

115TH CONGRESS  
1ST SESSION

# H. R. 1158

To amend the Internal Revenue Code of 1986 to improve the Historic Rehabilitation Tax Credit, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 16, 2017

Mr. KELLY of Pennsylvania (for himself, Mr. BLUMENAUER, Mr. PALAZZO, Mr. THOMPSON of Mississippi, Mr. RICHMOND, Ms. SEWELL of Alabama, Mr. HARPER, Mr. MEEHAN, Mr. TURNER, Mr. REICHERT, Mr. SESSIONS, Mr. KIND, Mr. BYRNE, Ms. TSONGAS, Mr. MCGOVERN, Ms. DELBENE, Ms. NORTON, and Mr. TIBERI) introduced the following bill; which was referred to the Committee on Ways and Means

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## A BILL

To amend the Internal Revenue Code of 1986 to improve the Historic Rehabilitation 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,*

**3 SECTION 1. SHORT TITLE.**

**4 This Act may be cited as the “Historic Tax Credit**  
**5 Improvement Act of 2017”.**

1 SEC. 2. INCREASE IN THE REHABILITATION CREDIT FOR  
2 CERTAIN SMALL PROJECTS.

3 (a) IN GENERAL.—Section 47 of the Internal Rev-  
4 enue Code of 1986 is amended by adding at the end the  
5 following new subsection:

6 “(e) SPECIAL RULE REGARDING CERTAIN SMALLER  
7 PROJECTS.—

8 “(1) IN GENERAL.—In the case of any qualified  
9 rehabilitated building or portion thereof—

10 “(A) which is placed in service after the  
11 date of the enactment of this subsection, and

12 “(B) which is a smaller project,  
13 subsection (a)(2) shall be applied by substituting ‘30  
14 percent’ for ‘20 percent’.

15 “(2) MAXIMUM CREDIT.—The credit deter-  
16 mined under this subsection with respect to any  
17 smaller project for all taxable years shall not exceed  
18 \$750,000.

19 “(3) SMALLER PROJECT DEFINED.—

20 “(A) IN GENERAL.—For purposes of this  
21 subsection, the term ‘smaller project’ means  
22 any qualified rehabilitated building or portion  
23 thereof if—

24 “(i) the qualified rehabilitation ex-  
25 penditures taken into account for purposes  
26 of this section (or would have been so

1 taken into account if this subsection had  
2 been in effect for all prior periods) with re-  
3 spect to the rehabilitation are not over  
4 \$3,750,000, and

5 “(ii) no credit was allowed under this  
6 section for either of the 2 prior taxable  
7 years with respect to such building.

8 “(B) PROGRESS EXPENDITURES.—Credit  
9 allowable by reason of subsection (d) shall not  
10 be taken into account under subparagraph  
11 (A)(ii).”

12 (b) EFFECTIVE DATE.—The amendment made by  
13 this section shall apply to periods after the date of the  
14 enactment of this Act, under rules similar to the rules of  
15 section 48(m) of the Internal Revenue Code of 1986 (as  
16 in effect on the day before the date of the enactment of  
17 the Revenue Reconciliation Act of 1990).

18 **SEC. 3. ALLOWANCE FOR THE TRANSFER OF CREDITS FOR**  
19 **CERTAIN SMALL PROJECTS.**

20 (a) IN GENERAL.—Section 47(e) of the Internal Rev-  
21 enue Code of 1986, as amended by section 2, is amended  
22 by adding at the end the following new subsection:

23 “(4) TRANSFER OF SMALLER PROJECT CRED-  
24 IT.—

1           “(A) IN GENERAL.—Subject to subpara-  
2 graph (B) and such regulations or other guid-  
3 ance as the Secretary may provide, the taxpayer  
4 may transfer all or a portion of the credit allow-  
5 able to the taxpayer under subsection (a) for a  
6 smaller project.

7           “(B) CERTIFICATION.—

8           “(i) IN GENERAL.—A transfer under  
9 subparagraph (A) shall be accompanied by  
10 a certificate which includes—

11                   “(I) the certification for the cer-  
12 tified historic structure referred to in  
13 subsection (c)(3),

14                   “(II) the taxpayer’s name, ad-  
15 dress, tax identification number, date  
16 of project completion, and the amount  
17 of credit being transferred,

18                   “(III) the transferee’s name, ad-  
19 dress, tax identification number, and  
20 the amount of credit being trans-  
21 ferred, and

22                   “(IV) such other information as  
23 may be required by the Secretary.

24           “(ii) TRANSFERABILITY OF CERTIFI-  
25 CATE.—A certificate issued under this sec-

1           tion to a taxpayer shall be transferable to  
2           any other taxpayer, except that a certifi-  
3           cate may not be transferred more than  
4           once.

5           “(C) TAX TREATMENT RELATING TO CER-  
6           TIFICATE.—

7           “(i) DISALLOWANCE OF DEDUC-  
8           TION.—No deduction shall be allowed for  
9           the amount of consideration paid or in-  
10          curred by the transferee.

11          “(ii) ALLOWANCE OF CREDIT.—The  
12          amount of credit transferred under sub-  
13          paragraph (A)—

14                 “(I) shall not be allowed to the  
15                 transferor for any taxable year, and

16                 “(II) shall be allowable to the  
17                 transferee as a credit under this sec-  
18                 tion for the taxable year of the trans-  
19                 feree in which such credit is trans-  
20                 ferred.

21          “(D) RECAPTURE AND OTHER SPECIAL  
22          RULES.—The taxpayer who claims a credit  
23          under this section by reason of a transfer of an  
24          amount of credit under subparagraph (A) with  
25          respect to a smaller project shall be treated as

1 the taxpayer with respect to the smaller project  
2 for purposes of section 50.

3 “(E) INFORMATION REPORTING.—The  
4 transferor and the transferee shall each make  
5 such reports regarding the transfer of an  
6 amount of credit under paragraph (A) and con-  
7 taining such information as the Secretary may  
8 require. The reports required by this subsection  
9 shall be filed at such time and in such manner  
10 as may be required by the Secretary.

11 “(F) REGULATIONS.—The Secretary shall  
12 prescribe regulations or other guidance to carry  
13 out this paragraph.”.

14 (b) EFFECTIVE DATE.—The amendments made by  
15 this section shall apply to periods after the date of the  
16 enactment of this Act.

17 **SEC. 4. INCREASING THE TYPE OF BUILDINGS ELIGIBLE**  
18 **FOR REHABILITATION.**

19 (a) IN GENERAL.—Section 47(c)(1)(C)(i)(I) of the  
20 Internal Revenue Code of 1986 is amended by inserting  
21 “50 percent of” before “the adjusted basis”.

22 (b) EFFECTIVE DATE.—The amendment made by  
23 subsection (a) shall apply to taxable years beginning after  
24 the date of the enactment of this Act.

1 SEC. 5. REDUCTION OF BASIS ADJUSTMENT FOR REHABILI-  
2 TATION PROPERTY.

3 (a) IN GENERAL.—Section 50(c) of the Internal Rev-  
4 enue Code of 1986 is amended by adding at the end the  
5 following:

6 “(6) SPECIAL RULE RELATING TO THE REHA-  
7 BILITATION CREDIT.—In the case of any rehabilita-  
8 tion credit—

9 “(A) only 50 percent of such credit shall  
10 be taken into account under paragraph (1), and

11 “(B) only 50 percent of any recapture  
12 amount attributable to such credit shall be  
13 taken into account under paragraph (2).”.

14 (b) COORDINATION WITH BASIS ADJUSTMENT.—  
15 Section 50 of such Code is amended by adding at the end  
16 the following:

17 “(e) COORDINATION WITH BASIS ADJUSTMENT.—In  
18 applying the provisions of former section 48(d)(5)(B) pur-  
19 suant to subsection (d)(5) to a lease of property eligible  
20 for the rehabilitation tax credit, the lessee of such property  
21 shall include ratably in gross income over the shortest re-  
22 covery period that could be applicable under section 168  
23 with respect to such property an amount equal to 50 per-  
24 cent of the amount of the credit allowable under section  
25 38 to the lessee with respect to such property.”.

1 SEC. 6. MODIFICATIONS REGARDING CERTAIN TAX-EXEMPT  
2 USE PROPERTY.

3 (a) IN GENERAL.—Section 47(c)(2)(B)(v)(I) of the  
4 Internal Revenue Code of 1986 (relating to tax-exempt  
5 use property) is amended by inserting “and subclauses (I),  
6 (II), and (III) of section 168(h)(1)(B)(ii) shall not apply”  
7 after “thereof”.

8 (b) EFFECTIVE DATE.—The amendments made by  
9 this section shall apply to property placed in service after  
10 the date of the enactment of this Act.

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