY	CA	94587	No	2003	\$1,400,908	2006	New Construction	121	120	60% AMGI	30% present value	
BROADWAY VILLAGE APTS II	5101 S IROADWAY	LOS ANGELES	CA	90037	No	2003	\$474,618	2006	New Construction	50	49	60% AMGI	30% present value	

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#### https://rentalhousingaction.org/national-state-district-fact-sheets/



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Check out ACTION's National Fact Sheet to see the impact of the Housing Credit across all US states and territories. Click on your state below to access ACTION's State and Congressional District Fact Sheets:



#### Low-Income Housing Tax Credit

#### Impact In California



The ACTION Campaign represents over 2,400 organizations and businesses working to address our nation's severe shortage of affordable rental housing by supporting the Low-Income Housing Tax Credit.

The Housing Credit's Benefits For Low-Income Families And The Economy, 1986 - 2022



439,278 homes developed or preserved in CA





low-income households served



702,931 jobs supported for one year



\$28.5 billion in tax revenue generated



\$79 billion in wages & business income generated

The Need for Affordable Housing Though the Housing Credit has had a trement across the country, much more affordable housing is still needed to meet the growing demand.



1,759,178 renter households in California pay more than half of their monthly income on rent, leaving too little for other expenses like health care. transportation, and nutritious food.



In order to afford a one-bedroom apartment, a minimum wage worker in California has to work 88 hours per week.

The Low-Income Housing Tax Credit (Housing Credit) is a proven solution to help address the affordable housing

The Housing Credit is our nation's most successful tool for encouraging private investment in affordable rental housing

It has financed over 3,8 million homes for low-income families and individuals nationwide since

The ACTION Campaign calls on

- · Expand the Housing Credit to address the severe shortage of affordable housing.
- Strengthen the Housing Credit to maximize impact in communities facing the greatest need.
- Enhance multifamily Housing Bonds, which provide critical financing to over half of all Housing Credit homes.

Addressing Our Nation's Severe Shortage Of Affordable Housing



Up to 317,300 additional affordable homes could be financed in CA by the primary unit financing provisions in the Affordable Housing Credit Improvement Act.

Visit rentalhousingaction,org for data sources and methodologies.

March 1, 2024 www.novoco.com



# Understanding the Legislative Landscape

for the IPED Tax Credit Property Dispositions



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