

REFERENCE TITLE: affordable housing; tax credits; extension

State of Arizona
House of Representatives
Fifty-sixth Legislature
First Regular Session
2023

HB 2318

Introduced by
Representative Livingston

AN ACT

AMENDING SECTION 41-3954, ARIZONA REVISED STATUTES; AMENDING LAWS 2021, CHAPTER 430, SECTIONS 3, 6, 8, 11, 14 AND 19; RELATING TO AFFORDABLE HOUSING TAX CREDITS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 41-3954, Arizona Revised Statutes, is amended to
3 read:

4 41-3954. Affordable housing tax credit; limit; eligibility
5 statement; rules; public hearings; annual report;
6 definitions

7 A. The affordable housing tax credit is established. The
8 department shall administer the credit as provided by this section.

9 B. On application, the department shall allocate tax credits under
10 this section for projects in this state that qualify for the federal
11 low-income housing tax credit under section 42 of the internal revenue
12 code and that are placed in service, for purposes of the federal credit,
13 from and after June 30, 2022, in an amount equal to at least fifty percent
14 of the amount of the federal credit allowed in each taxable year during
15 the federal credit period. The department shall allocate tax credits
16 under this section according to the department's current qualified
17 allocation plan adopted pursuant to section 42(m) of the internal revenue
18 code.

19 C. The department shall prescribe forms, procedures and criteria
20 for applying, evaluating and qualifying for the credit under this section.
21 The department shall issue an eligibility statement for each qualified
22 project that identifies the qualified project, the allocation year and the
23 amount of the credits allocated to the project.

24 D. The department shall allocate a total of \$4,000,000 of tax
25 credits under this section in any calendar year THROUGH 2023 AND A TOTAL
26 OF \$12,000,000 OF TAX CREDITS IN ANY CALENDAR YEAR THEREAFTER according to
27 the date of the allocation of the credit. An approved amount applies
28 against the dollar limit for the year in which the application is
29 submitted. If, at the end of the calendar year, an unused balance occurs
30 under the dollar limit prescribed by this subsection, the balance shall be
31 reallocated for the purposes of this subsection in the following year.

32 E. Any taxpayer that owns an interest in an investment in a
33 qualified project that receives an eligibility statement from the
34 department is allowed a tax credit under this section for taxable years
35 beginning from and after December 31, 2021 if the taxpayer acquires the
36 interest before filing a tax return claiming the tax credit. The taxpayer
37 shall apply the credit against the taxpayer's insurance premium or income
38 tax liability as provided by and subject to the procedures, terms and
39 conditions prescribed by section 20-224.04, 43-1075 or 43-1163, as
40 applicable.

41 F. A qualified project that is approved for the purposes of the
42 credit under this section is not eligible for any abatement, exemption or
43 other reduction in state or local ad valorem property taxes otherwise
44 allowed by statute.

1 G. The Arizona department of housing, with the cooperation of the
2 department of insurance and financial institutions and the department of
3 revenue, shall adopt rules and publish and prescribe forms and procedures
4 as necessary to administer this section, including criteria on which
5 eligibility statements are issued under this section.

6 H. On or before July 30 of each year, the department shall hold a
7 public hearing to solicit and accept public comments relating to the
8 amount of the credit under this section to be used for qualified projects
9 that are financed through tax-exempt bond issuance as part of the
10 qualified allocation plan process and other affordable housing tax credit
11 issues. The department shall post a copy of all comments submitted during
12 each public hearing on the department's website before September 15 of the
13 year in which the public hearing is held.

14 I. On or before December 31 of each year, the department shall
15 submit to the president of the senate and the speaker of the house of
16 representatives a report that addresses whether the credits approved under
17 this section produced a significant number of additional affordable
18 housing units in this state and that analyzes the economic impact of the
19 credits approved under this section on this state. The department shall
20 provide a copy of this report to the secretary of state.

21 J. For the purposes of this section:

22 1. "Internal revenue code" has the same meaning prescribed by
23 section 43-105.

24 2. "Qualified project" means a qualified low-income building as
25 defined in section 42(c)(2) of the internal revenue code.

26 3. "Taxpayer" means a person, firm or corporation that is subject
27 to taxation under title 20 or under title 43, chapter 10 or 11.

28 Sec. 2. Laws 2021, chapter 430, section 3 is amended to read:

29 Sec. 3. Delayed repeal

30 Section 20-224.04, Arizona Revised Statutes, as added by ~~this act~~
31 LAWS 2021, CHAPTER 430, SECTION 2, is repealed from and after December 31,
32 ~~2025~~ 2031.

33 Sec. 3. Laws 2021, chapter 430, section 6 is amended to read:

34 Sec. 6. Delayed repeal

35 Section 41-3954, Arizona Revised Statutes, as added by ~~this act~~ LAWS
36 2021, CHAPTER 430, SECTION 5, is repealed from and after December 31,
37 ~~2025~~ 2031.

38 Sec. 4. Laws 2021, chapter 430, section 8 is amended to read:

39 Sec. 8. Delayed repeal

40 Section 43-225, Arizona Revised Statutes, as added by ~~this act~~ LAWS
41 2021, CHAPTER 430, SECTION 7, is repealed from and after December 31,
42 ~~2025~~ 2031.

1 Sec. 5. Laws 2021, chapter 430, section 11 is amended to read:
2 Sec. 11. Delayed repeal
3 Section 43-1075, Arizona Revised Statutes, as added by ~~this act~~ LAWS
4 2021, CHAPTER 430, SECTION 10, is repealed from and after December 31,
5 ~~2025~~ 2031.
6 Sec. 6. Laws 2021, chapter 430, section 14 is amended to read:
7 Sec. 14. Delayed repeal
8 Section 43-1163, Arizona Revised Statutes, as added by ~~this act~~ LAWS
9 2021, CHAPTER 430, SECTION 13, is repealed from and after December 31,
10 ~~2025~~ 2031.
11 Sec. 7. Laws 2021, chapter 430, section 19 is amended to read:
12 Sec. 19. Saving clause
13 The repeal of sections 20-224.04, 41-3954, 43-225, 43-1075 and
14 43-1163, Arizona Revised Statutes, by ~~this act~~ LAWS 2021, CHAPTER 430,
15 does not:
16 1. Limit or impair the issuance of premium tax credits or income
17 tax credits for qualified projects that receive a reservation from the
18 Arizona department of housing pursuant to section 41-3954, Arizona Revised
19 Statutes, as added by ~~this act~~ LAWS 2021, CHAPTER 430, SECTION 5, before
20 December 31, ~~2025~~ 2031 or a taxpayer's ability to redeem such tax credits
21 in accordance with sections 20-224.04, 41-3954, 43-1075 and 43-1163,
22 Arizona Revised Statutes, as added by ~~this act~~ LAWS 2021, CHAPTER 430.
23 2. Affect any act done or right accruing or accrued or any suit or
24 proceeding had or commenced in any civil cause of action before the
25 repeal. All rights and liabilities under such acts continue and may be
26 enforced in the same manner as allowed before the repeal.