Dear Members of Congress,

The undersigned businesses and organizations, representing a coalition of over 1,000 national, state and local affordable housing stakeholders, urge the 114th Congress to protect, strengthen and expand the Low-Income Housing Tax Credit (Housing Credit) program and preserve Tax-Exempt Multifamily Housing Bonds (Housing Bonds) as it considers tax reform and tax extenders legislation.

The Housing Credit is the most successful affordable rental housing production and preservation program in our nation’s history, financing nearly 2.8 million affordable rental homes since 1986 by leveraging near $100 billion in private equity investment. In a typical year, the Housing Credit adds nearly 96,000 jobs and approximately $3.5 billion in taxes and other revenues to local economies, according to the National Association of Home Builders. Housing Bonds used in conjunction with 4 percent Housing Credits are responsible for financing more than 40 percent of annual Housing Credit production, providing affordable homes to nearly 1 million families over the past three decades.

The Housing Credit and Housing Bonds are critical to addressing our nation’s growing affordable rental housing crisis. Roughly 11 million low-income renter households—more than one in four renters in the U.S.—spend more than half of their monthly income on rent. Not a single county in the United States has enough affordable apartments for all of its extremely low-income renters, according to a recent analysis from the Urban Institute. The Housing Credit and Housing Bonds are the only significant tools to increase the supply of affordable rental housing and preserve our nation’s existing affordable housing investments.

In order to make the Housing Credit and Housing Bonds even stronger, the A Call To Invest in Our Neighborhoods (ACTION) Campaign calls on Congress to enact changes to allow these programs to function as effectively as possible.

Support Affordable Housing Financing through Minimum Housing Credit Rates

Affordable housing financing has become more difficult because of the expiration of minimum credit rates. Housing Credit rates are currently determined by a complex formula (known as the “floating rate”) that fluctuates with federal borrowing rates. Because federal borrowing rates have sunk to historic lows, so too have Housing Credit rates, meaning there is now 15 to 20 percent less Housing Credit equity available for any given property than the original rates of 9 and 4 percent provided. As a result, financing affordable housing has become increasingly difficult. To fill the financing gap, developers must either rely on gap financing sources – which are becoming increasingly scarce as a result of budget cuts – or target apartments to families at the higher end of the eligible income spectrum who are able to pay higher rents. As a result, fewer apartments are available for families with the lowest incomes, and many high-priority properties are simply becoming impossible to finance.

Recognizing the impact of declining rates on the program, Congress temporarily set a minimum 9 percent Housing Credit rate in the Housing and Economic Recovery Act of 2008. Congress has since extended the 9 percent minimum rate several more times, however the most recent extension expired at the end of 2014.

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Last year on a bipartisan basis, the Senate Finance Committee approved the Expiring Provisions Improvement Reform and Efficiency (EXPIRE) Act of 2014, which would have extended the minimum 9 percent Credit rate for two years (retroactively for 2014 and prospectively for 2015) and established for those two years a minimum 4 percent credit rate for acquisition of properties receiving allocations of the Housing Credit volume cap. Unfortunately, the more limited, one-year retroactive tax extenders legislation that ultimately passed at the end of 2014 only included the minimum 9 percent credit rate, but not the corresponding 4 percent minimum for acquisition. Because it passed so late in the year and only provided the extension of the 9 percent minimum retroactively for 2014, it had virtually no practical benefit for Housing Credit properties, as state Housing Credit agencies had already made their 2014 allocations and the vast majority of deals had already been underwritten using the floating rate.

Legislation in both the House (H.R. 1142) and Senate (S. 1193) to create permanent minimum credit rates has strong bipartisan cosponsorship, but further action is needed in order to advance these proposals.

We urge Congress to act quickly to strengthen the Housing Credit once again by approving a minimum 9 percent rate for new construction and substantial rehabilitation, as well as a minimum 4 percent rate for the acquisition of affordable housing. These technical modifications to the program allow states to allocate credits more effectively and enable more worthy developments to be financially feasible, at minimal costs. It is important to note that investor return is determined by market competition and equity pricing, not the Housing Credit rate.

Protect, Strengthen and Expand the Housing Credit in Tax Reform

In addition to strengthening the Housing Credit through minimum credit rates, we ask that Congress protect, strengthen and expand the Housing Credit program and preserve the tax exemption on Housing Bonds in any tax reform legislation. Absent these programs, there is virtually no incentive for the private sector to invest in affordable rental housing.

Ensuring that the Housing Credit continues to meet a diverse array of housing needs requires protecting all components of the program—the 9 percent allocated credit for new construction and substantial rehabilitation, the 4 percent allocated credit for acquisition, and the 4 percent credit used in conjunction with Housing Bond-financing. In addition, it is necessary to maintain the current 27.5 year depreciation period for multifamily rental properties and make any adjustments needed in order to offset the impact of a lower corporate tax rate in order to maintain a robust Housing Credit equity market should tax reform be enacted.

The ACTION Campaign also calls on Congress to go beyond protecting these programs, and to increase Housing Credit resources by an amount that makes significant progress towards meeting the unmet affordable housing needs of low-income families. The affordable housing crisis—already at historic levels—is expected to worsen in coming years, meaning more resources are needed to help build and preserve affordable rental housing. Meanwhile, each year viable and critically needed Housing Credit developments are turned down because of the scarcity of resources. In 2013—the most recent year for which data is available—state Housing Credit allocating agencies received applications requesting more than three times their available Housing Credit authority. And many more potential applications for worthy developments are not submitted in light of the intense competition for a scarce resource.

We also urge Congress to provide a minimum 4 percent credit rate for Housing Bond-financed credit properties. Currently, the Housing Credit program allows states to couple Housing Bond financing with 4 percent credits; these bond-generated credits are not subject to the Housing Credit cap because private
activity bond authority is also capped. This financing strategy is critical for preserving affordable housing that is in danger of being lost from the inventory. However, like 9 percent credits and 4 percent credits for acquisition, Housing Bond-generated 4 percent credits are subject to the floating rate system. Allowing a 4 percent minimum credit rate for properties financed by 4 percent credits and Housing Bonds would make far more projects viable.

Finally, we ask that Congress support efforts to provide state Housing Credit allocating agencies with flexibility to make the most efficient use of scarce resources. In addition to enacting minimum credit rates, as described above, we call on Congress to promote broader income-mixing within Housing Credit developments. Income mixing would allow a portion of the Housing Credit units in a given development to be offered to low-income households with incomes somewhat above the Housing Credit’s current income restrictions so long as the average income limit for the property remains at 60 percent of area median income or less. This model would preserve rigorous targeting to low-income tenants while providing more flexibility and responsiveness to local needs, and in some instances make it possible to cross-subsidize units for more very and extremely low-income households. It would also facilitate development in sparsely populated rural areas where serving a broader range of incomes is necessary for the long-term financial sustainability of affordable properties, as well as the revitalization of low-income communities.

We urge Congress to take these proposals into account as it continues to consider tax reform, and to act without delay to strengthen the Housing Credit through the enactment of minimum credit rates.

Sincerely,

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National Council of State Housing Agencies
Enterprise Community Partners

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Housing Authority of the County of Beaver
Housing Development Corporation MidAtlantic
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NCCDC
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Pennrose Properties
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Philadelphia Association of Community Development Corporations
Philadelphia Housing Authority
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Quality Community Health Care, Inc.
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Delphi Affordable Housing Group, Inc.
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Fort Worth Housing Authority
Foundation Communities
Georgetown Housing Authority
Granger Housing Authority
Greenville Housing Authority
Gregory Housing Authority
Hidalgo County Housing Authority
Housing Authority of El Paso
Housing Authority of the City of Alamo
Levelland Housing Authority
Lockhart Housing Authority
Locke Lord LLP
Maupin Development
Mount Pleasant Housing Authority
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Mountainlands Community Housing Trust  
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NeighborWorks Salt Lake  
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Vermont Center for Independent Living  
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The Haven, Inc.  
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Housing Assoc. of Nonprofit Developers  
Newport News Redevelopment & Housing Authority  
NJR Real Estate Consulting Services, LLC  
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Restoration of Petersburg Community Development Corporation  
Southside Outreach Group, Inc.  
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Bellwether Housing  
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Common Ground  
Community Frameworks  
Homestead CLT  
Housing Authority of Grant County  
Housing Authority of Kennewick  
Housing Dev. Consortium of Seattle-King County  
Impact Capital  
InterIm Community Development Association  
Imagine Housing  
King County Housing Authority  
Longview Housing Authority  
Low Income Housing Institute  
McLoughlin & Associates  
Office of Rural and Farmworker Housing  
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Spokane Community Housing Association  
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Spokane Low Income Housing Consortium  
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Upper Valley MEND  
Walla Walla Housing Authority  
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Wisconsin Housing Preservation Corp.

**Wyoming Members**
Wyoming Housing Network

**Additional Signatories**
Nome Emergency Shelter Team
Community Development Commission of LA County
Neighborhood Housing Services of the Inland Empire
Ena Dubnoff/Architects
Metro West Housing Solutions

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