

FIRST REGULAR SESSION

# SENATE BILL NO. 28

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR HEGEMAN.

Pre-filed December 1, 2018, and ordered printed.

ADRIANE D. CROUSE, Secretary.

0200S.03I

## AN ACT

To repeal section 135.352, RSMo, and to enact in lieu thereof one new section relating to low-income housing tax credits.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Section 135.352, RSMo, is repealed and one new section  
2 enacted in lieu thereof, to be known as section 135.352, to read as follows:

135.352. 1. A taxpayer owning an interest in a qualified Missouri project  
2 shall, subject to the limitations provided under the provisions of [subsection]  
3 **subsections 3 and 7** of this section, be allowed a state tax credit, whether or not  
4 allowed a federal tax credit, to be termed the Missouri low-income housing tax  
5 credit, if the commission issues an eligibility statement for that project.

6 2. For qualified Missouri projects placed in service after January 1, 1997,  
7 the Missouri low-income housing tax credit available to a project shall be such  
8 amount as the commission shall determine is necessary to ensure the feasibility  
9 of the project, up to an amount equal to the federal low-income housing tax credit  
10 for a qualified Missouri project, for a federal tax period, and such amount shall  
11 be subtracted from the amount of state tax otherwise due for the same tax period.

12 3. No more than six million dollars in tax credits shall be authorized each  
13 fiscal year for projects financed through tax-exempt bond issuance.

14 4. The Missouri low-income housing tax credit shall be taken against the  
15 taxes and in the order specified pursuant to section 32.115. The credit authorized  
16 by this section shall not be refundable. Any amount of credit that exceeds the tax  
17 due for a taxpayer's taxable year may be carried back to any of the taxpayer's  
18 three prior taxable years or carried forward to any of the taxpayer's five  
19 subsequent taxable years.

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

20           5. All or any portion of Missouri tax credits issued in accordance with the  
21 provisions of sections 135.350 to 135.362 may be allocated to parties who are  
22 eligible pursuant to the provisions of subsection 1 of this section. Beginning  
23 January 1, 1995, for qualified projects which began on or after January 1, 1994,  
24 an owner of a qualified Missouri project shall certify to the director the amount  
25 of credit allocated to each taxpayer. The owner of the project shall provide to the  
26 director appropriate information so that the low-income housing tax credit can be  
27 properly allocated.

28           6. In the event that recapture of Missouri low-income housing tax credits  
29 is required pursuant to subsection 2 of section 135.355, any statement submitted  
30 to the director as provided in this section shall include the proportion of the state  
31 credit required to be recaptured, the identity of each taxpayer subject to the  
32 recapture and the amount of credit previously allocated to such taxpayer.

33           7. **The aggregate amount of tax credits issued in a calendar year**  
34 **under sections 135.350 to 135.363 shall not exceed fifty percent of the**  
35 **amount of federal low-income housing tax credits allocated to the state**  
36 **under 26 U.S.C. Section 42, as amended.**

37           8. The director of the department may promulgate rules and regulations  
38 necessary to administer the provisions of this section. No rule or portion of a rule  
39 promulgated pursuant to the authority of this section shall become effective  
40 unless it has been promulgated pursuant to the provisions of section 536.024.

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