

## NMTC CENSUS DATA TRANSITION FAQs

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**Note:** Revisions from the previous version of the document (released 10/17/2012) are highlighted.

**1. What's new in the updated version of the "NMTC 2006-2010 American Community**

The data file has been updated to provide additional eligibility data based on the 2010 Census for the Island Areas of the United States (American Samoa, Guam, Northern Mariana Islands, and US Virgin Islands) for which supplemental data was released on by the Census Bureau on June 27, 2013. The dataset has also been updated to provide a calculation of the ratio of the census tract unemployment ratio to the applicable national unemployment ratio for all census tracts. Please note that the eligibility data for the 50 states, District of Columbia, and Puerto Rico has not changed.

Correspondingly, the Census Transition FAQ document has been updated to provide additional guidance on the transition to the new NMTC eligibility data for the Island Areas of the United States. Additionally, other parts of the FAQ have been updated to reflect the most currently available guidance on these issues. Additions to the FAQ appear highlighted in yellow.

**2. What does the census data transition mean for the New Markets Tax Credit (NMTC) Program?**

From 2002 to 2012, the New Markets Tax Credit (NMTC) Program has used income and poverty data from the 2000 census to define NMTC Program eligible Low-Income Communities (LICs). Based on the NMTC Program authorizing statute, a Low-Income Community is defined as:

any population census tract where the poverty rate for such tract is at least 20% or in the case of a tract not located within a metropolitan area, median family income for such tract does not exceed 80% of statewide median family income, or in the case of a tract located within a metropolitan area, the median family income for such tract does not exceed 80% of the greater of statewide median family income or the metropolitan area median family income.

The 2010 Census created an updated set of census tracts. For the 50 states and the District of Columbia, the 2010 Census had 73,057 total tracts compared with the 65,443 in the 2000 Census. As a result, the CDFI Fund updated its list of NMTC-eligible Low-Income Communities and Areas of Higher Distress in 2012 to align with the 2010 census tracts for the 50 states, the District of Columbia and Puerto Rico.

In order to create this updated list of NMTC-eligible Low-Income Communities and Areas of Higher Distress, the CDFI Fund utilized the 2006-2010 American Community Survey (ACS)

data on income and poverty. The ACS has replaced the decennial Census “long form” data as the source of tract-level data on income and poverty for all states, Puerto Rico, and the District of Columbia. The 2006-2010 ACS Low-Income Community eligibility data is now available in tabular form on the CDFI Fund’s website.

The Island Areas of the United States (American Samoa, Guam, Northern Mariana Islands, and the US Virgin Islands) were not covered by 2006-2010 ACS, which in 2012 was used to establish the new NMTC eligibility criteria for the 50 states, the District of Columbia and Puerto Rico. At that time, Community Development Entities (CDEs) were advised to continue to use the 2000 census data for the purposes of determining an LIC’s eligibility in the Island Areas of the United States.

On June 27, 2013, the US Census Bureau released 2010 census tract level income and poverty data for the Island Areas of the United States. This new tract-level data allowed the NMTC Program to provide an updated list of eligible LICs in these areas. Beginning July 17, 2015, CDEs may begin to use the 2010 Census data for the Island Areas of the United States to qualify Qualified Low-Income Community Investments (QLICIs). This new eligibility data has been added to the “NMTC 2006-2010 American Community Survey Eligibility Data” file on the CDFI Fund’s website.

Additionally, the 2010 Census for the Island Areas of the United States created an updated set of census tracts. For these geographies, the 2010 Census had 132 total tracts compared with the 130 in the 2000 Census. Please be aware that the boundaries of census tracts may have changed from the 2000 Census to 2010 Census, and that some tract numbers from the 2000 Census may have been replaced by new tract numbers in the 2010 Census.

**3. Will the CDFI Fund’s definition of Non-Metropolitan Counties change for the 2006-2010 ACS Low-Income Community eligibility data?**

The CDFI Fund will rely on OMB Bulletin 10-02 (released December 1, 2009) to define “Non-Metropolitan County” with respect to 2010 census tracts. The 2006-2010 ACS Low-Income Community eligibility data defines Non-Metropolitan Counties as counties not contained within a Metropolitan Statistical Area, as such term is defined in OMB Bulletin No. 10-02 (Update of Statistical Area Definitions and Guidance on Their Uses) and applied to the 2010 census tracts.<sup>1</sup>

<sup>1</sup> For the updated 2010 NMTC eligibility data for the Island Areas of the United States, the CDFI Fund will also use OMB Bulletin No. 10-02 as applied to the 2010 census tracts to define Non-Metropolitan Counties. All census tracts in the Island Areas of the United States are considered Non-Metropolitan under both the 2000 and 2010 Census NMTC eligibility data.

**4. Will there be a transition period for NMTC investments that were started under the 2000 Census data to be closed?**

Yes. The CDFI Fund recognizes that CDEs may have already begun to structure potential QLICIs based on the 2000 census data.

CDEs using 2000 census data to qualify investments must use 2000 census data to qualify Areas of Higher Distress, and must continue to use the definition of Non-Metropolitan County based on OMB Bulletin No. 99-04 as applied to the 2000 Census.

For investments made in the 50 states, the District of Columbia and Puerto Rico, a CDE that has been awarded NMTC allocation authority in the 2011 round (announced in February 2012) or earlier can use the following timelines for guidance on the data they should use to qualify potential investments.

QLICIs closed (meaning an investment for which the CDE has distributed cash proceeds from a Qualified Equity Investment (QEI) to a Qualified Active Low Income Community Business (QALICB)) **before May 1, 2012** must use 2000 Census data for determining Low-Income Community eligibility.

QLICIs closed **between May 1, 2012 and June 30, 2013** may use either 2000 Census data or 2006-2010 ACS data applied to the 2010 census tracts for determining Low-Income Community eligibility.

QLICIs closed **on or after July 1, 2013** must use 2006-2010 ACS data applied to the 2010 census tracts for determining Low-Income Community eligibility.

As Island Areas of the United States (American Samoa, Guam, Northern Mariana Islands, and US Virgin Islands) were not covered by the 2006-2010 ACS, CDEs operating in the Island Areas of the United States must use the following timeline guidance to determine the data they should use to qualify potential investments.

QLICIs closed **before July 17, 2015** must use 2000 Census data for determining Low-Income Community eligibility in the Island Areas of the United States.

QLICIs closed **between July 17, 2015 and July 16, 2016** may use either 2000 Census data or 2010 Census data for determining Low-Income Community eligibility in the Island Areas of the United States.

QLICIs closed **on or after July 17, 2016** must use 2010 Census data for determining Low-Income Community eligibility in the Island Areas of the United States.

**5. Will the 2006-2010 ACS data be uploaded into the CDFI Fund’s Community Impact Mapping System (CIMS) for geo-coding of 2010 census tracts?**

On December 11, 2013, the CDFI Fund launched CIMS3 – a more robust mapping system that allows user to geocode addresses to 2010 census tracts for the 2006-2010 ACS eligibility data in the 50 states, District of Columbia and Puerto Rico. This capability was not available in CIMS2. Prior to the launch of CIMS3, users were advised to use the Federal Financial Institutions Examination Council (FFIEC) Geocoding System to determine the appropriate 2010 census tract for a given address. However, given the launch of CIMS3, users should no longer use the FFIEC system. At this time, all users should use CIMS3 to find the appropriate census tract for a given address or project location. For additional guidance on using CIMS3, please refer to the CIMS page on the CDFI Fund’s website and the current NMTC Compliance & Monitoring FAQ.

2010 eligibility data for the Island Areas of the United States has also been uploaded to CIMS3. Unfortunately, CIMS3 cannot provide geocoding services for these geographies. Users are advised to use the bookmarks in CIMS to navigate to these areas or to search by census tract.

**6. How can I find a specific census tract in the 2006-2010 ACS Low-Income Community Eligibility data file?**

If you know the 11-digit census tract number, press “CTRL + F” to open the Find tool in Microsoft Excel. Then, enter the 11-digit tract in the Find box, and click “Find Next.” This will then highlight the census tract you are looking for in the document.

**7. Where can I find higher distress criteria for the 2006-2010 ACS *Low-Income Community* data?**

The “2006-2010 ACS Low-Income Community Eligibility” file released on May 1, 2012 includes information on the census tract’s poverty rate, area median income, unemployment rate, and non-metropolitan status. Information on locating other Areas of Higher Distress can be found in the current version of the NMTC Compliance & Monitoring FAQ on the CDFI Fund’s website.

**Note:** In order to determine the ratio of the census tract employment rate to the national unemployment rate in the 50 states, District of Columbia and Puerto Rico, divide the census

tract unemployment rate by 7.9, which is the national unemployment rate based on the 2006-2010 ACS data.<sup>2</sup>

**8. What information is included in the 2006-2010 ACS Low-Income Community eligibility data file released July 17, 2015?**

The 2006-2010 ACS Low-Income Community eligibility data file released on May 1, 2012 included the following fields:

- 11 digit census tract
- State the tract is located in
- County
- Metropolitan Statistical Area (Metropolitan or Non-metropolitan)
- Poverty rate
- Population
- Percentage of applicable Area Median Family Income
- Tract unemployment rate
- NMTC Program Eligibility (Yes/No)

The data file released on July 17, 2015 features the same data for all of the above fields as well as a new data field that calculates the ratio of the census tract unemployment rate to the national unemployment rate.

More information on each of these fields will be contained in the “Data Notes” tab.

**9. I notice some census tracts in the file have poverty or median family income listed as “N/A.” What’s the reason for this?**

The 2006-2010 ACS data set released by the U.S. Census Bureau for the 50 states, the District of Columbia and Puerto Rico contains 967 tracts with no data on poverty or income. The 2010 Census data for the Island Areas of the United States has 14 tracts with no data on poverty or income. A significant majority of these tracts have no population or a very low population. The Census Bureau was unable to estimate income or poverty for these tracts. The remainder has a population that is largely housed in group quarters, such as prisons or college dorms that are not included in the ACS income or poverty calculations.

<sup>2</sup> The eligibility data for the Island Areas of the United States comes from a different Census survey and thus has a different national unemployment rate than the 2006-2010 ACS data. To get the unemployment ratio for a census tract in the Island Areas of the United States (American Samoa, Guam, Northern Mariana Islands and the US Virgin Islands), divide the tract unemployment rate by 9.3, which the CDFI Fund has determined is the appropriate national rate with respect to these areas only.

**10. How will availability of the new 2006-2010 ACS eligibility data impact organizations applying for CDE certification?**

As of May 1, 2012, organizations applying for CDE certification **must** use 2006-2010 ACS eligibility data to identify eligible LICs and LIC Representatives **in the 50 states, District of Columbia and Puerto Rico.**

Exception for certification of subsidiaries: CDE's applying for certification of a subsidiary of a CDE that has been awarded NMTC allocation authority in the 2011 round (announced in February 2012) or earlier can use the following timelines for guidance on the data to use to identify eligible LICs and LIC Representatives:

Certification applications for subsidiaries submitted **before May 1, 2012** must use 2000 Census data to identify eligible LICs and LIC Representatives.

Certification applications for subsidiaries submitted **between May 1, 2012 and June 30, 2013** may use either 2000 Census data or 2006-2010 ACS data applied to the 2010 census tracts data to identify eligible LICs and LIC Representatives.

Certification applications for subsidiaries submitted **on or after July 1, 2013** must use 2006-2010 ACS data applied to the 2010 census tracts to identify eligible LICs and LIC Representatives.

To geo-code an address based on the 2000 census LIC data, an organization should use the CDFI Fund's Community Impact Mapping System (CIMS). To geo-code an address based on the 2006-2010 ACS LIC data, an organization should follow the guidance in **Question #5** of this document. Please note, if you are using 2000 census LIC data to demonstrate accountability to LICs, you must use that data consistently throughout your subsidiary CDE application. Similarly, if you are using 2006-2010 ACS LIC data to demonstrate accountability, you must use only 2006-2010 ACS LIC data in your CDE certification application.

**As the Island Areas of the United States (American Samoa, Guam, Northern Mariana Islands, and US Virgin Islands) were not covered by the 2006-2010 ACS, there are different requirements for organizations that apply for CDE certification AND that plan to identify eligible LICs and LIC Representatives in these geographies. As of July 17, 2015, when applying for CDE certification, these organizations **must** use 2010 Census eligibility for the Island Areas of the United States data to identify eligible LICs and LIC Representatives in those geographies.**

**Exception for certification of subsidiaries: CDEs applying for certification of a subsidiary of a CDE that has been awarded NMTC allocation authority in the 2014 round (announced in**

June 2015) or earlier can use the following timelines for guidance on the data to use to identify eligible LICs and LIC Representatives:

Certification applications for subsidiaries submitted **before July 17, 2015** must use 2000 Census data for the Island Areas of the United States to identify eligible LICs and LIC Representatives.

Certification applications for subsidiaries submitted **between July 17, 2015 and July 16, 2016** may use either 2000 Census data or 2010 Census data for the Island Areas of the United States to identify eligible LICs and LIC Representatives.

Certification applications for subsidiaries submitted **on or after July 17, 2016** must use 2010 Census data for the Island Areas of the United States to identify eligible LICs and LIC Representatives.

**11. How will availability of the new 2006-2010 ACS eligibility data impact currently certified CDEs that rely on eligible census tracts in maintaining Accountability requirement for CDE Certification?**

Currently certified CDEs must maintain accountability to their approved service area. It is incumbent on any certified CDE, from time to time, to review their board's accountability method to ensure compliance with the Accountability requirements of CDE Certification.

**Beginning on July 1, 2013, certified CDEs must use 2006-2010 ACS data applied to the 2010 census tracts to identify eligible census tracts in the 50 states, District of Columbia, and Puerto Rico for the purpose of maintaining compliance with the Accountability requirement of CDE Certification.**<sup>3</sup> For example, assume there is a certified CDE that has a three-person governing board, one of whom is an LIC Representative. This CDE is deemed to meet the Accountability requirement because more than 20% of its governing board is LIC Representative of the CDE's Service Area. The LIC Representative board member is a representative because (s)he is a resident of an eligible census tract (based on 2000 Census data) in the CDE's Service Area. The CDE is relying on the eligibility of this census tract to maintain its Accountability to the Service Area. If this census tract is no longer eligible based on 2006-2010 ACS data applied to the 2010 census tracts, the CDE will have to adjust its method of accountability, which may include, but not be limited to, replacing or adding LIC Representative board members.

<sup>3</sup> The Island Areas of the United States were not covered by the 2006-2010 ACS. Beginning on July 17, 2016, certified CDEs must use the 2010 Census data to identify eligible census tracts in Island Areas of the United States in order to maintain compliance with the Accountability requirement of CDE certification.

**12. How will availability of the new 2006-2010 ACS eligibility data impact currently certified CDEs that wish to modify their certified Service Area?**

Requests to modify certified Service Areas submitted between May 1, 2012 and June 30, 2013 may use either 2000 Census data or 2006-2010 ACS data applied to the 2010 census tracts to identify eligible LIC Representatives in the 50 states, District of Columbia, and Puerto Rico.

Requests to modify certified Service Areas submitted on or after July 1, 2013 must use 2006-2010 ACS data applied to the 2010 census tracts to identify eligible LIC Representatives in the 50 states, District of Columbia, and Puerto Rico.

The Island Areas of the United States were not covered by the 2006-2010 ACS. For CDEs with LICs located in the Island Areas of the United States, requests to modify certified Service Areas submitted between July 17, 2015 and July 16, 2016 may use either 2000 Census data or 2010 Census data to identify eligible LIC Representatives. Requests to modify certified Service Areas submitted on or after July 17, 2016 must use 2010 Census data to identify eligible LIC Representatives in the Island Areas of the United States.

**13. Will there be any changes in the CDFI Fund's Community Investment Impact System (CIIS) reporting for projects that use the 2006-2010 ACS data to qualify?**

The CDFI Fund will make updates to CIIS 10.0 to allow users to report eligibility and distress information based on the 2006-2010 ACS data. Specific guidance on the changes in certain fields will be released with CIIS 10.0.

**14. I can't find a 2000 census tract in the 2006-2010 ACS Low-Income Community data. Where is it?**

The 2006-2010 ACS data is based on the 2010 census tracts. As a part of the 2010 census, the US Census Bureau eliminated certain tracts from the 2000 census and incorporated the land area formerly covered by these tracts into new census tracts. More information on the relationships between the 2000 census tracts and the 2010 census tracts can be found the US Census Bureau's website: <http://www.census.gov>.

If you have an address for a potential NMTC project, the simplest way to find the 2010 census tract associated with that property is to geocode the address following the guidance in Question 5 of this document. If you do not have a specific address for a property or CIMS3 cannot geocode the address you have, the Census Bureau has maps of the 2010 census tracts for each county. These maps are accessible at <http://www.census.gov/geo/maps-data/maps/2010tract.html>, and may provide a useful reference.

**15. A county was considered Non-Metropolitan in the 2000 census data, but is now listed as metropolitan in the 2006-2010 ACS Low-Income Community data. What is the reason for this change?**

When generating the 2006-2010 ACS Low-Income Community data (and 2010 census data for the Island Areas of the United States), the CDFI Fund defined Non-Metropolitan County based on OMB Bulletin No. 10-02: Update of Statistical Area Definitions and Guidance on Their Uses (see Question #3 for more information). This Bulletin provides an updated definition of Non-Metropolitan Counties from OMB Bulletin 99-04, which was used to define Non-Metropolitan with respect to the 2000 census data. Thus, users will find that some counties considered Non-Metropolitan in 2000 are now considered Metropolitan in the 2006-2010 ACS LIC data. All census tracts in the Island Areas of the United States remain Non-Metropolitan.

**16. Where can I find a list of tracts that are especially eligible based on the fact that they are located in High Migration Rural Counties?**

The New Markets Tax Credit (NMTC) Program supports activities in eligible Low-Income Communities (LICs), which are defined by statute as population census tracts with a poverty rate of 20 percent or greater or a median family income (MFI) at or below 80 percent of the applicable area median family income (26 USC §45D(e)).

Section 223 of the American Jobs Creation Act of 2004 (P.L. 108-357, 118 Stat. 1418) amended the definition of NMTC-eligible LICs to include, among other things, census tracts in High Migration Rural Counties with a median family income at or below 85 percent of the applicable area median family income. A High Migration Rural County is any county which, during the 20-year period ending with the year in which the most recent census was conducted, has a net out-migration of inhabitants from the county of at least 10 percent of the population of the county at the beginning of such period.

The CDFI Fund has generated a list of 101 census tracts that, based on the 2006-2010 ACS data, qualify as eligible for NMTC investment under this special provision. The list can be found here: [http://www.cdfifund.gov/what\\_we\\_do/acs/update-census-data.asp](http://www.cdfifund.gov/what_we_do/acs/update-census-data.asp).

**Note:** This document does not list all eligible tracts in High Migration Rural Counties. It only lists tracts that have a median family income between 80% and 85% of the applicable median family income, and are thus especially eligible under the High Migration Rural County provision.

**17. My CDE plans to qualify a potential investment using the IRS Regulations on Targeted Populations under Section 45D(e)(2). Will the transition to the 2006-2010 American Community Survey data impact how I qualify this investment?**

The only aspect of the Target Population regulations that will be impacted by the transition from the 2000 Census data to the 2006-2010 ACS data is the 120 percent income restriction. This restriction requires that, in order to be considered a QALICB under the Low-Income Targeted Population provision, an entity cannot be located in a population census tract for which the median family income exceeds 120 percent of, in the case of a tract not located within a Metropolitan Area, the statewide median family income, or in the case of a tract located within a Metropolitan Area, the greater of statewide median family income or Metropolitan Area median family income.<sup>4</sup>

Consistent with the transition period outlined in Question 4 of this FAQ, any CDE that has been awarded NMTC allocation authority in the 2011 round (announced in February 2012) or earlier can use the following timelines for guidance on the data it should use to qualify a potential Low-Income Targeted Population investment **in the 50 states, the District of Columbia, and Puerto Rico:**

QLICs closed **before May 1, 2012** must use 2000 Census data for determining if a Low-Income Targeted Population investment lies in a census tract that does not exceed 120 percent of the applicable median family income.

QLICs closed **between May 1, 2012 and June 30, 2013** may use either 2000 Census data or 2006-2010 ACS data applied to the 2010 census tracts for determining if a Low-Income Targeted Population investment lies in a census tract that does not exceed 120 percent of the applicable median family income.

QLICs closed **on or after July 1, 2013** must use 2006-2010 ACS data applied to the 2010 census tracts for determining if a Low-Income Targeted Population investment lies in a census tract that does not exceed 120 percent of the applicable median family income.

All CDEs that receive allocation authority in the 2012 round must use the 2006-2010 ACS data applied to the 2010 census tracts to determine if a Low-Income Targeted Population investment lies in a census tract that does not exceed 120 percent of the applicable median family income in the 50 states, District of Columbia, and Puerto Rico.

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<sup>4</sup> This restriction does not apply to non-metropolitan tract with a population less than 2,000 or a metropolitan tract with a population less than 2,000 if more than 75 percent of the tract is zoned for commercial or industrial use. Please see the IRS Final Regulations: Targeted Populations Under Section 45(D)(e)(2) ([http://www.cdfifund.gov/docs/2011/nmtc/NMTC\\_IRS%20Federal%20Register%20120511.pdf](http://www.cdfifund.gov/docs/2011/nmtc/NMTC_IRS%20Federal%20Register%20120511.pdf)) for more details.

Since the Islands Areas of the United States (American Samoa, Guam, Northern Mariana Islands, and US Virgin Islands) were not covered by the 2006-2010 ACS, CDEs operating in the Island Areas of the United States must use the following timelines for guidance on the data it should use to qualify a potential Low-Income Targeted Population investment:

QLICs closed **before July 17, 2015** must use 2000 Census data for the Island Areas of the United States to determine if a Low-Income Targeted Population investment is located in a census tract that does not exceed 120 percent of the applicable median family income.

QLICs closed **between July 17, 2015 and July 16, 2016** may use either 2000 Census data or 2010 Census data for the Island Areas of the United States to determine if a Low-Income Targeted Population investment is located in a census tract that does not exceed 120 percent of the applicable median family income.

QLICs closed **on or after July 17, 2016** must use 2010 Census data for the Island Areas of the United States to determine if a Low-Income Targeted Population investment is located in a census tract that does not exceed 120 percent of the applicable median family income.

**Note:** CDEs using 2000 census data to qualify investments must use 2000 census data to qualify Areas of Higher Distress, and must continue to use the definition of Non-Metropolitan County based on OMB Bulletin No. 99-04 as applied to the 2000 Census.

#### **18. Whom can I contact if I have any additional questions?**

You may contact the CDFI Fund Help Desk by phone at (202) 653-0421 or by e-mail (cdfihelp@cdfi.treas.gov).