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(Original Signature of Member)

110TH CONGRESS  
1ST SESSION

**H. R.** \_\_\_\_\_

To require the Secretary of the Treasury to modify regulations to provide that certain Federal subsidies shall not be considered a grant made with respect to a building or its operation for purposes of the low-income housing tax credit.

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IN THE HOUSE OF REPRESENTATIVES

Mr. MCDERMOTT introduced the following bill; which was referred to the Committee on \_\_\_\_\_

\_\_\_\_\_  
**A BILL**

To require the Secretary of the Treasury to modify regulations to provide that certain Federal subsidies shall not be considered a grant made with respect to a building or its operation for purposes of the low-income housing tax credit.

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

1 **SECTION 1. MODIFICATION TO LOW-INCOME HOUSING**  
2 **CREDIT RULES FOR REDUCTION OF ELIGI-**  
3 **BLE BASIS BY GRANTS RECEIVED.**

4 (a) IN GENERAL.—The Secretary of the Treasury  
5 shall modify Treasury Regulations section 1.42-16(b) to  
6 provide that none of the following shall be considered a  
7 grant made with respect to a building or its operation for  
8 purposes of section 42(d)(5)(A) of the Internal Revenue  
9 Code of 1986:

10 (1) Rental assistance under section 521 of the  
11 Housing Act of 1949 (42 U.S.C. 1490a).

12 (2) Assistance under section 538(f)(5) of the  
13 Housing Act of 1949 (42 U.S.C. 1490p-2(f)(5)).

14 (3) Interest reduction payments under section  
15 236 of the National Housing Act (12 U.S.C. 1715z-  
16 1).

17 (4) Rental assistance under section 202 of the  
18 Housing Act of 1959 (12 U.S.C. 1701q).

19 (5) Rental assistance under section 811 of the  
20 Cranston-Gonzalez National Affordable Housing Act  
21 (42 U.S.C. 8013).

22 (6) Modernization, operating, and rental assist-  
23 ance pursuant to section 202 of the Native Amer-  
24 ican Housing Assistance and Self-Determination Act  
25 of 1996 (25 U.S.C. 4132).

1 (7) Assistance under title IV of the Stewart B.  
2 McKinney Homeless Assistance Act (42 U.S.C.  
3 11361 et seq.).

4 (8) Tenant-based rental assistance under sec-  
5 tion 212 of the Cranston-Gonzalez National Afford-  
6 able Housing Act (42 U.S.C. 12742).

7 (9) Assistance under the AIDS Housing Oppor-  
8 tunity Act (42 U.S.C. 12901 et seq.).

9 (10) Per diem payments under section 2012 of  
10 title 38, United States Code.

11 (11) Rent supplements under section 101 of the  
12 Housing and Urban Development Act of 1965 (12  
13 U.S.C. 1701s).

14 (12) Assistance under section 542 of the Hous-  
15 ing Act of 1949 (42 U.S.C. 1490r).

16 (13) Any other ongoing payment similar to any  
17 of the payments described in paragraphs (1) through  
18 (12) and designed to reduce cash flow needs from  
19 rent to enable the property to be rented to low-in-  
20 come tenants.

21 (b) EFFECTIVE DATE.—The modifications required  
22 by this section shall apply to taxable years beginning after  
23 December 31, 2006.

JM