

116TH CONGRESS
2D SESSION

H. R. 6175

To amend the Internal Revenue Code of 1986 to modify the rehabilitation credit.

IN THE HOUSE OF REPRESENTATIVES

MARCH 10, 2020

Mr. BLUMENAUER (for himself, Mr. KELLY of Pennsylvania, Mr. KILDEE, and Mr. LAHOOD) introduced the following bill; which was referred to the Committee on Ways and Means

A BILL

To amend the Internal Revenue Code of 1986 to modify the rehabilitation credit.

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 “Revitalizing Econo-
5 mies, Housing, And Businesses Act of 2020” or as the
6 “REHAB Act of 2020”.

7 **SEC. 2. MODIFICATION OF REHABILITATION CREDIT.**

8 (a) REINSTATEMENT OF CREDIT FOR QUALIFIED
9 REHABILITATED BUILDINGS.—

1 (1) IN GENERAL.—Subsection (a) of section 47
2 of the Internal Revenue Code of 1986 is amended to
3 read as follows:

4 “(a) DETERMINATION OF CREDIT.—

5 “(1) IN GENERAL.—For purposes of section 46,
6 the rehabilitation credit for any taxable year is the
7 sum of—

8 “(A) in the case of any qualified rehabili-
9 tated building other than a certified historic
10 structure which is placed in service during such
11 taxable year, 10 percent of the qualified reha-
12 bilitation expenditures with respect to such
13 building, and

14 “(B) in the case of any qualified rehabili-
15 tated building which is a certified historic struc-
16 ture which is placed in service during such tax-
17 able year or any of the 4 immediately preceding
18 taxable years, the ratable share for such taxable
19 year.

20 “(2) RATABLE SHARE.—For purposes of para-
21 graph (1)(B), the ratable share for any taxable year
22 is an amount equal to 20 percent of the qualified re-
23 habilitation expenditures with respect to the certified
24 historic structure, as allocated ratably to each of the
25 5 years to which paragraph (1)(B) applies.”.

1 (2) CONFORMING AMENDMENTS.—

2 (A) Section 47(c) of such Code is amend-
3 ed—

4 (i) in paragraph (1)—

5 (I) in subparagraph (A), by
6 amending clause (iii) to read as fol-
7 lows:

8 “(iii) in the case of any building other
9 than a certified historic structure, in the
10 rehabilitation process—

11 “(I) 50 percent or more of the
12 existing external walls of such build-
13 ing are retained in place as external
14 walls,

15 “(II) 75 percent or more of the
16 existing external walls of such build-
17 ing are retained in place as internal or
18 external walls, and

19 “(III) 75 percent or more of the
20 existing internal structural framework
21 of such building is retained in place,
22 and”, and

23 (II) by redesignating subpara-
24 graphs (B) and (C) as subparagraphs
25 (C) and (D), respectively, and by in-

1 serting after subparagraph (A) the
2 following new subparagraph:

3 “(B) BUILDING MUST BE FIRST PLACED
4 IN SERVICE BEFORE 1936.—In the case of a
5 building other than a certified historic struc-
6 ture, a building shall not be a qualified rehabili-
7 tated building unless the building was first
8 placed in service before 1936.”, and

9 (ii) in paragraph (2)(B), by amending
10 clause (iv) to read as follows:

11 “(iv) CERTIFIED HISTORIC STRUC-
12 TURE, ETC.—Any expenditure attributable
13 to the rehabilitation of a certified historic
14 structure or a building in a registered his-
15 toric district, unless the rehabilitation is a
16 certified rehabilitation (within the meaning
17 of subparagraph (C)). The preceding sen-
18 tence shall not apply to a building in a reg-
19 istered historic district if—

20 “(I) such building was not a cer-
21 tified historic structure,

22 “(II) the Secretary of the Inte-
23 rior certified to the Secretary that
24 such building is not of historic signifi-
25 cance to the district, and

1 “(III) if the certification referred
 2 to in subclause (II) occurs after the
 3 beginning of the rehabilitation of such
 4 building, the taxpayer certifies to the
 5 Secretary that, at the beginning of
 6 such rehabilitation, he in good faith
 7 was not aware of the requirements of
 8 subclause (II).”.

9 (B) Paragraph (4) of section 145(d) of
 10 such Code is amended—

11 (i) by striking “of section
 12 47(c)(1)(B)” each place it appears and in-
 13 serting “of section 47(c)(1)(C)”, and

14 (ii) by striking “section
 15 47(c)(1)(B)(i)” and inserting “section
 16 47(c)(1)(C)(i)”.

17 (b) INCREASE IN CREDIT RATE FOR QUALIFIED RE-
 18 HABILITATED BUILDINGS OTHER THAN CERTIFIED HIS-
 19 TORIC STRUCTURES.—Section 47(a)(1) of such Code, as
 20 amended by subsection (a), is amended by striking “10
 21 percent” and inserting “15 percent”.

22 (c) MODIFICATION OF DATE BEFORE WHICH BUILD-
 23 INGS OTHER THAN CERTIFIED HISTORIC STRUCTURES
 24 MUST BE PLACED IN SERVICE.—Section 47(c)(1)(B) of
 25 such Code, as amended by subsection (a), is amended by

1 striking “1936” and inserting “the calendar year which
 2 is 50 years prior to the calendar year in which the building
 3 is placed in service (within the meaning of subsection
 4 (b)(1))”.

5 (d) REQUIREMENT THAT BUILDINGS OTHER CER-
 6 TIFIED HISTORIC STRUCTURES MUST BE CLOSE TO PUB-
 7 LIC TRANSPORTATION CENTERS.—Section 47(c)(1) of
 8 such Code, as amended by subsection (a), is amended by
 9 redesignating subparagraphs (C) and (D) as subpara-
 10 graphs (D) and (E), respectively, and by inserting after
 11 subparagraph (B) the following new subparagraph:

12 “(C) BUILDING MUST BE CLOSE TO PUB-
 13 LIC TRANSPORTATION CENTER.—

14 “(i) IN GENERAL.—In the case of a
 15 building other than a certified historic
 16 structure, a building shall not be a quali-
 17 fied rehabilitated building unless the build-
 18 ing is not further than one-half mile from
 19 at least one of the following:

20 “(I) A location which provides
 21 passenger boarding on a fixed guide-
 22 way (as defined in section 5302(7) of
 23 title 49, United States Code), com-
 24 muter rail passenger transportation
 25 (as defined in section 24102(3) of

1 title 49, United States Code), or
2 intercity rail passenger transportation
3 (as defined in section 24102(4) of
4 title 49, United States Code).

5 “(II) A planned site for a loca-
6 tion described in subclause (I) if the
7 Secretary of Transportation has
8 issued a full funding grant agreement
9 with respect to such location under
10 section 5309(k)(2) of title 49, United
11 States Code.

12 “(ii) IDENTIFICATION OF QUALIFIED
13 AREAS.—The Secretary, in consultation
14 with the Secretary of Transportation, shall
15 identify areas which are described in clause
16 (i).”.

17 (e) ELIMINATION OF CERTAIN LODGING RESTRIC-
18 TIONS ON BUILDINGS OTHER THAN CERTIFIED HISTORIC
19 STRUCTURES.—Section 50(b)(2)(C) of such Code is
20 amended by striking “certified historic structure” and in-
21 serting “qualified rehabilitated building”.

22 (f) REQUIREMENT THAT BUILDINGS THAT ARE NOT
23 CERTIFIED HISTORIC STRUCTURES AND NOT IN A REG-
24 ISTERED HISTORIC DISTRICT RECEIVE CERTIFICATION
25 OF STATUS.—Section 47(c)(1) of such Code, as amended

1 by subsections (a) and (d), is amended by redesignating
2 subparagraphs (D) and (E) as subparagraphs (E) and
3 (F), respectively, and by inserting after subparagraph (C)
4 the following new subparagraph:

5 “(D) BUILDINGS THAT ARE NOT CER-
6 TIFIED HISTORIC STRUCTURES AND NOT IN
7 REGISTERED HISTORIC DISTRICT MUST RE-
8 CEIVE CERTIFICATION OF STATUS.—

9 “(i) IN GENERAL.—In the case of a
10 building which is neither a certified his-
11 toric structure nor located in a registered
12 historic district, such building shall not be
13 a qualified rehabilitated building unless the
14 Secretary of the Interior certifies to the
15 Secretary that such building is—

16 “(I) not a certified historic struc-
17 ture, and

18 “(II) not in a registered historic
19 district.

20 “(ii) DETERMINATIONS BY NATIONAL
21 PARK SERVICE.—To the maximum extent
22 practicable, the Secretary of the Interior
23 shall make certifications under clause (i)
24 within 30 days of the receipt of an applica-
25 tion for such certification.”.

1 (g) CREDIT FOR CERTAIN RELATED EXPENDI-
2 TURES.—

3 (1) CREDIT FOR CERTAIN EXPENDITURES FOR
4 PUBLIC INFRASTRUCTURE.—Section 47(c)(2) of
5 such Code is amended by adding at the end the fol-
6 lowing new subparagraph:

7 “(E) TREATMENT OF CERTAIN EXPENDI-
8 TURES FOR PUBLIC INFRASTRUCTURE.—

9 “(i) IN GENERAL.—In the case of any
10 qualified rehabilitated building, expendi-
11 tures for qualified public infrastructure (or
12 improvements thereto) shall be treated for
13 purposes of this section as qualified reha-
14 bilitation expenditures with respect to such
15 building if providing such qualified public
16 infrastructure is related to such building
17 and is required by any State or local gov-
18 ernment.

19 “(ii) LIMITATION.—The amount treat-
20 ed as qualified rehabilitation expenditures
21 with respect to any building under clause
22 (i) shall not exceed 25 percent of the quali-
23 fied rehabilitation expenditures with re-
24 spect to such building (determined after

1 the application of clause (i) and subpara-
2 graph (F)).

3 “(iii) BONUS CREDIT AMOUNT.—In
4 the case of any amount treated as qualified
5 rehabilitation expenditures under clause
6 (i), subsection (a)(1) shall be applied by
7 substituting ‘25 percent’ for ‘15 percent’.

8 “(iv) QUALIFIED PUBLIC INFRA-
9 STRUCTURE.—For purposes of this sub-
10 paragraph, the term ‘qualified public infra-
11 structure’ means water and sewer lines,
12 electrical lines and equipment, tele-
13 communications lines and equipment, and
14 road and sidewalks, which are located in
15 the public right of way and are not owned
16 by the taxpayer.”.

17 (2) CREDIT FOR EXPANSION AND ADJACENT
18 BUILDINGS WITH RESPECT TO QUALIFIED REHABILI-
19 TATED BUILDINGS OTHER THAN CERTIFIED HIS-
20 TORIC STRUCTURES.—Section 47(c)(2) of such
21 Code, as amended by paragraph (1), is amended by
22 adding at the end the following new subparagraph:

23 “(F) TREATMENT OF BUILDING EXPAN-
24 SIONS AND CERTAIN ADJACENT BUILDINGS
25 WITH RESPECT TO QUALIFIED REHABILITATED

1 BUILDINGS OTHER THAN CERTIFIED HISTORIC
2 STRUCTURES.—

3 “(i) IN GENERAL.—In the case any
4 qualified rehabilitated building other than
5 a certified historic structure—

6 “(I) clause (iii) of subparagraph
7 (B) shall not apply, and

8 “(II) amounts described in sub-
9 paragraph (A)(i) which are in connec-
10 tion with the rehabilitation or con-
11 struction of a qualified adjacent build-
12 ing shall be treated as qualified reha-
13 bilitation expenditures with respect to
14 such qualified rehabilitated building.

15 “(ii) LIMITATION.—The amount treat-
16 ed as qualified rehabilitation expenditures
17 with respect to any qualified rehabilitated
18 building under clause (i) shall not exceed
19 100 percent of the qualified rehabilitation
20 expenditures with respect to such building
21 (determined without regard to clause (i)
22 and subparagraph (E)).

23 “(iii) QUALIFIED ADJACENT BUILD-
24 ING.—For purposes of this subparagraph,
25 the term ‘qualified adjacent building’

1 means, with respect to any qualified reha-
 2 bilitated building, any building if such
 3 building and such qualified rehabilitated
 4 building are both on the same block.”.

5 (3) RELATED EXPENDITURES DISREGARDED IN
 6 DETERMINING IF REHABILITATION IS SUBSTAN-
 7 TIAL.—Section 47(c)(1)(E), as redesignated by sub-
 8 sections (a), (d), and (f), is amended by adding at
 9 the end the following new clause:

10 “(iv) CERTAIN EXPENDITURES DIS-
 11 REGARDED.—Amounts which are otherwise
 12 treated as qualified rehabilitation expendi-
 13 tures by reason of subparagraph (E) or
 14 (F) of paragraph (2) shall not be treated
 15 as qualified rehabilitation expenditures for
 16 purposes of this subparagraph.”.

17 (h) BONUS CREDIT FOR RENT-RESTRICTED HOUS-
 18 ING UNITS.—Section 47 of such Code is amended by add-
 19 ing at the end the following new subsection:

20 “(e) BONUS CREDIT FOR RENT-RESTRICTED HOUS-
 21 ING UNITS.—

22 “(1) IN GENERAL.—Subsection (a)(1) shall be
 23 applied by substituting ‘25 percent’ for ‘15 percent’
 24 with respect to so much of the qualified rehabilita-
 25 tion expenditures (determined without regard to sub-

1 section (c)(2)(E)) with respect to any qualified reha-
2 bilitated building as are properly allocable to resi-
3 dential units which are—

4 “(A) rent-restricted (within the meaning of
5 section 42(g)(2)), and

6 “(B) occupied by individuals whose income
7 is 100 percent or less of area median gross in-
8 come (within the meaning of section 42(g)(1)).

9 “(2) FAILURE TO MAINTAIN RENT-RESTRICTION
10 SUBJECT TO RECAPTURE.—In the case of any fail-
11 ure to maintain any residential unit taken into ac-
12 count under paragraph (1) as a residential unit de-
13 scribed in such paragraph during the recapture pe-
14 riod, section 50(a) shall apply as though the quali-
15 fied rehabilitated building ceased to be investment
16 credit property except that the recapture period and
17 recapture percentage shall be determined under
18 paragraph (3) and in determining the increase in tax
19 under such section in lieu of reducing the credit de-
20 termined under this section to zero such credit shall
21 be determined without regard to paragraph (1). The
22 application of section 50(a) with respect to a build-
23 ing as described in this paragraph shall not prevent
24 the reapplication of such section to such building if
25 such building is disposed of or otherwise ceases to

1 be investment credit property and the tax imposed
2 under such section by reason of such reapplication
3 shall be reduced by the tax previously imposed as
4 described in this paragraph.

5 “(3) RECAPTURE PERIOD; RECAPTURE PER-
6 CENTAGE.—For purposes of this subsection—

7 “(A) RECAPTURE PERIOD.—The term ‘re-
8 capture period’ means the 10-year period begin-
9 ning on the date the building is placed in serv-
10 ice.

11 “(B) RECAPTURE PERCENTAGE.—The
12 term ‘recapture percentage’ means—

13 “(i) in the case of a failure described
14 in paragraph (2) that occurs during the
15 first year of the recapture period, 100 per-
16 cent, and

17 “(ii) in the case of such a failure
18 which occurs during any subsequent year
19 of the recapture period, the percentage
20 which is 10 percentage points less than the
21 percentage which applied for the previous
22 year (as determined under this subpara-
23 graph).”.

1 (i) PUBLIC REPORTING.—Section 47 of such Code,
2 as amended by subsection (h), is amended by adding at
3 the end the following new subsection:

4 “(f) PUBLIC REPORTING WITH RESPECT TO QUALI-
5 FIED REHABILITATED BUILDINGS OTHER THAN CER-
6 TIFIED HISTORIC STRUCTURES.—

7 “(1) IN GENERAL.—No credit shall be allowed
8 under this section with respect to any qualified reha-
9 bilitated building other than a certified historic
10 structure unless the taxpayer submits to the Sec-
11 retary a report (at such time and in such manner
12 as the Secretary may provide) which includes the in-
13 formation described in paragraph (2).

14 “(2) INFORMATION.—The report described in
15 paragraph (1) shall include the following:

16 “(A) The name of the building and, if ap-
17 plicable, the name of the project of which such
18 building is a part.

19 “(B) Each of the following with respect to
20 the location of the building: city, State, zip
21 code, 2010 census tract (and whether such
22 tract is metropolitan statistical area).

23 “(C) The total cost of the building and, if
24 applicable, the total cost of the project of which
25 such building is a part.

1 “(D) The total amount of credit allowed
2 under this section with respect to such building
3 and, if applicable, with respect to the project of
4 which such building is a part.

5 “(E) The year the building is placed in
6 service.

7 “(F) The number of housing units in the
8 building and number of such housing units
9 which are rent-restricted (within the meaning of
10 section 42(g)(2))

11 “(G) The primary purpose of the building.

12 “(3) REPORTS MADE PUBLICLY AVAILABLE.—
13 The Secretary shall ensure that reports made under
14 paragraph (1) are made available to the public.”.

15 (j) EFFECTIVE DATE.—The amendments made by
16 this section shall apply to property placed in service after
17 the date of the enactment of this Act.

○