## Jennifer Schwartz

**NCSHA** 

## Peter Lawrence

Novogradac



# Washington Update

**2021** Arizona Housing Forum

#### **Peter Lawrence**

Director, Public Policy & Government Relations
Novogradac Consulting LLP
@NovocoPolicy

#### **Jennifer Schwartz**

Director of Tax and Housing Advocacy NCSHA

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August 19, 2021 www.novoco.com

### **Agenda**

**Legislative Update** 

**AHCIA** 

**New Incentives** 

**Arizona State Housing Credit** 

**COVID-19 Relief** 

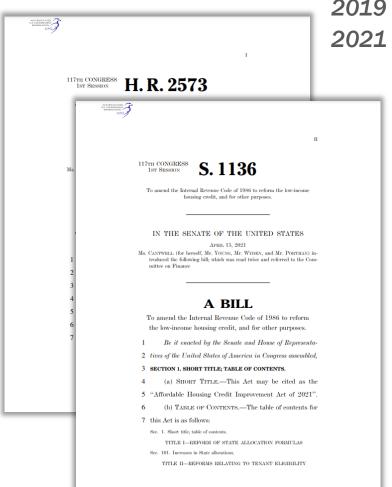
**Health Considerations in the QAP** 

**Racial Equity Considerations in all practices** 

REINTRODUCED APRIL 15, 2021

2019 bill cosponsors: S. 1703: 11R 28D 2I | H.R. 3077: 79R 154D

2021 bill cosponsors: **S. 1136**: 10**R** 15**D** | **H.R. 2573**: 39**R** 62**D** as of 8/16/2021





CANTWELL D-WA



DELBENE D-WA



YOUNG R-IN



WALORSKI R-IN



WYDEN D-OR



BEYER D-VA



**PORTMAN** 

R-OH CNew!
WENSTRUP

R-OH

#### EFFECT OF PRIMARY PROVISIONS

SECTION 313 New!

Lowering the 50% Test to 25%

Up to **1,494,000** additional rental homes over **10** years

SECTION 101

Increase in 9% allocations

299,000 additional rental homes over 10 years

SECTIONS 308, 501, 402

Implementing three 30% basis boost provisions



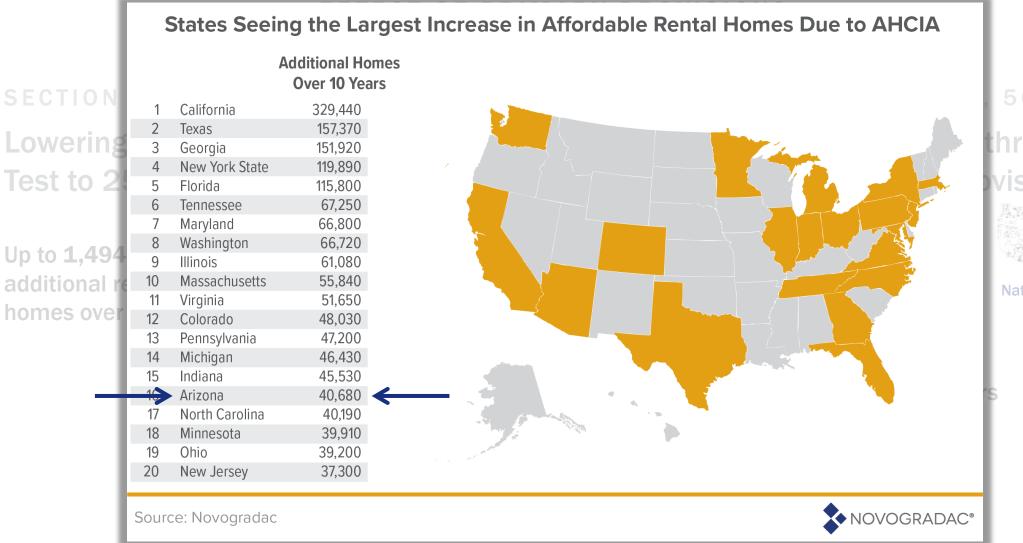




y Rural

**222,000** additional rental homes over **10** years

Total: 2,015,000 additional rental homes over ten years



501, 402

hree 30%

visions

**Native American** 

#### EFFECT OF PRIMARY PROVISIONS

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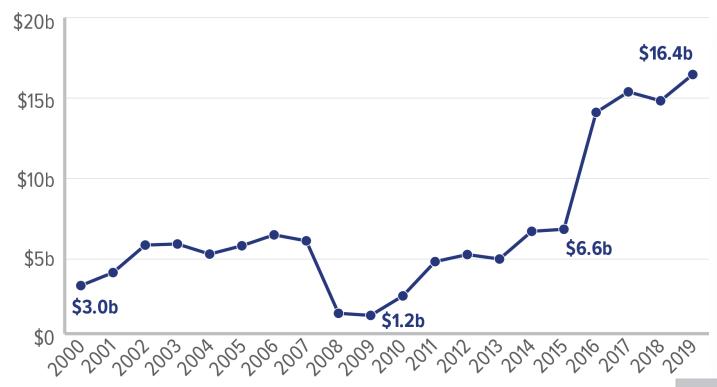
y Rural

**222,000** additional rental homes over **10** years

Total: 2,015,000 additional rental homes over ten years

### **Bond Issuance**

### **Multifamily Private Activity Bond Issuance**



Source: Council of Development Finance Agencies; Novogradac



#### www.novoco.com/blog



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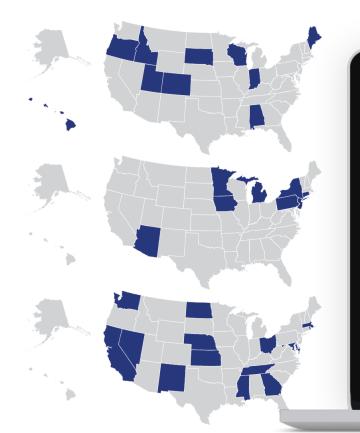
### **Bond Issuance**

States Using More Than 50% of the Private Activity Bond Cap

States using **50% to 74%** of their 2019 PAB cap

States using **75% to 100%** of their 2019 PAB cap

States using **more than 100%** of their 2019 PAB cap



www.novoco.com/blog



Source: Council of Development Finance Agencies; Novogradac

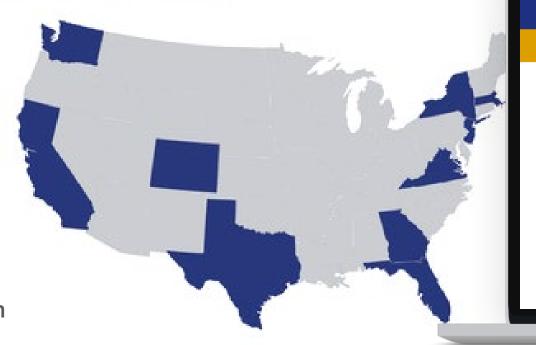


### **Bond Issuance**

States that report issuing the largest amounts of private activity bonds in 2019 for multifamily housing...

- 1. Calif. \$5.4 billion
- N.Y. \$1.8 billion
- Texas \$1.0 billion
- Ga. \$1.0 billion
- Wash, \$888.6 million
- 6. Fla. \$605.9 million
- Mass. \$568.0 million
- Va. \$428.1 million
- Colo. \$383.7 million
- N.J. \$380.3 million

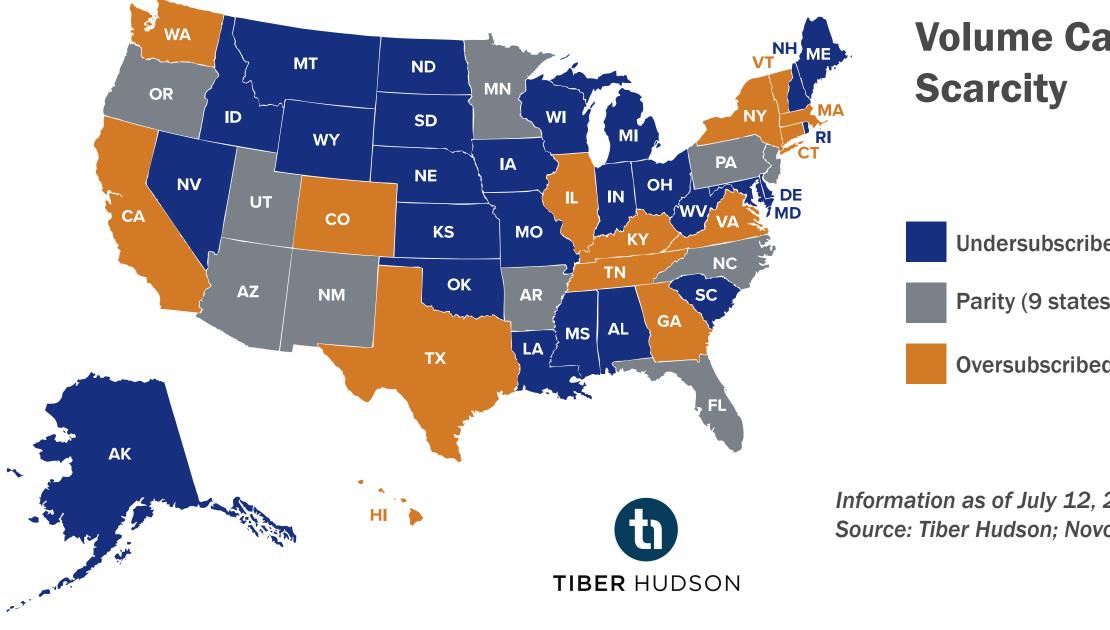
Ariz. \$138 million



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**Volume Cap** 

**Undersubscribed (27 states)** 

Parity (9 states)

Oversubscribed (14 states)

Information as of July 12, 2021 Source: Tiber Hudson; Novogradac

#### EFFECT OF PRIMARY PROVISIONS

SECTION 313

Lowering the 50%

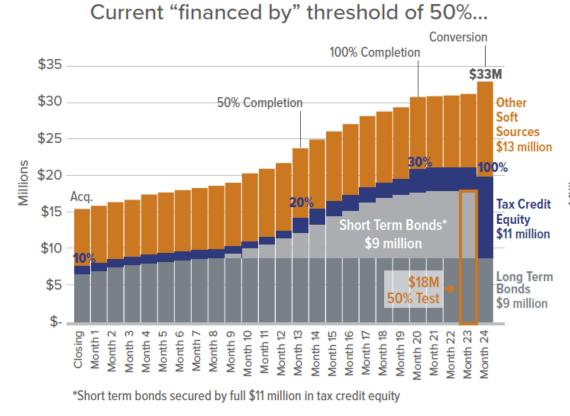
Test to 25%

Up to **1,494,000** additional rental homes over **10** years

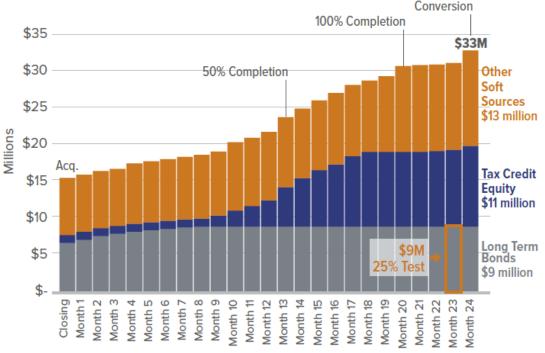


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If "financed by" threshold is lowered to 25%...



Source: Novogradac

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#### **EFFECT OF PRIMARY PROVISIONS**

SECTION 313 New!

Lowering the 50%
Test to 25%

Up to **1,494,000** additional rental homes over **10** years

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**Discretionary** 

Rural

222,000 additional rental homes over 10 years

Total: 2,015,000 additional rental homes over ten years

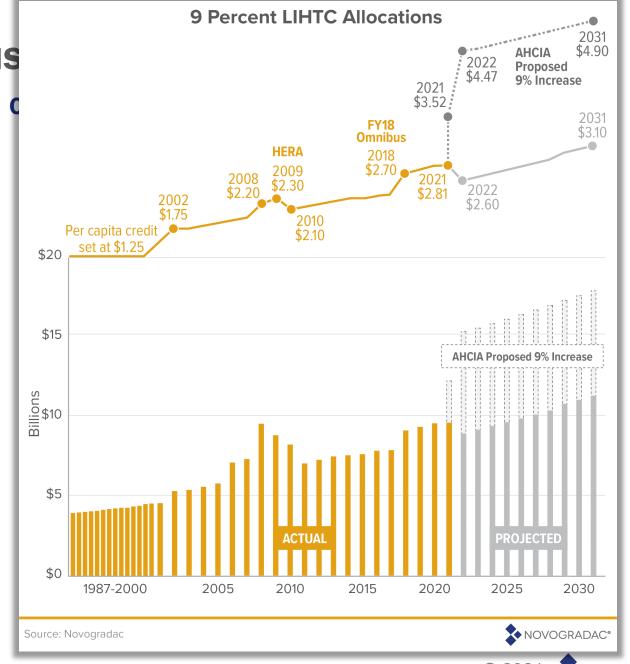
### **Affordable Hous**

**EFFECT** 

SECTION 101

Increase in 9% allocations

299,000 additional rental homes over 10 years





**POTENTIAL VEHICLES** 



Infrastructure Reconciliation Bill (contains provisions from American Jobs and American Families Plans)

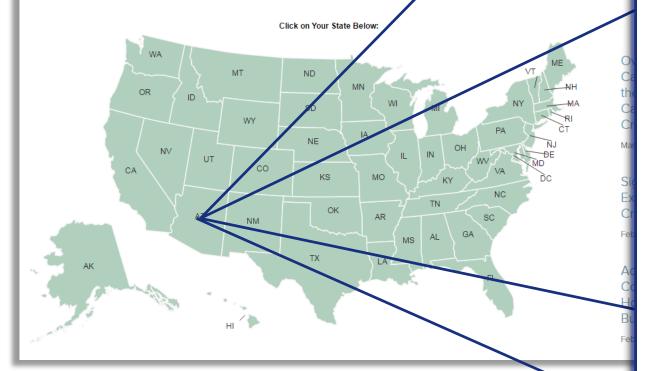


Year-End Tax
Legislation/FY2022
Spending

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#### State And District Fact Sheets

The ACTION state and district show the impact of the Housing Credit in every congressional district including the number of affordable apartments created or preserved, the jobs that Housing Credit development supports and other benefits to local economies. For the first time, the fact sheets also provide information on the affordable lousing crisis in each state, underscoring the vast need for the Housing Credit. See our **National Fact Sheet** showing the impact of the Housing Credit throughout the U.S.





#### LOW-INCOME HOUSING TAX CREDIT

### **IMPACT IN ARIZONA**

#### THE HOUSING CREDIT'S BENEFITS FOR LOW-INCOME FAMILIES & THE ECONOMY

1986 - 2019



54,502 homes developed or preserved in AZ



126,576 ow-income



92,133 jobs supported for one year



\$10.5 billion wages & business income generated



#### THE NEED FOR AFFORDABLE HOUSING

The Housing Credit, combined with other key resources, has had a tremendous impact in Arizona. However, much more affordable housing is still needed to meet the grawing demand.



202,730 renter households

in Arizona pay more than half of their monthly income on rent, leaving too little for other expenses like health care, transportation, and nutritious food



In order to afford a modest one-bedroom apartment, a minimum wage worker in Arizona has to work

57 hours per week

#### ADDRESSING OUR NATION'S SEVERE SHORTAGE OF AFFORDABLE HOUSING



The primary unit financing provisions in the Affordable Housing Credit Improvement Act could finance up to

40,680 additional affordable homes in Arizona over the next ten years.

Visit www.rentalhousingaction.org/state-district for sources and methodologies.



The Low-Income
Housing Tax Credit
(Housing Credit) is a
proven solution to help
address the affordable
housing crisis.

The Housing Credit is our nation's most successful tool for encouraging private investment in affordable rental housing.

It has financed nearly 3.5 million homes for low-income families and individuals nationwide since 1986.

The ACTION Campaign calls on Congress to:

- Expand the Housing Credit to address the severe shortage of affordable housing.
- Strengthen the Housing Credit to maximize impact in communities facing the greatest need.
- Enhance multifamily
   Housing Bonds, which
   provide critical financing to
   about 50 percent of Housing
   Credit homes.

The ACTION Campaign represents over 2,400 organizations and businesses working to address our nation's severe shortage of affordable rental housing by supporting the Low-Income Housing Tax Credit.

Updated April 2021 | www.rentalhousingaction.org

## **Spending Proposal Comparison**

Chairwoman Waters' Housing is Infrastructure Act and the Biden Administration's American Jobs Plan

Proposed Direct Spending	Housing is Infrastructure	American Jobs Plan
Housing Trust Fund	\$45 billion	\$45 billion
HOME Investment Partnership Program	\$35 billion	\$35 billion
Community Development Block Grant (CDBG)	\$15 billion	\$12 billion*
Capital Magnet Fund	\$12.5 billion	\$12 billion
Section 202 supportive housing for the elderly	\$7.5 billion	\$2 billion
USDA financed rural housing	\$5.5 billion	\$2 billion
HUD Native American housing assistance	\$2 billion	\$2 billion

<sup>\*\$10</sup> billion would be used to create a new community revitalization fund and \$2 billion for resiliency investments.

## **Spending Proposal Comparison**

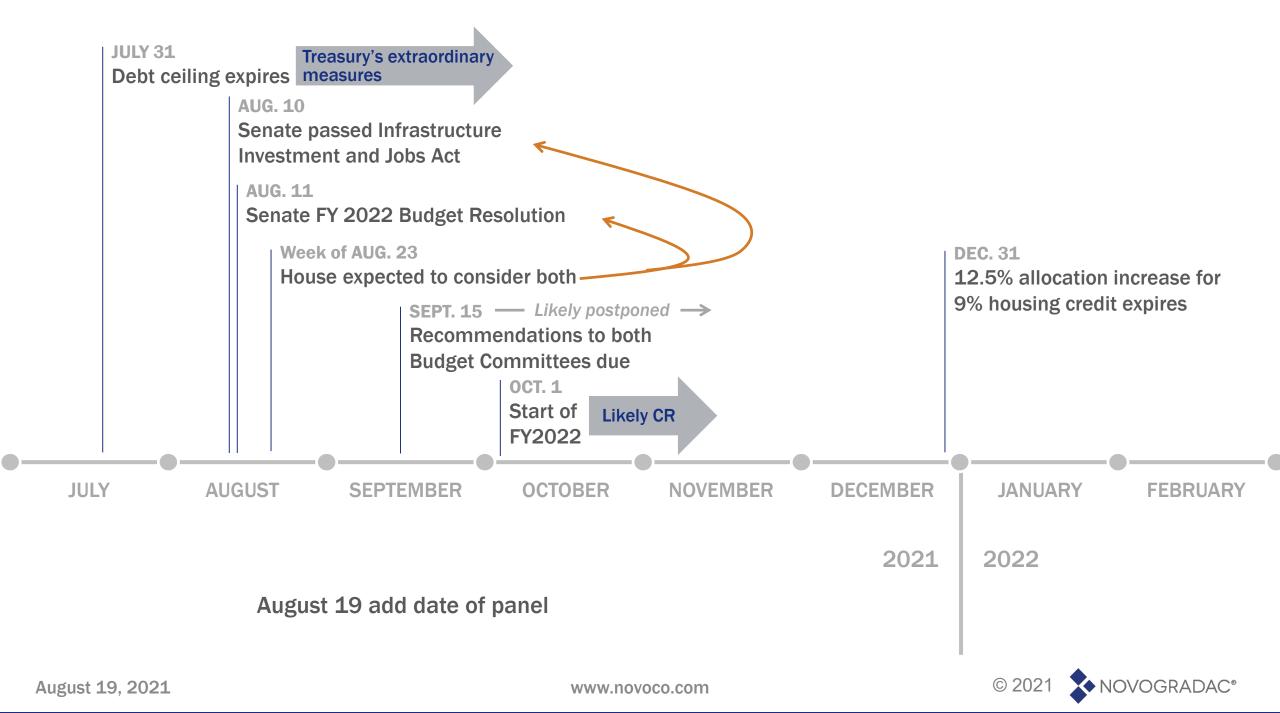
Chairwoman Waters' Housing is Infrastructure Act and the Biden Administration's American Jobs Plan

### **Housing is Infrastructure**

- Housing Choice Vouchers: \$150 billion
- Green, Resilient, Efficient, and Affordable Homes for Tenants (GREAHT) Proposal:
   \$75 billion
- Section 811: \$2.5 billion

#### **American Jobs Plan**

- Weatherization Assistance program: \$17.5 billion
- Electrification rebate: \$10 billion
- Incentive for zoning: \$5 billion
- Inspection and removal of lead-based paint: \$3
   billion
- New project-based Section 8 contracts:
   \$2 billion
- Renovating multifamily housing: \$500 million
- Main Street Revitalization Program: \$250 million



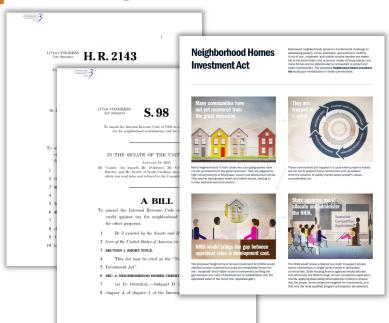
### **Potential New Incentives**



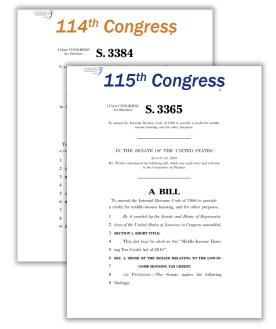
Expected to Be Introduced in September

**DASH Act** 

117<sup>th</sup> Congress

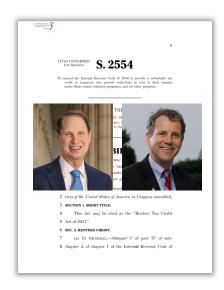


**Neighborhood Homes Investment Credit** 



Middle-Income Housing Tax Credit Credit for lowincome housing supportive services

**Proposed Basis Boost for Services** 



Renter Tax Credit
Act of 2021

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# DASH Legislation Housing Credit Qualified Contracts and Right of First Refusal Provisions

#### Preventing the premature termination of affordability by curtailing loss via qualified contracts

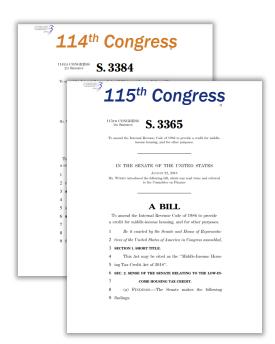
- Future developments: Repeals the qualified contract option as a mechanism for premature termination of the affordability restrictions.
- Existing developments: Maintains the qualified contract option, but corrects the statutory price so that it is based on the fair market value of the property as affordable.
- As of 2019, over 85,500 Housing Credit apartments nationwide had been lost due to qualified contracts.

#### Maintaining long-term affordability by protecting nonprofit project sponsors

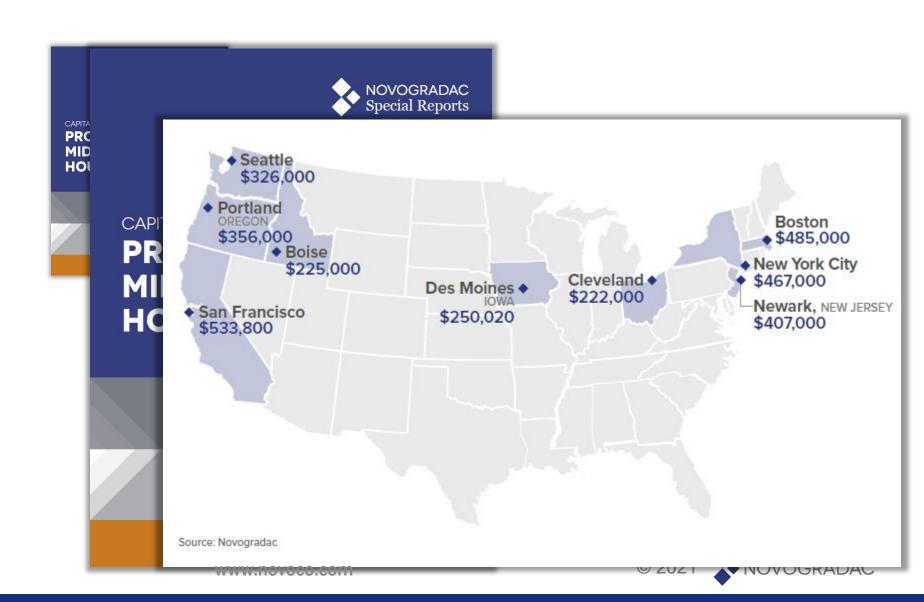
- Future developments: Changes the right of first refusal to a purchase option.
- Existing developments: Clarifies that the right of first refusal includes the partnership interest and assets related to the property and that nonprofit general partners may exercise their right of first refusal with or without the approval of the limited partner and in response to any offer, including one by a related party.

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### **Potential New Incentives**



Middle-Income Housing Tax Credit



HUD Budget Note: amounts in millions	FY2019 Enacted	FY2020 Enacted	FY2021 Enacted	FY2022 Request	House FY2022 Bill	% Change FY22 House- FY21 Enacted
Housing Choice Vouchers	\$22,598	\$23,874	\$25,777	\$30,442	\$29,216	13.30%
<b>Project Based Section 8</b>	\$11,747	\$12,570	\$13,465	\$14,060	\$14,010	4.00%
Public Housing Fund Total	\$7,428	\$7,419	\$7,806	\$8,575	\$8,640	10.70%
Operating Subsidies	\$4,653	\$4,549	\$4,839	\$4,887	\$4,897	1.20%
Capital Subsidies	\$2,775	\$2,870	\$2,765	\$3,200	\$3,400	23.00%
Section 202	\$678	\$793	\$855	\$928	\$1,033	20.80%
Section 811	\$184	\$202	\$227	\$272	\$352	55.10%
HOPWA	\$393	\$410	\$430	\$450	\$600	39.50%
CDBG	\$3,300	\$3,425	\$3,450	\$3,745	\$3,765	9.10%
HOME	\$1,250	\$1,350	\$1,350	\$1,850	\$1,850	37.00%
<b>Homeless Assistance</b>	\$2,636	\$2,777	\$3,000	\$3,500	\$3,420	14.00%
<b>Choice Neighborhoods Initiative</b>	\$150	\$175	\$200	\$250	\$400	100.00%
<b>HUD Gross Appropriations</b>	\$53,774	\$56,540	\$60,357	\$68,694	\$68,444	13.40%

Visit <u>www.HUDresourcecenter.com</u> for additional HUD budget resources



### **Arizona State Housing Credit**

#### www.taxcredithousing.com

- Governor signed bill creating state housing credit in July 2021
- Worth at least 50% of the federal LIHTC
- Annual state LIHTC cap of \$4 million
- For properties placed in service on or after June 30, 2022
- The state LIHTC would have a sunset date of Dec. 31, 2025



### **State Housing Credit Programs**

### New(er) programs:

- Arizona
- Pennsylvania
- Virginia

### Larger programs:

- California
- Massachusetts
- Georgia
- Illinois
- Nevada



### **Background on COVID-19 Response**

Coronavirus
Preparedness and
Response
Supplemental
Appropriations Act

Families First
Coronavirus Response
Act

Coronavirus Aid, Relief, and Economic Security (CARES) Act

Consolidated
Appropriations Act,
2021

**American Rescue Plan** 

Became law 3/6/2020

**Became law** 3/18/2020)

**Became law** 3/27/2020

Became law 12/27/2020

Became law 3/10/2021

\$8.3 billion

\$105 billion in sick leave tax credits + more

\$2.2 trillion

\$900 billion COVID relief bill/FY 2021 omnibus appropriations, \$25 billion in ERA1

\$1.9 trillion overall, with more than \$42 billion for housing assistance

### **Summary of CARES Act HUD Appropriations**



\$12.4 billion
HUD Supplemental
Appropriations

- \$5 billion Community Development Block Grants (CDBG).
- \$4 billion Emergency Solutions Grants (ESG).
- \$1.25 billion Tenant-Based Rental Assistance (TBRA)/Housing Choice Vouchers (HCV).
  - \$400 million for Housing Assistance Payment (HAP) adjustments
  - \$850 million for increased Section 8 administrative funding
- \$1 billion Project-Based Rental Assistance (PBRA).
- \$685 million Public Housing Operating Fund.
- \$300 million Native American Programs.
- \$200 million Native American Housing Block Grants, and
- \$100 million for Indian Community Development Block Grants.
- \$65 million Housing Opportunities for Persons With AIDS (HOPWA).
- \$50 million Section 202 Supportive Housing for the Elderly Program.
- \$15 million Section 811 Supportive Housing for Persons with Disabilities.

### The CARES Act Overview: Coronavirus Relief Fund

#### **Coronavirus Relief Fund**

- Paid to States, Tribal governments, and certain local governments
- To be used on necessary COVID-related unbudgeted expenditures incurred between March 1 and December 31, 2020.
- Some states and local governments used the Coronavirus Relief Fund for housing purposes

#### \$150 billion

Tribal Governments \$8 billion

DC and Territories \$3 billion

**Remainder to States** 

Small-State Minimum of \$1.25 billion



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#### One Hundred Sixteenth Congress United States of America

AT THE SECOND SESSION

Begun and held at the City of Washington on Friday

Making consolidated appropriations for the fiscal year ending September 30, 2021,

This Act may be cited as the "Consolidated Appropriations Act. 2021".

nition. ce of Management and Budget Reporting Requiremen

DIVISION A—AGRICULTURE, BURAL DEVELOPMENT, FOOD AND DRUG DMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2021

ted Agency and Food and Drug Administration

SION B-COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES

DIVISION C-DEPARTMENT OF DEFENSE APPROPRIATIONS ACT. 2021

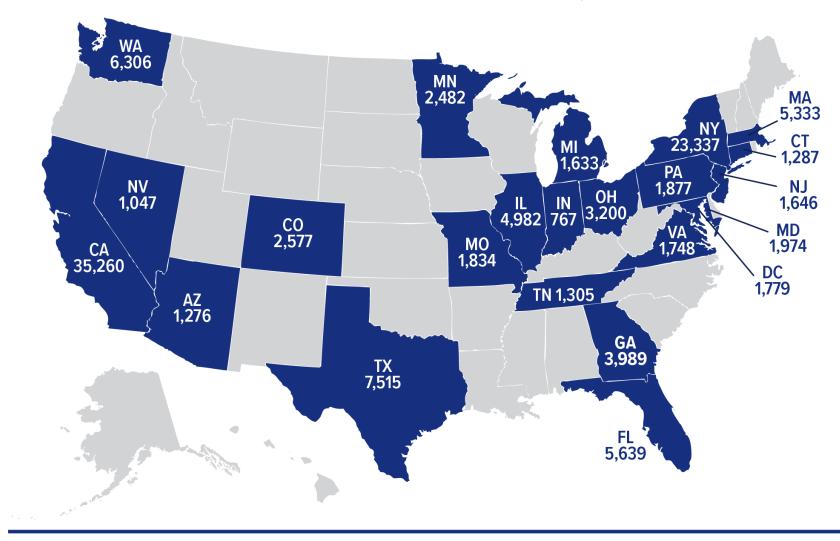
### December 2020 COVID-19 Relief Law

## The \$2.3 trillion FY 2021 omnibus spending and COVID-19 relief law enacted on Dec. 27, 2020 included:

- **4% Housing Credit floor**
- \$1.25 billion in Disaster 9% Housing Credit allocation
- \$25 billion in Emergency Rental Assistance (ERA1)

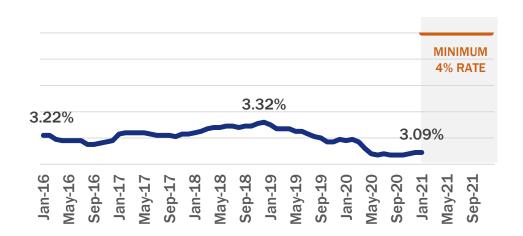
### **Selected State Estimates from the Minimum 4% Rate**

Additional Homes from the Minimum 4% Rate, 2021-2030











#### **Client Questions**

#### **Draw-Down Bonds:**

- Issuances in 2020 and 2021
- Bond allocation counts against 2020 volume cap

## Supplemental 2021 Allocation:

- Issuance 2021
- Bond allocation counts against 2021 volume cap

#### In Service Acq./Rehab.:

- Acquisition in 2020
- PIS in 2021
- 2021 Bond allocation and issuance

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### At Least \$1.2 billion Allocation of Disaster LIHTC Authority



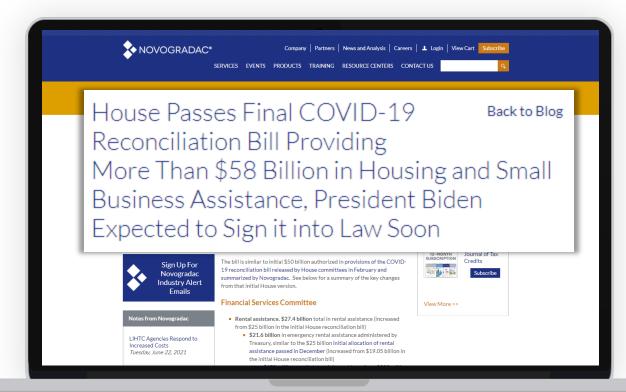
- **11 states** and **Puerto Rico** that experienced non-COVID-19 major disasters in 2020
- Timeline for disaster declaration:
  - Disaster incident period:12/28/2019-12/27/2020
  - Disaster declaration period:
     1/1/2020-2/25/2021
- Overall cap of no more than 65% of the respective state LIHTC ceiling
- LIHTC properties in disaster zones have an additional
   12 months to satisfy 10% test and PIS deadline
- Disaster LIHTC allocations must be used only in disaster counties, but states are not forced to allocate each county's per-capita share

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### **American Rescue Plan**

#### www.novoco.com/blog

- \$27.6 billion in rental assistance
  - \$21.6 billion in emergency rental assistance (ERA2)
  - \$5 billion in emergency Section 8 Housing Choice
     Vouchers
  - \$750 million for Indian Housing Block Grant and Indian CDBG programs
  - \$100 million for U.S Department of Agriculture (USDA) subsidized rental housing
  - \$100 million of NeighborWorks America housing counseling for renters and homeowners
- \$5 billion for homelessness funding administered by HUD through the HOME program formula
- \$10 billion for Homeowner Assistance Fund



### **Emergency Rental Assistance Basics**

- \$46.55 billion total
  - \$25 billion for ERA 1 must be spent by September 30, 2022
  - \$21.55 billion for ERA 2 must be spent by September 30, 2025
- Eligible households: Renters earning incomes no greater than 80% of AMI, qualify for unemployment or have a COVID hardship; and risk of homelessness or housing instability
- Eligible expenses: rent and rental arrears, utilities, other housing related costs, housing stability services

### **ERA: Where Things Stand**

- Every state has launched its program and is now making payments
- Over 633,000 households served and over \$3 billion expended on rent and utilities as of June
   30
- Pace of expenditure increasing exponentially now that infrastructure is in place; grantees
  processing hundreds of thousands of applications, billions of \$ in various stages of processing
  and approval.
- AZDES has disbursed \$13.74 million as of August 16.
- Current eviction moratorium runs through October 3, 2021

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### **Homeownership Assistance Fund**

- Treasury has released program guidance/instructions on submitting HAF plans.
- States have until August 20 to either submit their plan or tell Treasury when they will do so.
- Several states already running HAF pilot programs, six more expected to launch pilots later this month or in September.
- NCSHA has worked with HFAs and services to develop common resources, including common data file, servicer participation agreement, and third=party authorization agreement.

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### State Policies Encourage Healthier Affordable Housing

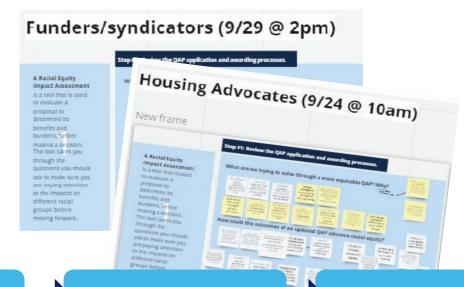
HFA affordable housing efforts emphasize health by promoting energy-efficient and healthy construction and by connecting housing to jobs, transportation, and healthcare.

State Housing Credit qualified allocation plans encourage healthy housing in a variety of ways. Examples include:

- Georgia prioritizes health outcomes of residents (through site selection, site design, community partnerships, and focused services) as one of its strategic housing goals;
- Maine requires all projects to provide broadband infrastructure with the capacity to support telemedicine services;
- California allows higher basis for projects meeting select indoor air quality measures including use of building products with no VOCs (volatile organic compounds);
- Massachusetts promotes enhanced indoor air quality by awarding points to projects that provide natural ventilation, kitchen exhaust systems, and smoke-free buildings;
- Virginia is one of many states that requires appropriate HVAC system sizing and minimum HVAC performance standards; and
- Pennsylvania requires all projects to provide supportive services appropriate to the proposed population and awards points in project scoring for enhanced services.

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# **Steps of a Racial Equity Impact Assessment (REIA)**



### **Proposal**

Data

Survey

**Community Engagement** 

Recommendations

**Impact** 

- What is the proposal or existing program?
- What is the objective?

- What do the data show?
- What do the data not show/how do we better collect data in the future?
- Who will benefit and who will be burdened?
- How to approach stakeholders
- How to lead authentic community engagement?
- How to invite different voices and sectors to the table?

- What are the findings?
- How will the findings be used for structural change?
- How to track progress?
- How will the REIA continue to institute meaningful changes?

Source: Chicago Department of Housing

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### **Changes to the QAP**

### **Changes and Impact of the REIA: Commitments**

- A commitment to utilizing the QAP and LIHTC program to promote racially equitable outcomes.
- More commitment to Black, Indigenous, and People of color (BIPOC) communities and developers.
- A commitment to serving those residents most in need and providing more housing opportunities with access to resources and amenities.

**Source: Chicago Department of Housing** 

### **Priority Tracts and Preferences**

Changes influenced by the REIA to the tracts and the preferences Understanding the Priority Tract: Pick one.

- 1. Opportunity Focus on the affordable in highly appreciating areas
- 2. Redevelopment Catalytic for community
- 3. Transitioning Lowest incomes, most in need
- 4. Preservation 4% with little or no cash

**Source: Chicago Department of Housing** 

# Washington Update

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