

SENATE BILL No. 469

June 21, 2017, Introduced by Senators SCHMIDT, HORN, ZORN, O'BRIEN and HERTEL and referred to the Committee on Finance.

A bill to amend 1967 PA 281, entitled

"Income tax act of 1967,"

(MCL 206.1 to 206.713) by adding sections 266a and 675.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

SEC. 266A. (1) A QUALIFIED TAXPAYER WITH A REHABILITATION PLAN CERTIFIED AFTER DECEMBER 31, 2017 MAY CREDIT AGAINST THE TAX IMPOSED BY THIS PART THE AMOUNT DETERMINED PURSUANT TO SUBSECTION (2) FOR THE QUALIFIED EXPENDITURES FOR THE REHABILITATION OF A HISTORIC RESOURCE PURSUANT TO THE REHABILITATION PLAN IN THE YEAR IN WHICH THE CERTIFICATION OF COMPLETED REHABILITATION OF THE HISTORIC RESOURCE IS ISSUED. ONLY THOSE EXPENDITURES THAT ARE PAID OR INCURRED DURING THE TIME PERIODS PRESCRIBED FOR THE CREDIT UNDER SECTION 47(A)(2) OF THE INTERNAL REVENUE CODE AND ANY RELATED TREASURY REGULATIONS SHALL BE CONSIDERED QUALIFIED EXPENDITURES.

(2) THE CREDIT ALLOWED UNDER THIS SECTION SHALL BE 25% OF THE QUALIFIED EXPENDITURES THAT ARE ELIGIBLE, OR WOULD HAVE BEEN ELIGIBLE EXCEPT THAT THE TAXPAYER ELECTED TO TRANSFER THE CREDIT

UNDER SUBSECTION (10), FOR THE CREDIT UNDER SECTION 47(A)(2) OF THE INTERNAL REVENUE CODE IF THE TAXPAYER IS ELIGIBLE FOR THE CREDIT UNDER SECTION 47(A)(2) OF THE INTERNAL REVENUE CODE OR, IF THE TAXPAYER IS NOT ELIGIBLE FOR THE CREDIT UNDER SECTION 47(A)(2) OF THE INTERNAL REVENUE CODE, 25% OF THE QUALIFIED EXPENDITURES THAT WOULD QUALIFY UNDER SECTION 47(A)(2) OF THE INTERNAL REVENUE CODE EXCEPT THAT THE EXPENDITURES ARE MADE TO A HISTORIC RESOURCE THAT IS NOT ELIGIBLE FOR THE CREDIT UNDER SECTION 47(A)(2) OF THE INTERNAL REVENUE CODE, SUBJECT TO BOTH OF THE FOLLOWING:

(A) A TAXPAYER WITH QUALIFIED EXPENDITURES THAT ARE ELIGIBLE FOR THE CREDIT UNDER SECTION 47(A)(2) OF THE INTERNAL REVENUE CODE MAY NOT CLAIM A CREDIT UNDER THIS SECTION FOR THOSE QUALIFIED EXPENDITURES UNLESS THE TAXPAYER HAS CLAIMED AND RECEIVED A CREDIT FOR THOSE QUALIFIED EXPENDITURES UNDER SECTION 47(A)(2) OF THE INTERNAL REVENUE CODE OR THE TAXPAYER HAS ELECTED TO TRANSFER THE CREDIT UNDER SUBSECTION (10).

(B) A CREDIT UNDER THIS SECTION SHALL BE REDUCED BY THE AMOUNT OF A CREDIT RECEIVED BY THE TAXPAYER FOR THE SAME QUALIFIED EXPENDITURES UNDER SECTION 47(A)(2) OF THE INTERNAL REVENUE CODE.

(3) TO BE ELIGIBLE FOR THE CREDIT UNDER THIS SECTION, THE TAXPAYER SHALL APPLY TO AND RECEIVE FROM THE MICHIGAN STATE HOUSING DEVELOPMENT AUTHORITY THAT THE HISTORIC SIGNIFICANCE, THE REHABILITATION PLAN, AND THE COMPLETED REHABILITATION OF THE HISTORIC RESOURCE MEET THE CRITERIA UNDER SUBSECTION (6) AND EITHER

OF THE FOLLOWING:

(A) ALL OF THE FOLLOWING CRITERIA:

(i) THE HISTORIC RESOURCE CONTRIBUTES TO THE SIGNIFICANCE OF THE HISTORIC DISTRICT IN WHICH IT IS LOCATED.

(ii) BOTH THE REHABILITATION PLAN AND COMPLETED REHABILITATION OF THE HISTORIC RESOURCE MEET THE FEDERAL SECRETARY OF THE INTERIOR'S STANDARDS FOR REHABILITATION AND GUIDELINES FOR REHABILITATING HISTORIC BUILDINGS, 36 CFR PART 67.

(iii) ALL REHABILITATION WORK HAS BEEN DONE TO OR WITHIN THE WALLS, BOUNDARIES, OR STRUCTURES OF THE HISTORIC RESOURCE OR TO HISTORIC RESOURCES LOCATED WITHIN THE PROPERTY BOUNDARIES OF THE RESOURCE.

(B) THE TAXPAYER HAS RECEIVED CERTIFICATION FROM THE NATIONAL PARK SERVICE THAT THE HISTORIC RESOURCE'S SIGNIFICANCE, THE REHABILITATION PLAN, AND THE COMPLETED REHABILITATION QUALIFY FOR THE CREDIT ALLOWED UNDER SECTION 47(A)(2) OF THE INTERNAL REVENUE CODE.

(4) IF A QUALIFIED TAXPAYER IS ELIGIBLE FOR THE CREDIT ALLOWED UNDER SECTION 47(A)(2) OF THE INTERNAL REVENUE CODE, THE QUALIFIED TAXPAYER SHALL FILE FOR CERTIFICATION WITH THE AUTHORITY TO QUALIFY FOR THE CREDIT ALLOWED UNDER SECTION 47(A)(2) OF THE INTERNAL REVENUE CODE. IF THE QUALIFIED TAXPAYER HAS PREVIOUSLY FILED FOR CERTIFICATION WITH THE AUTHORITY TO QUALIFY FOR THE CREDIT ALLOWED UNDER SECTION 47(A)(2) OF THE INTERNAL REVENUE CODE, ADDITIONAL

FILING FOR THE CREDIT ALLOWED UNDER THIS SECTION IS NOT REQUIRED.

(5) THE AUTHORITY MAY INSPECT A HISTORIC RESOURCE AT ANY TIME DURING THE REHABILITATION PROCESS AND MAY REVOKE CERTIFICATION OF COMPLETED REHABILITATION IF THE REHABILITATION WAS NOT UNDERTAKEN AS REPRESENTED IN THE REHABILITATION PLAN OR IF UNAPPROVED ALTERATIONS TO THE COMPLETED REHABILITATION ARE MADE DURING THE 5 YEARS AFTER THE TAX YEAR IN WHICH THE CREDIT WAS CLAIMED. THE AUTHORITY SHALL PROMPTLY NOTIFY THE DEPARTMENT OF A REVOCATION.

(6) QUALIFIED EXPENDITURES FOR THE REHABILITATION OF A HISTORIC RESOURCE MAY BE USED TO CALCULATE THE CREDIT UNDER THIS SECTION IF THE HISTORIC RESOURCE MEETS 1 OF THE CRITERIA LISTED IN SUBDIVISION (A) AND 1 OF THE CRITERIA LISTED IN SUBDIVISION (B):

(A) THE RESOURCE IS 1 OF THE FOLLOWING DURING THE TAX YEAR IN WHICH A CREDIT UNDER THIS SECTION IS CLAIMED FOR THOSE QUALIFIED EXPENDITURES:

(i) INDIVIDUALLY LISTED ON THE NATIONAL REGISTER OF HISTORIC PLACES OR STATE REGISTER OF HISTORIC SITES.

(ii) A CONTRIBUTING RESOURCE LOCATED WITHIN A HISTORIC DISTRICT LISTED ON THE NATIONAL REGISTER OF HISTORIC PLACES OR THE STATE REGISTER OF HISTORIC SITES.

(iii) A CONTRIBUTING RESOURCE LOCATED WITHIN A HISTORIC DISTRICT DESIGNATED BY A LOCAL UNIT PURSUANT TO AN ORDINANCE ADOPTED UNDER THE LOCAL HISTORIC DISTRICTS ACT, 1970 PA 169, MCL

399.201 TO 399.215.

(B) THE RESOURCE MEETS 1 OF THE FOLLOWING CRITERIA DURING THE TAX YEAR IN WHICH A CREDIT UNDER THIS SECTION IS CLAIMED FOR THOSE QUALIFIED EXPENDITURES:

(i) THE HISTORIC RESOURCE IS LOCATED IN A DESIGNATED HISTORIC DISTRICT IN A LOCAL UNIT OF GOVERNMENT WITH AN EXISTING ORDINANCE UNDER THE LOCAL HISTORIC DISTRICTS ACT, 1970 PA 169, MCL 399.201 TO 399.215.

(ii) THE HISTORIC RESOURCE IS LOCATED IN AN INCORPORATED LOCAL UNIT OF GOVERNMENT THAT DOES NOT HAVE AN ORDINANCE UNDER THE LOCAL HISTORIC DISTRICTS ACT, 1970 PA 169, MCL 399.201 TO 399.215, AND HAS A POPULATION OF LESS THAN 5,000.

(iii) THE HISTORIC RESOURCE IS LOCATED IN AN UNINCORPORATED LOCAL UNIT OF GOVERNMENT.

(iv) THE HISTORIC RESOURCE IS LOCATED IN AN INCORPORATED LOCAL UNIT OF GOVERNMENT THAT DOES NOT HAVE AN ORDINANCE UNDER THE LOCAL HISTORIC DISTRICTS ACT, 1970 PA 169, MCL 399.201 TO 399.215, AND IS LOCATED WITHIN THE BOUNDARIES OF AN ASSOCIATION THAT HAS BEEN CHARTERED UNDER 1889 PA 39, MCL 455.51 TO 455.72.

(v) THE HISTORIC RESOURCE IS SUBJECT TO A HISTORIC PRESERVATION EASEMENT.

(7) A CREDIT AMOUNT ASSIGNED UNDER SECTION 675 MAY BE CLAIMED AGAINST THE PARTNER'S, MEMBER'S, OR SHAREHOLDER'S TAX LIABILITY

UNDER THIS PART AS PROVIDED IN SECTION 675.

(8) IF THE CREDIT ALLOWED UNDER THIS SECTION FOR THE TAX YEAR AND ANY UNUSED CARRYFORWARD OF THE CREDIT ALLOWED BY THIS SECTION EXCEED THE TAXPAYER'S TAX LIABILITY FOR THE TAX YEAR, THAT PORTION THAT EXCEEDS THE TAX LIABILITY FOR THE TAX YEAR SHALL NOT BE REFUNDED BUT MAY BE CARRIED FORWARD TO OFFSET TAX LIABILITY IN SUBSEQUENT TAX YEARS FOR 10 YEARS OR UNTIL USED UP, WHICHEVER OCCURS FIRST. IF THE CREDIT AMOUNT ALLOWED IS LESS THAN \$250,000.00, A QUALIFIED TAXPAYER MAY ELECT TO FORGO THE CARRYOVER PERIOD AND RECEIVE A REFUND OF THE AMOUNT OF THE CREDIT THAT EXCEEDS THE QUALIFIED TAXPAYER'S TAX LIABILITY. THE AMOUNT OF THE REFUND SHALL BE EQUAL TO 90% OF THE AMOUNT OF THE CREDIT THAT EXCEEDS THE QUALIFIED TAXPAYER'S TAX LIABILITY. AN ELECTION UNDER THIS SUBSECTION SHALL BE MADE IN THE YEAR THAT A CERTIFICATE OF COMPLETED REHABILITATION IS ISSUED AND SHALL BE IRREVOCABLE.

(9) IF A CERTIFICATE OF COMPLETED REHABILITATION IS REVOKED UNDER SUBSECTION (5) OR IF THE HISTORIC RESOURCE IS SOLD OR DISPOSED OF LESS THAN 5 YEARS AFTER BEING PLACED IN SERVICE AS DEFINED IN SECTION 47(B)(1) OF THE INTERNAL REVENUE CODE AND RELATED TREASURY REGULATIONS, THE FOLLOWING PERCENTAGE OF THE CREDIT AMOUNT PREVIOUSLY CLAIMED RELATIVE TO THAT HISTORIC RESOURCE SHALL BE ADDED BACK TO THE TAX LIABILITY OF THE QUALIFIED TAXPAYER THAT RECEIVED THE CERTIFICATE OF COMPLETED REHABILITATION AND NOT

THE ASSIGNEE IN THE YEAR OF THE REVOCATION:

(A) IF THE REVOCATION IS LESS THAN 1 YEAR AFTER THE HISTORIC RESOURCE IS PLACED IN SERVICE, 100%.

(B) IF THE REVOCATION IS AT LEAST 1 YEAR BUT LESS THAN 2 YEARS AFTER THE HISTORIC RESOURCE IS PLACED IN SERVICE, 80%.

(C) IF THE REVOCATION IS AT LEAST 2 YEARS BUT LESS THAN 3 YEARS AFTER THE HISTORIC RESOURCE IS PLACED IN SERVICE, 60%.

(D) IF THE REVOCATION IS AT LEAST 3 YEARS BUT LESS THAN 4 YEARS AFTER THE HISTORIC RESOURCE IS PLACED IN SERVICE, 40%.

(E) IF THE REVOCATION IS AT LEAST 4 YEARS BUT LESS THAN 5 YEARS AFTER THE HISTORIC RESOURCE IS PLACED IN SERVICE, 20%.

(F) IF THE REVOCATION IS AT LEAST 5 YEARS OR MORE AFTER THE HISTORIC RESOURCE IS PLACED IN SERVICE, AN ADDBACK TO THE QUALIFIED TAXPAYER TAX LIABILITY IS REQUIRED.

(10) A QUALIFIED TAXPAYER MAY ELECT TO FORGO CLAIMING THE CREDIT AND TRANSFER THE CREDIT ALONG WITH THE OWNERSHIP OF THE PROPERTY FOR WHICH THE CREDIT MAY BE CLAIMED TO A NEW OWNER. THE NEW OWNER SHALL BE TREATED AS THE QUALIFIED TAXPAYER HAVING INCURRED THE REHABILITATION COSTS AND SHALL BE SUBJECT TO THE RECAPTURE PROVISIONS UNDER SUBSECTION (9) IF THE NEW OWNER SELLS OR DISPOSES OF THE PROPERTY WITHIN 5 YEARS AFTER THE NEW OWNER ACQUIRED THE PROPERTY. FOR PURPOSES OF THIS SUBSECTION AND SUBSECTION (9), THE PLACED IN SERVICE DATE FOR A NEW OWNER IS THE

DATE THE NEW OWNER ACQUIRED THE PROPERTY FOR WHICH THE CREDIT IS CLAIMED.

(11) THE AUTHORITY MAY IMPOSE A FEE TO COVER THE ADMINISTRATIVE COST OF IMPLEMENTING THE PROGRAM UNDER THIS SECTION.

(12) THE QUALIFIED TAXPAYER SHALL ATTACH ALL OF THE FOLLOWING TO THE QUALIFIED TAXPAYER'S ANNUAL RETURN UNDER THIS PART:

(A) CERTIFICATION OF COMPLETED REHABILITATION.

(B) CERTIFICATION OF HISTORIC SIGNIFICANCE RELATED TO THE HISTORIC RESOURCE AND THE QUALIFIED EXPENDITURES USED TO CLAIM A CREDIT UNDER THIS SECTION.

(C) A COMPLETED ASSIGNMENT FORM IF THE QUALIFIED TAXPAYER IS AN ASSIGNEE UNDER SECTION 675 OF ANY PORTION OF A CREDIT ALLOWED UNDER THAT SECTION.

(13) THE AUTHORITY MAY PROMULGATE RULES TO IMPLEMENT THIS SECTION PURSUANT TO THE ADMINISTRATIVE PROCEDURES ACT OF 1969, 1969 PA 306, MCL 24.201 TO 24.328.

(14) THE TOTAL OF THE CREDITS CLAIMED UNDER THIS SECTION AND SECTION 675 FOR A REHABILITATION PROJECT SHALL NOT EXCEED 25% OF THE TOTAL QUALIFIED EXPENDITURES ELIGIBLE FOR THE CREDIT UNDER THIS SECTION FOR THAT REHABILITATION PROJECT.

(15) THE AUTHORITY SHALL REPORT ALL OF THE FOLLOWING TO THE LEGISLATURE ANNUALLY FOR THE IMMEDIATELY PRECEDING STATE FISCAL YEAR:

(A) THE FEE SCHEDULE USED BY THE CENTER AND THE TOTAL AMOUNT

OF FEES COLLECTED.

(B) A DESCRIPTION OF EACH REHABILITATION PROJECT CERTIFIED.

(C) THE LOCATION OF EACH NEW AND ONGOING REHABILITATION PROJECT.

(16) AS USED IN THIS SECTION:

(A) "CONTRIBUTING RESOURCE" MEANS A HISTORIC RESOURCE THAT CONTRIBUTES TO THE SIGNIFICANCE OF THE HISTORIC DISTRICT IN WHICH IT IS LOCATED.

(B) "HISTORIC DISTRICT" MEANS AN AREA, OR GROUP OF AREAS NOT NECESSARILY HAVING CONTIGUOUS BOUNDARIES, THAT CONTAINS 1 RESOURCE OR A GROUP OF RESOURCES THAT ARE RELATED BY HISTORY, ARCHITECTURE, ARCHAEOLOGY, ENGINEERING, OR CULTURE.

(C) "HISTORIC RESOURCE" MEANS A PUBLICLY OR PRIVATELY OWNED HISTORIC BUILDING, STRUCTURE, SITE, OBJECT, FEATURE, OR OPEN SPACE LOCATED WITHIN A HISTORIC DISTRICT DESIGNATED BY THE NATIONAL REGISTER OF HISTORIC PLACES, THE STATE REGISTER OF HISTORIC SITES, OR A LOCAL UNIT ACTING UNDER THE LOCAL HISTORIC DISTRICTS ACT, 1970 PA 169, MCL 399.201 TO 399.215; OR THAT IS INDIVIDUALLY LISTED ON THE STATE REGISTER OF HISTORIC SITES OR NATIONAL REGISTER OF HISTORIC PLACES AND INCLUDES ALL OF THE FOLLOWING:

(i) AN OWNER-OCCUPIED PERSONAL RESIDENCE OR A HISTORIC RESOURCE LOCATED WITHIN THE PROPERTY BOUNDARIES OF THAT PERSONAL RESIDENCE.

(ii) AN INCOME-PRODUCING COMMERCIAL, INDUSTRIAL, OR RESIDENTIAL RESOURCE OR A HISTORIC RESOURCE LOCATED WITHIN THE PROPERTY BOUNDARIES OF THAT RESOURCE.

(iii) A RESOURCE OWNED BY A GOVERNMENTAL BODY, NONPROFIT ORGANIZATION, OR TAX-EXEMPT ENTITY THAT IS USED PRIMARILY BY A TAXPAYER LESSEE IN A TRADE OR BUSINESS UNRELATED TO THE GOVERNMENTAL BODY, NONPROFIT ORGANIZATION, OR TAX-EXEMPT ENTITY AND THAT IS SUBJECT TO TAX UNDER THIS PART.

(iv) A RESOURCE THAT IS OCCUPIED OR UTILIZED BY A GOVERNMENTAL BODY, NONPROFIT ORGANIZATION, OR TAX-EXEMPT ENTITY PURSUANT TO A LONG-TERM LEASE OR LEASE WITH OPTION TO BUY AGREEMENT.

(v) ANY OTHER RESOURCE THAT COULD BENEFIT FROM REHABILITATION.

(D) "LOCAL UNIT" MEANS A COUNTY, CITY, VILLAGE, OR TOWNSHIP.

(E) "LONG-TERM LEASE" MEANS A LEASE TERM OF AT LEAST 27.5 YEARS FOR A RESIDENTIAL RESOURCE OR AT LEAST 31.5 YEARS FOR A NONRESIDENTIAL RESOURCE.

(F) "MICHIGAN STATE HOUSING DEVELOPMENT AUTHORITY" OR "AUTHORITY" MEANS THE PUBLIC BODY CORPORATE AND POLITIC CREATED BY SECTION 21 OF THE STATE HOUSING DEVELOPMENT AUTHORITY ACT OF 1966, 1966 PA 346, MCL 125.1421.

(G) "OPEN SPACE" MEANS UNDEVELOPED LAND, A NATURALLY LANDSCAPED AREA, OR A FORMAL OR MAN-MADE LANDSCAPED AREA THAT PROVIDES A CONNECTIVE LINK OR A BUFFER BETWEEN OTHER RESOURCES.

(H) "PERSON" MEANS AN INDIVIDUAL, PARTNERSHIP, CORPORATION, ASSOCIATION, GOVERNMENTAL ENTITY, OR OTHER LEGAL ENTITY.

(I) "QUALIFIED EXPENDITURES" MEANS CAPITAL EXPENDITURES THAT QUALIFY, OR WOULD QUALIFY EXCEPT THAT THE TAXPAYER ELECTED TO TRANSFER THE CREDIT UNDER SUBSECTION (10), FOR A REHABILITATION CREDIT UNDER SECTION 47(A)(2) OF THE INTERNAL REVENUE CODE IF THE TAXPAYER IS ELIGIBLE FOR THE CREDIT UNDER SECTION 47(A)(2) OF THE INTERNAL REVENUE CODE OR, IF THE TAXPAYER IS NOT ELIGIBLE FOR THE CREDIT UNDER SECTION 47(A)(2) OF THE INTERNAL REVENUE CODE, THE QUALIFIED EXPENDITURES THAT WOULD QUALIFY UNDER SECTION 47(A)(2) OF THE INTERNAL REVENUE CODE EXCEPT THAT THE EXPENDITURES ARE MADE TO A HISTORIC RESOURCE THAT IS NOT ELIGIBLE FOR THE CREDIT UNDER SECTION 47(A)(2) OF THE INTERNAL REVENUE CODE, THAT WERE PAID. QUALIFIED EXPENDITURES DO NOT INCLUDE CAPITAL EXPENDITURES FOR NONHISTORIC ADDITIONS TO A HISTORIC RESOURCE EXCEPT AN ADDITION THAT IS REQUIRED BY STATE OR FEDERAL REGULATIONS THAT RELATE TO HISTORIC PRESERVATION, SAFETY, OR ACCESSIBILITY.

(J) "QUALIFIED TAXPAYER" MEANS A PERSON THAT IS AN ASSIGNEE UNDER SECTION 675 OR EITHER OWNS THE RESOURCE TO BE REHABILITATED OR HAS A LONG-TERM LEASE AGREEMENT WITH THE OWNER OF THE HISTORIC RESOURCE AND THAT HAS QUALIFIED EXPENDITURES FOR THE REHABILITATION OF THE HISTORIC RESOURCE EQUAL TO OR GREATER THAN 10% OF THE STATE EQUALIZED VALUATION OF THE PROPERTY. IF THE HISTORIC RESOURCE TO BE

REHABILITATED IS A PORTION OF A HISTORIC OR NONHISTORIC RESOURCE, THE STATE EQUALIZED VALUATION OF ONLY THAT PORTION OF THE PROPERTY SHALL BE USED FOR PURPOSES OF THIS SUBDIVISION. IF THE ASSESSOR FOR THE LOCAL TAX COLLECTING UNIT IN WHICH THE HISTORIC RESOURCE IS LOCATED DETERMINES THE STATE EQUALIZED VALUATION OF THAT PORTION, THAT ASSESSOR'S DETERMINATION SHALL BE USED FOR PURPOSES OF THIS SUBDIVISION. IF THE ASSESSOR DOES NOT DETERMINE THAT STATE EQUALIZED VALUATION OF THAT PORTION, QUALIFIED EXPENDITURES, FOR PURPOSES OF THIS SUBDIVISION, SHALL BE EQUAL TO OR GREATER THAN 5% OF THE APPRAISED VALUE AS DETERMINED BY A CERTIFIED APPRAISER. IF THE HISTORIC RESOURCE TO BE REHABILITATED DOES NOT HAVE A STATE EQUALIZED VALUATION, QUALIFIED EXPENDITURES FOR PURPOSES OF THIS SUBDIVISION SHALL BE EQUAL TO OR GREATER THAN 5% OF THE APPRAISED VALUE OF THE RESOURCE AS DETERMINED BY A CERTIFIED APPRAISER.

(K) "REHABILITATION PLAN" MEANS A PLAN FOR THE REHABILITATION OF A HISTORIC RESOURCE THAT MEETS THE FEDERAL SECRETARY OF THE INTERIOR'S STANDARDS FOR REHABILITATION AND GUIDELINES FOR REHABILITATION OF HISTORIC BUILDINGS UNDER 36 CFR PART 67.

SEC. 675. (1) A QUALIFIED TAXPAYER WITH A REHABILITATION PLAN CERTIFIED AFTER DECEMBER 31, 2017 MAY CREDIT AGAINST THE TAX IMPOSED BY THIS PART THE AMOUNT DETERMINED PURSUANT TO SUBSECTION (2) FOR THE QUALIFIED EXPENDITURES FOR THE REHABILITATION OF A HISTORIC RESOURCE PURSUANT TO THE REHABILITATION PLAN IN THE YEAR IN WHICH THE CERTIFICATION OF COMPLETED REHABILITATION OF THE

HISTORIC RESOURCE IS ISSUED. ONLY THOSE EXPENDITURES THAT ARE PAID OR INCURRED DURING THE TIME PERIODS PRESCRIBED FOR THE CREDIT UNDER SECTION 47(A)(2) OF THE INTERNAL REVENUE CODE AND ANY RELATED TREASURY REGULATIONS SHALL BE CONSIDERED QUALIFIED EXPENDITURES.

(2) THE CREDIT ALLOWED UNDER THIS SUBSECTION SHALL BE 25% OF THE QUALIFIED EXPENDITURES THAT ARE ELIGIBLE, OR WOULD HAVE BEEN ELIGIBLE EXCEPT THAT THE TAXPAYER ENTERED INTO AN AGREEMENT UNDER SUBSECTION (10), FOR THE CREDIT UNDER SECTION 47(A)(2) OF THE INTERNAL REVENUE CODE IF THE TAXPAYER IS ELIGIBLE FOR THE CREDIT UNDER SECTION 47(A)(2) OF THE INTERNAL REVENUE CODE OR, IF THE TAXPAYER IS NOT ELIGIBLE FOR THE CREDIT UNDER SECTION 47(A)(2) OF THE INTERNAL REVENUE CODE, 25% OF THE QUALIFIED EXPENDITURES THAT WOULD QUALIFY UNDER SECTION 47(A)(2) OF THE INTERNAL REVENUE CODE EXCEPT THAT THE EXPENDITURES ARE MADE TO A HISTORIC RESOURCE THAT IS NOT ELIGIBLE FOR THE CREDIT UNDER SECTION 47(A)(2) OF THE INTERNAL REVENUE CODE, SUBJECT TO BOTH OF THE FOLLOWING:

(A) A TAXPAYER WITH QUALIFIED EXPENDITURES THAT ARE ELIGIBLE FOR THE CREDIT UNDER SECTION 47(A)(2) OF THE INTERNAL REVENUE CODE MAY NOT CLAIM A CREDIT UNDER THIS SECTION FOR THOSE QUALIFIED EXPENDITURES UNLESS THE TAXPAYER HAS CLAIMED AND RECEIVED A CREDIT FOR THOSE QUALIFIED EXPENDITURES UNDER SECTION 47(A)(2) OF THE INTERNAL REVENUE CODE OR THE TAXPAYER HAS ENTERED INTO AN AGREEMENT UNDER SUBSECTION (10).

(B) A CREDIT UNDER THIS SUBSECTION SHALL BE REDUCED BY THE AMOUNT OF A CREDIT RECEIVED BY THE TAXPAYER FOR THE SAME QUALIFIED EXPENDITURES UNDER SECTION 47(A)(2) OF THE INTERNAL REVENUE CODE.

(3) TO BE ELIGIBLE FOR THE CREDIT UNDER SUBSECTION (2), THE TAXPAYER SHALL APPLY TO AND RECEIVE FROM THE MICHIGAN STATE HOUSING DEVELOPMENT AUTHORITY THAT THE HISTORIC SIGNIFICANCE, THE REHABILITATION PLAN, AND THE COMPLETED REHABILITATION OF THE HISTORIC RESOURCE MEET THE CRITERIA UNDER SUBSECTION (6) AND EITHER OF THE FOLLOWING:

(A) ALL OF THE FOLLOWING CRITERIA:

(i) THE HISTORIC RESOURCE CONTRIBUTES TO THE SIGNIFICANCE OF THE HISTORIC DISTRICT IN WHICH IT IS LOCATED.

(ii) BOTH THE REHABILITATION PLAN AND COMPLETED REHABILITATION OF THE HISTORIC RESOURCE MEET THE FEDERAL SECRETARY OF THE INTERIOR'S STANDARDS FOR REHABILITATION AND GUIDELINES FOR REHABILITATING HISTORIC BUILDINGS, 36 CFR PART 67.

(iii) ALL REHABILITATION WORK HAS BEEN DONE TO OR WITHIN THE WALLS, BOUNDARIES, OR STRUCTURES OF THE HISTORIC RESOURCE OR TO HISTORIC RESOURCES LOCATED WITHIN THE PROPERTY BOUNDARIES OF THE PROPERTY.

(B) THE TAXPAYER HAS RECEIVED CERTIFICATION FROM THE NATIONAL PARK SERVICE THAT THE HISTORIC RESOURCE'S SIGNIFICANCE, THE REHABILITATION PLAN, AND THE COMPLETED REHABILITATION QUALIFY FOR

THE CREDIT ALLOWED UNDER SECTION 47(A)(2) OF THE INTERNAL REVENUE CODE.

(4) IF A QUALIFIED TAXPAYER IS ELIGIBLE FOR THE CREDIT ALLOWED UNDER SECTION 47(A)(2) OF THE INTERNAL REVENUE CODE, THE QUALIFIED TAXPAYER SHALL FILE FOR CERTIFICATION WITH THE AUTHORITY TO QUALIFY FOR THE CREDIT ALLOWED UNDER SECTION 47(A)(2) OF THE INTERNAL REVENUE CODE. IF THE QUALIFIED TAXPAYER HAS PREVIOUSLY FILED FOR CERTIFICATION WITH THE AUTHORITY TO QUALIFY FOR THE CREDIT ALLOWED UNDER SECTION 47(A)(2) OF THE INTERNAL REVENUE CODE, ADDITIONAL FILING FOR THE CREDIT ALLOWED UNDER THIS SECTION IS NOT REQUIRED.

(5) THE AUTHORITY MAY INSPECT A HISTORIC RESOURCE AT ANY TIME DURING THE REHABILITATION PROCESS AND MAY REVOKE CERTIFICATION OF COMPLETED REHABILITATION IF THE REHABILITATION WAS NOT UNDERTAKEN AS REPRESENTED IN THE REHABILITATION PLAN OR IF UNAPPROVED ALTERATIONS TO THE COMPLETED REHABILITATION ARE MADE DURING THE 5 YEARS AFTER THE TAX YEAR IN WHICH THE CREDIT WAS CLAIMED. THE AUTHORITY SHALL PROMPTLY NOTIFY THE DEPARTMENT OF A REVOCATION.

(6) QUALIFIED EXPENDITURES FOR THE REHABILITATION OF A HISTORIC RESOURCE MAY BE USED TO CALCULATE THE CREDIT UNDER THIS SECTION IF THE HISTORIC RESOURCE MEETS 1 OF THE CRITERIA LISTED IN SUBDIVISION (A) AND 1 OF THE CRITERIA LISTED IN SUBDIVISION (B):

(A) THE RESOURCE IS 1 OF THE FOLLOWING DURING THE TAX YEAR IN WHICH A CREDIT UNDER THIS SECTION IS CLAIMED FOR THOSE QUALIFIED

EXPENDITURES:

(i) INDIVIDUALLY LISTED ON THE NATIONAL REGISTER OF HISTORIC PLACES OR STATE REGISTER OF HISTORIC SITES.

(ii) A CONTRIBUTING RESOURCE LOCATED WITHIN A HISTORIC DISTRICT LISTED ON THE NATIONAL REGISTER OF HISTORIC PLACES OR THE STATE REGISTER OF HISTORIC SITES.

(iii) A CONTRIBUTING RESOURCE LOCATED WITHIN A HISTORIC DISTRICT DESIGNATED BY A LOCAL UNIT PURSUANT TO AN ORDINANCE ADOPTED UNDER THE LOCAL HISTORIC DISTRICTS ACT, 1970 PA 169, MCL 399.201 TO 399.215.

(B) THE RESOURCE MEETS 1 OF THE FOLLOWING CRITERIA DURING THE TAX YEAR IN WHICH A CREDIT UNDER THIS SECTION IS CLAIMED FOR THOSE QUALIFIED EXPENDITURES:

(i) THE HISTORIC RESOURCE IS LOCATED IN A DESIGNATED HISTORIC DISTRICT IN A LOCAL UNIT OF GOVERNMENT WITH AN EXISTING ORDINANCE UNDER THE LOCAL HISTORIC DISTRICTS ACT, 1970 PA 169, MCL 399.201 TO 399.215.

(ii) THE HISTORIC RESOURCE IS LOCATED IN AN INCORPORATED LOCAL UNIT OF GOVERNMENT THAT DOES NOT HAVE AN ORDINANCE UNDER THE LOCAL

HISTORIC DISTRICTS ACT, 1970 PA 169, MCL 399.201 TO 399.215, AND HAS A POPULATION OF LESS THAN 5,000.

(iii) THE HISTORIC RESOURCE IS LOCATED IN AN UNINCORPORATED LOCAL UNIT OF GOVERNMENT.

(iv) THE HISTORIC RESOURCE IS LOCATED IN AN INCORPORATED LOCAL UNIT OF GOVERNMENT THAT DOES NOT HAVE AN ORDINANCE UNDER THE LOCAL HISTORIC DISTRICTS ACT, 1970 PA 169, MCL 399.201 TO 399.215, AND IS LOCATED WITHIN THE BOUNDARIES OF AN ASSOCIATION THAT HAS BEEN CHARTERED UNDER 1889 PA 39, MCL 455.51 TO 455.72.

(v) THE HISTORIC RESOURCE IS SUBJECT TO A HISTORIC PRESERVATION EASEMENT.

(7) A QUALIFIED TAXPAYER MAY ASSIGN ALL OR ANY PORTION OF THE CREDIT ALLOWED UNDER THIS SECTION. A CREDIT ASSIGNMENT UNDER THIS SUBSECTION IS IRREVOCABLE AND SHALL BE MADE IN THE TAX YEAR IN WHICH A CERTIFICATE OF COMPLETED REHABILITATION IS ISSUED. A QUALIFIED TAXPAYER MAY CLAIM A PORTION OF A CREDIT AND ASSIGN THE REMAINING AMOUNT. IF THE QUALIFIED TAXPAYER BOTH CLAIMS AND ASSIGNS PORTIONS OF THE CREDIT, THE QUALIFIED TAXPAYER SHALL CLAIM THE PORTION IT CLAIMS IN THE TAX YEAR IN WHICH A CERTIFICATE OF COMPLETED REHABILITATION IS ISSUED PURSUANT TO THIS SECTION. AN ASSIGNEE MAY SUBSEQUENTLY ASSIGN THE CREDIT OR ANY PORTION OF THE CREDIT ASSIGNED UNDER THIS SUBSECTION TO 1 OR MORE ASSIGNEES. AN ASSIGNMENT OR SUBSEQUENT REASSIGNMENT OF A CREDIT CAN BE MADE IN THE YEAR THE CERTIFICATE OF COMPLETED REHABILITATION IS ISSUED. A CREDIT ASSIGNMENT OR SUBSEQUENT REASSIGNMENT UNDER THIS SECTION SHALL BE MADE ON A FORM PRESCRIBED BY THE DEPARTMENT. THE DEPARTMENT OR ITS DESIGNEE SHALL REVIEW AND ISSUE A COMPLETED ASSIGNMENT OR REASSIGNMENT CERTIFICATE TO THE ASSIGNEE OR

REASSIGNEE. A CREDIT AMOUNT ASSIGNED UNDER THIS SUBSECTION MAY BE CLAIMED AGAINST THE ASSIGNEES' TAX UNDER THIS PART OR PART 1. AN ASSIGNEE OR SUBSEQUENT REASSIGNEE SHALL ATTACH A COPY OF THE COMPLETED ASSIGNMENT CERTIFICATE TO THE ANNUAL RETURN REQUIRED TO BE FILED UNDER THIS PART FOR THE TAX YEAR IN WHICH THE ASSIGNMENT OR REASSIGNMENT IS MADE AND THE ASSIGNEE OR REASSIGNEE FIRST CLAIMS THE CREDIT, WHICH SHALL BE THE SAME TAX YEAR.

(8) IF THE CREDIT ALLOWED UNDER THIS SECTION FOR THE TAX YEAR AND ANY UNUSED CARRYFORWARD OF THE CREDIT ALLOWED BY THIS SECTION EXCEED THE TAXPAYER'S TAX LIABILITY FOR THE TAX YEAR, THAT PORTION THAT EXCEEDS THE TAX LIABILITY FOR THE TAX YEAR SHALL NOT BE REFUNDED BUT MAY BE CARRIED FORWARD TO OFFSET TAX LIABILITY IN SUBSEQUENT TAX YEARS FOR 10 YEARS OR UNTIL USED UP, WHICHEVER OCCURS FIRST. IF A QUALIFIED TAXPAYER HAS AN UNUSED CARRYFORWARD OF A CREDIT UNDER THIS SECTION, THE AMOUNT OTHERWISE ADDED UNDER SUBSECTION (9) TO THE QUALIFIED TAXPAYER'S TAX LIABILITY MAY INSTEAD BE USED TO REDUCE THE QUALIFIED TAXPAYER'S CARRYFORWARD UNDER THIS SECTION. IF THE CREDIT AMOUNT ALLOWED IS LESS THAN \$250,000.00, A QUALIFIED TAXPAYER MAY ELECT TO FORGO THE CARRYOVER PERIOD AND RECEIVE A REFUND OF THE AMOUNT OF THE CREDIT THAT EXCEEDS THE QUALIFIED TAXPAYER'S TAX LIABILITY. THE AMOUNT OF THE REFUND SHALL BE EQUAL TO 90% OF THE AMOUNT OF THE CREDIT THAT EXCEEDS THE QUALIFIED TAXPAYER'S TAX LIABILITY. AN ELECTION UNDER THIS SUBSECTION SHALL BE MADE IN THE YEAR THAT A CERTIFICATE OF

COMPLETED REHABILITATION IS ISSUED AND SHALL BE IRREVOCABLE.

(9) EXCEPT AS OTHERWISE PROVIDED UNDER SUBSECTION (10), IF A CERTIFICATE OF COMPLETED REHABILITATION IS REVOKED UNDER SUBSECTION (5) OR A HISTORIC RESOURCE IS SOLD OR DISPOSED OF LESS THAN 5 YEARS AFTER THE HISTORIC RESOURCE IS PLACED IN SERVICE AS DEFINED IN SECTION 47(B)(1) OF THE INTERNAL REVENUE CODE AND RELATED TREASURY REGULATIONS, THE FOLLOWING PERCENTAGE OF THE CREDIT AMOUNT PREVIOUSLY CLAIMED RELATIVE TO THAT HISTORIC RESOURCE SHALL BE ADDED BACK TO THE TAX LIABILITY OF THE QUALIFIED TAXPAYER THAT RECEIVED THE CERTIFICATE OF COMPLETED REHABILITATION AND NOT THE ASSIGNEE IN THE YEAR OF THE REVOCATION:

(A) IF THE REVOCATION IS LESS THAN 1 YEAR AFTER THE HISTORIC RESOURCE IS PLACED IN SERVICE, 100%.

(B) IF THE REVOCATION IS AT LEAST 1 YEAR BUT LESS THAN 2 YEARS AFTER THE HISTORIC RESOURCE IS PLACED IN SERVICE, 80%.

(C) IF THE REVOCATION IS AT LEAST 2 YEARS BUT LESS THAN 3 YEARS AFTER THE HISTORIC RESOURCE IS PLACED IN SERVICE, 60%.

(D) IF THE REVOCATION IS AT LEAST 3 YEARS BUT LESS THAN 4 YEARS AFTER THE HISTORIC RESOURCE IS PLACED IN SERVICE, 40%.

(E) IF THE REVOCATION IS AT LEAST 4 YEARS BUT LESS THAN 5 YEARS AFTER THE HISTORIC RESOURCE IS PLACED IN SERVICE, 20%.

(F) IF THE REVOCATION IS AT LEAST 5 YEARS OR MORE AFTER THE HISTORIC RESOURCE IS PLACED IN SERVICE, AN ADDBACK TO THE QUALIFIED

TAXPAYER TAX LIABILITY SHALL NOT BE REQUIRED.

(10) SUBSECTION (9) SHALL NOT APPLY IF THE QUALIFIED TAXPAYER ENTERS INTO A WRITTEN AGREEMENT WITH THE AUTHORITY THAT WILL ALLOW FOR THE TRANSFER OR SALE OF THE HISTORIC RESOURCE AND PROVIDES THE FOLLOWING:

(A) REASONABLE ASSURANCE THAT SUBSEQUENT TO THE TRANSFER THE PROPERTY WILL REMAIN A HISTORIC RESOURCE DURING THE 5-YEAR PERIOD AFTER THE HISTORIC RESOURCE IS PLACED IN SERVICE.

(B) A METHOD THAT THE DEPARTMENT CAN RECOVER AN AMOUNT FROM THE TAXPAYER EQUAL TO THE APPROPRIATE PERCENTAGE OF CREDIT ADDED BACK AS DESCRIBED UNDER SUBSECTION (9).

(C) AN ENCUMBRANCE ON THE TITLE TO THE HISTORIC RESOURCE BEING SOLD OR TRANSFERRED, STATING THAT THE PROPERTY MUST REMAIN A HISTORIC RESOURCE THROUGHOUT THE 5-YEAR PERIOD AFTER THE HISTORIC RESOURCE IS PLACED IN SERVICE.

(D) A PROVISION FOR THE PAYMENT BY THE TAXPAYER OF ALL LEGAL AND PROFESSIONAL FEES ASSOCIATED WITH THE DRAFTING, REVIEW, AND RECORDING OF THE WRITTEN AGREEMENT REQUIRED UNDER THIS SUBSECTION.

(11) THE AUTHORITY MAY IMPOSE A FEE TO COVER THE ADMINISTRATIVE COST OF IMPLEMENTING THE PROGRAM UNDER THIS SECTION.

(12) THE QUALIFIED TAXPAYER SHALL ATTACH ALL OF THE FOLLOWING TO THE QUALIFIED TAXPAYER'S ANNUAL RETURN REQUIRED UNDER THIS PART, IF APPLICABLE, ON WHICH THE CREDIT IS CLAIMED:

(A) CERTIFICATION OF COMPLETED REHABILITATION.

(B) CERTIFICATION OF HISTORIC SIGNIFICANCE RELATED TO THE HISTORIC RESOURCE AND THE QUALIFIED EXPENDITURES USED TO CLAIM A CREDIT UNDER THIS SECTION.

(C) A COMPLETED ASSIGNMENT FORM IF THE QUALIFIED TAXPAYER OR ASSIGNEE HAS ASSIGNED ANY PORTION OF A CREDIT ALLOWED UNDER THIS SECTION OR IF THE TAXPAYER IS AN ASSIGNEE OF ANY PORTION OF A CREDIT ALLOWED UNDER THIS SECTION.

(13) THE AUTHORITY MAY PROMULGATE RULES TO IMPLEMENT THIS SECTION PURSUANT TO THE ADMINISTRATIVE PROCEDURES ACT OF 1969, 1969 PA 306, MCL 24.201 TO 24.328.

(14) THE TOTAL OF THE CREDITS CLAIMED UNDER SUBSECTION (2) AND SECTION 266A FOR A REHABILITATION PROJECT SHALL NOT EXCEED 25% OF THE TOTAL QUALIFIED EXPENDITURES ELIGIBLE FOR THE CREDIT UNDER SUBSECTION (2) FOR THAT REHABILITATION PROJECT.

(15) THE AUTHORITY SHALL REPORT ALL OF THE FOLLOWING TO THE LEGISLATURE ANNUALLY FOR THE IMMEDIATELY PRECEDING STATE FISCAL YEAR:

(A) THE FEE SCHEDULE USED BY THE AUTHORITY AND THE TOTAL AMOUNT OF FEES COLLECTED.

(B) A DESCRIPTION OF EACH REHABILITATION PROJECT CERTIFIED.

(C) THE LOCATION OF EACH NEW AND ONGOING REHABILITATION PROJECT.

(16) AS USED IN THIS SECTION:

(A) "CONTRIBUTING RESOURCE" MEANS A HISTORIC RESOURCE THAT CONTRIBUTES TO THE SIGNIFICANCE OF THE HISTORIC DISTRICT IN WHICH IT IS LOCATED.

(B) "HISTORIC DISTRICT" MEANS AN AREA, OR GROUP OF AREAS NOT NECESSARILY HAVING CONTIGUOUS BOUNDARIES, THAT CONTAINS 1 RESOURCE OR A GROUP OF RESOURCES THAT ARE RELATED BY HISTORY, ARCHITECTURE, ARCHAEOLOGY, ENGINEERING, OR CULTURE.

(C) "HISTORIC RESOURCE" MEANS A PUBLICLY OR PRIVATELY OWNED HISTORIC BUILDING, STRUCTURE, SITE, OBJECT, FEATURE, OR OPEN SPACE LOCATED WITHIN A HISTORIC DISTRICT DESIGNATED BY THE NATIONAL REGISTER OF HISTORIC PLACES, THE STATE REGISTER OF HISTORIC SITES, OR A LOCAL UNIT ACTING UNDER THE LOCAL HISTORIC DISTRICTS ACT, 1970 PA 169, MCL 399.201 TO 399.215, OR THAT IS INDIVIDUALLY LISTED ON THE STATE REGISTER OF HISTORIC SITES OR NATIONAL REGISTER OF HISTORIC PLACES, AND INCLUDES ALL OF THE FOLLOWING:

(i) AN OWNER-OCCUPIED PERSONAL RESIDENCE OR A HISTORIC RESOURCE LOCATED WITHIN THE PROPERTY BOUNDARIES OF THAT PERSONAL RESIDENCE.

(ii) AN INCOME-PRODUCING COMMERCIAL, INDUSTRIAL, OR RESIDENTIAL RESOURCE OR A HISTORIC RESOURCE LOCATED WITHIN THE PROPERTY BOUNDARIES OF THAT RESOURCE.

(iii) A RESOURCE OWNED BY A GOVERNMENTAL BODY, NONPROFIT ORGANIZATION, OR TAX-EXEMPT ENTITY THAT IS USED PRIMARILY BY A

**TAXPAYER LESSEE IN A TRADE OR BUSINESS UNRELATED TO THE
GOVERNMENTAL BODY, NONPROFIT ORGANIZATION, OR TAX-EXEMPT ENTITY
AND**

THAT IS SUBJECT TO TAX UNDER THIS ACT.

**(iv) A RESOURCE THAT IS OCCUPIED OR UTILIZED BY A GOVERNMENTAL
BODY, NONPROFIT ORGANIZATION, OR TAX-EXEMPT ENTITY PURSUANT TO A
LONG-TERM LEASE OR LEASE WITH OPTION TO BUY AGREEMENT.**

(v) ANY OTHER RESOURCE THAT COULD BENEFIT FROM REHABILITATION.

(D) "LOCAL UNIT" MEANS A COUNTY, CITY, VILLAGE, OR TOWNSHIP.

**(E) "LONG-TERM LEASE" MEANS A LEASE TERM OF AT LEAST 27.5
YEARS FOR A RESIDENTIAL RESOURCE OR AT LEAST 31.5 YEARS FOR A
NONRESIDENTIAL RESOURCE.**

**(F) "MICHIGAN STATE HOUSING DEVELOPMENT AUTHORITY" OR
"AUTHORITY" MEANS THE PUBLIC BODY CORPORATE AND POLITIC CREATED BY
SECTION 21 OF THE STATE HOUSING DEVELOPMENT AUTHORITY ACT OF 1966,
1966 PA 346, MCL 125.1421.**

**(G) "OPEN SPACE" MEANS UNDEVELOPED LAND, A NATURALLY
LANDSCAPED AREA, OR A FORMAL OR MAN-MADE LANDSCAPED AREA THAT
PROVIDES A CONNECTIVE LINK OR A BUFFER BETWEEN OTHER RESOURCES.**

**(H) "PERSON" MEANS AN INDIVIDUAL, PARTNERSHIP, CORPORATION,
ASSOCIATION, GOVERNMENTAL ENTITY, OR OTHER LEGAL ENTITY.**

**(I) "QUALIFIED EXPENDITURES" MEANS CAPITAL EXPENDITURES THAT
QUALIFY, OR WOULD QUALIFY EXCEPT THAT THE TAXPAYER ENTERED INTO AN
AGREEMENT UNDER SUBSECTION (10), FOR A REHABILITATION CREDIT UNDER**

SECTION 47(A)(2) OF THE INTERNAL REVENUE CODE IF THE TAXPAYER IS ELIGIBLE FOR THE CREDIT UNDER SECTION 47(A)(2) OF THE INTERNAL REVENUE CODE OR, IF THE TAXPAYER IS NOT ELIGIBLE FOR THE CREDIT UNDER SECTION 47(A)(2) OF THE INTERNAL REVENUE CODE, THE QUALIFIED EXPENDITURES THAT WOULD QUALIFY UNDER SECTION 47(A)(2) OF THE INTERNAL REVENUE CODE EXCEPT THAT THE EXPENDITURES ARE MADE TO A HISTORIC RESOURCE THAT IS NOT ELIGIBLE FOR THE CREDIT UNDER SECTION 47(A)(2) OF THE INTERNAL REVENUE CODE THAT WERE PAID. QUALIFIED EXPENDITURES DO NOT INCLUDE CAPITAL EXPENDITURES FOR NONHISTORIC ADDITIONS TO A HISTORIC RESOURCE EXCEPT AN ADDITION THAT IS REQUIRED BY STATE OR FEDERAL REGULATIONS THAT RELATE TO HISTORIC PRESERVATION, SAFETY, OR ACCESSIBILITY.

(J) "QUALIFIED TAXPAYER" MEANS A PERSON THAT EITHER OWNS THE RESOURCE TO BE REHABILITATED OR HAS A LONG-TERM LEASE AGREEMENT WITH THE OWNER OF THE HISTORIC RESOURCE AND THAT HAS QUALIFIED EXPENDITURES FOR THE REHABILITATION OF THE HISTORIC RESOURCE EQUAL TO OR GREATER THAN 10% OF THE STATE EQUALIZED VALUATION OF THE PROPERTY. IF THE HISTORIC RESOURCE TO BE REHABILITATED IS A PORTION OF A HISTORIC OR NONHISTORIC RESOURCE, THE STATE EQUALIZED VALUATION OF ONLY THAT PORTION OF THE PROPERTY SHALL BE USED FOR PURPOSES OF THIS SUBDIVISION. IF THE ASSESSOR FOR THE LOCAL TAX COLLECTING UNIT IN WHICH THE HISTORIC RESOURCE IS LOCATED DETERMINES THE STATE EQUALIZED VALUATION OF THAT PORTION, THAT ASSESSOR'S DETERMINATION SHALL BE USED FOR PURPOSES OF THIS SUBDIVISION. IF THE ASSESSOR DOES NOT DETERMINE THAT STATE

EQUALIZED VALUATION OF THAT PORTION, QUALIFIED EXPENDITURES, FOR PURPOSES OF THIS SUBDIVISION, SHALL BE EQUAL TO OR GREATER THAN 5% OF THE APPRAISED VALUE AS DETERMINED BY A CERTIFIED APPRAISER. IF THE HISTORIC RESOURCE TO BE REHABILITATED DOES NOT HAVE A STATE EQUALIZED VALUATION, QUALIFIED EXPENDITURES FOR PURPOSES OF THIS SUBDIVISION SHALL BE EQUAL TO OR GREATER THAN 5% OF THE APPRAISED VALUE OF THE RESOURCE AS DETERMINED BY A CERTIFIED APPRAISER.

(K) "REHABILITATION PLAN" MEANS A PLAN FOR THE REHABILITATION OF A HISTORIC RESOURCE THAT MEETS THE FEDERAL SECRETARY OF THE INTERIOR'S STANDARDS FOR REHABILITATION AND GUIDELINES FOR REHABILITATION OF HISTORIC BUILDINGS UNDER 36 CFR PART 67.