Introduction to the New Markets Tax Credit Program
Presentation Roadmap

- Overview of CDFI Fund Programs & Initiatives
- NMTC Program Key Terms
- NMTC Program History and Overview
- CDE Certification
- How can NMTCs work for your organization?
- Information on Prior NMTC Allocations
CDFI Fund Overview

- Created in 1994
- **Mission:** To expand economic opportunity for underserved people and communities by supporting the growth and capacity of a national network of community development lenders, investors, and financial service providers.
- **Vision:** An America in which all people and communities have access to the investment capital and financial services they need to prosper.
The CDFI Fund achieves its mission by directly investing in and supporting Community Development Financial Institutions (CDFIs), Community Development Entities (CDEs), and other financial institutions through the following programs and initiatives:

- New Markets Tax Credit (NMTC) Program
- Bank Enterprise Award (BEA) Program
- Capital Magnet Fund (CMF)
- CDFI Program (FA & TA)
- Native Initiatives (NACA)
- CDFI Bond Guarantee Program
NMTC Program Key Terms

- Low-Income Community (LIC)
- Community Development Entity (CDE)
- Qualified Equity Investment (QEI)
- Qualified Low-Income Community Investment (QLICI)
- Qualified Active Low-Income Community Business (QALICB)
- Financial Counseling and Other Services (FCOS)
The NMTC Program was authorized under the Community Renewal and Tax Relief Act of 2000, and has been subject to reauthorization since 2006. Most recently, the Protecting Americans from Tax Hikes Act (PATH Act, 2015) extended the program through calendar year 2019.

In the 14 application rounds to date, the CDFI Fund has made 1,105 allocation awards totaling $54 billion in tax credit authority.

- Includes $3 billion in Recovery Act awards and $1 billion for recovery and redevelopment from Hurricane Katrina.
The NMTC Program is jointly administered by the CDFI Fund and the Internal Revenue Service (IRS).

Investments made through the NMTC Program must comply with regulations outlined in Section 45D of the Internal Revenue Code.
• NMTCs provide a credit against Federal income taxes for investors that make *Qualified Equity Investments (QEIs)* in certified financial intermediaries called “Community Development Entities (CDEs).”
  – NMTCs are awarded to CDEs, **not** to individuals or businesses.

• CDEs, in turn, use the proceeds of these QEIs to make *Qualified Low-Income Community Investments (QLICIs)*, such as business loans, in *Low-Income Communities*. 
The New Markets Tax Credit is taken over a 7-year period.

The credit rate is:
- 5% of the original investment amount in each of the first three years; and
- 6% of the original investment amount in each of the final four years.

Total credit equals 39% of the original amount invested in the CDE.

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<th>Year 1</th>
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The CDFI Fund awards a tax credit allocation of $1 million to a CDE.

The CDE offers the tax credit to a single investor in exchange for a $1 million equity investment.

- Generates a $50,000 credit annually for the first three years;
- Generates a $60,000 credit annually for the final four years.

Total credit value over 7 years is $390,000.

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<tr>
<th>Year 1</th>
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Tax Credit Recapture

- NMTCs may be recaptured from investors during the 7-year credit period under certain circumstances.

- Events triggering recapture include:
  - The QEI fails the “substantially-all” requirement.
    - Failure to invest 85% of original QEI; or
    - Failure to meet “Qualified Active Low-Income Business” (QALICB) requirements; or
    - Failure to meet one-year investment/reinvestment requirement
  - The CDE redeems the investment.
  - The CDE ceases to qualify as a CDE.

*It is not an event of recapture if a CDE files for bankruptcy. An investor may continue to claim NMTCs.*
The CDFI Fund awards a proportional amount of tax credits for investing in Non-Metropolitan Counties.

- The number of Rural CDEs in the Awardee pool are proportional to the number of Rural CDEs that meet minimum scoring thresholds.
- A goal to invest 20 percent of QLICIs made using QEI proceeds into Non-Metropolitan Counties.

To be a Rural CDE, an organization must:

- Have a track record of at least 3 years of direct financing experience;
- Have dedicated at least 50 percent of its direct financing activities in the last 5 years to Non-Metropolitan Counties; and
- Commit that at least 50 percent of QLICIs will be directed to Non-Metropolitan Counties.
What is a Low-Income Community?

- The NMTC Program provides an incentive for investment in “Low-Income Communities” (LICs). LICs are census tracts:
  - Where the poverty rate is at least 20%; **or**
  - Where the median family income does not exceed 80% of the area median family income; **or**
  - Where the median family income does not exceed 85% of the area median family income provided the census tract is located in a high migration rural county; **or**
  - Where the census tract has a population of less than 2,000 and is contained within a Federally designated Empowerment Zone and is contiguous to at least one other LIC.
Low-Income Communities – Targeted Populations

- Businesses not located in LICs but that otherwise serve Targeted Populations may also qualify for NMTC-enhanced loans/investment.
- Targeted Populations include:
  - Low-Income Persons (e.g. family income no greater than 80% of the applicable area median family income), to the extent the project is located in a census tract with a median family income at or below 120% of the median family income.
- Refer to IRS and CDFI Fund guidance for additional details.
The CDFI Fund offers tools and guidance on determining whether a business is located in an LIC.

- Additional information and guidance is also available at [https://www.cdfifund.gov/research-data/Pages/default.aspx](https://www.cdfifund.gov/research-data/Pages/default.aspx) under “Program Eligibility Guidance”.
What is a CDE?

• A Community Development Entity (CDE) is a domestic corporation or partnership that is an intermediary vehicle for the provision of loans, investments, or financial counseling in Low-Income Communities.

• To qualify as a CDE, a domestic corporation or partnership must apply for and receive certification from the CDFI Fund.
Only CDEs Can Apply for an NMTC Allocation

- CDEs or organizations with a pending CDE certification Application are eligible to apply for an NMTC allocation.
- To be awarded an allocation of NMTCs, CDEs must apply through a competitive application process administered by the CDFI Fund.
- Only a certified CDE that has been awarded an allocation of NMTCs can offer NMTCs for sale to investors.
- If awarded an NMTC allocation, CDEs must issue QEIs within 5 years of receiving an allocation.
In order to claim the NMTCs, an investor must make an equity investment into a CDE – provide cash for either stock in a corporation or a capital interest in a partnership – in exchange for the credits.

- The equity investment must be acquired by the investor at its original issue, solely in exchange for cash.
- The equity investment must be designated by the CDE as a Qualified Equity Investment (QEI).
- The QEI must remain invested in the CDE during the 7-year tax credit period from the date the investment was initially made.
“Substantially all” of QEI proceeds must be invested in Qualified Low-Income Community Investments (QLICIs) within 12 months:

- **Years 1 – 6:** Substantially All = 85% of amount paid by investor at original issue. Generally, returns of equity, capital or principal must be reinvested within 12 months.

- **Year 7:** Substantially All = 75%. Reinvestment is not required in the final year of the 7-year credit period.
Qualified Low-Income Community Investments (QLICIs)

QLICIs include:

- Any capital or equity investment in, or loan to, a “Qualified Active Low-Income Community Business” (QALICB).
- Purchase of a loan from another CDE if the loan is a QLICI.
- Any equity investment in, or loan to, a CDE.
- “Financial Counseling and Other Services” (FCOS) to businesses located in, or residents of, Low-Income Communities (LICs).
Qualified Active Low-Income Community Business (QALICB)

- A QALICB must meet these requirements:
  - At least 50% of the total gross income is from the active conduct of a qualified business in Low-Income Communities (LICs); and
  - At least 40% of the use of tangible property of the business is within LICs; and
  - At least 40% of the services preformed by the business’ employees are performed in LICs; and
  - Less than 5% of the average of the aggregate unadjusted basis of the property is attributable to collectibles (e.g. art and antiques), other than those held for sale in the ordinary course of business; and
  - Less than 5% of the average of the aggregate unadjusted basis of the property is attributable to non-qualified financial property (e.g. debt instruments with a term in excess of 18 months).
Examples of QALICBs

- An operating business (e.g. manufacturer, grocery store) located in a *Low-Income Community (LIC)*.
- A business that develops or rehabilitates commercial, industrial, retail, and mixed-use real estate projects in an *LIC*.
- A business that develops or rehabilitates community facilities, such as charter schools or health care centers, in an *LIC*.
- A business that develops or rehabilitates for-sale housing units located in *LICs*.
CDEs may purchase loans, but **not** investments, from other CDEs if:

- The purchased loans were originated by an entity that was a CDE at the time the loan was sold; and
- The loans qualified as QLICIs at either the time the loan was:
  - Originated, or
  - Purchased by the Allocatee CDE.
Investing in Other CDEs

• Investment may be made through multiple layers of CDEs (e.g. up to 4 CDEs).

• The last CDE recipient needs to demonstrate that it used those dollars to:
  – Make loans to, or investments in QALICBs; and/or
  – Provide FCOS to businesses or residents of LICs.

• All time limits must be met as if the CDE with the allocations directly made the QLICI.
Financial Counseling and Other Services (FCOS)

• *FCOS* is “advice provided by the *CDE* relating to the organization or operation of a trade or business.”

• Possible *FCOS* activities include:
  – Business plan development
  – Assistance with business financials
  – Operating assistance to non-for-profit organizations
Activities Ineligible for NMTC Investment

- Residential rental property
  - Buildings or structures that derive 80% or more of their gross rental income from renting dwelling units.

- Certain types of businesses:
  - Golf courses
  - Race tracks
  - Gambling facilities
  - Certain farming businesses
  - Country clubs
  - Massage Parlors
  - Hot tub facilities
  - Suntan facilities
  - Stores where the principal business is the sale of alcoholic beverages for consumption off premises

- Refer to IRS regulations for additional details.
Community Development Entity (For-profit only)

CDEs must make QLICIs within 12 months of receipt of Investor QEIs

- Investing in or Lending to QALICBs
- Purchasing Loans from CDEs
- Financial Counseling
- Investing in or Lending to CDEs

CDE must offer credits to investors within 5 years

- Private Investors

QEIs must stay invested in CDE for 7 years

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS FUND
To receive CDE certification, a domestic corporation or partnership must:

- Demonstrate a primary mission of serving or providing investment capital for low-income communities or people; and
- Maintain accountability to Low-Income Communities through representation on the organization’s Governing Board or Advisory Board.

Organizations certified as a CDFI by the CDFI Fund or designated as a Specialized Small Business Investment Company (SSBIC) by the Small Business Administration automatically qualify as CDEs.
Generally, CDE certification applications are accepted on a rolling basis.

However, there are strictly enforced deadlines for an organization to apply for CDE certification if it would like to apply concurrently for an NMTC allocation.

Refer to the applicable Notice of Allocation Availability for more information on these deadlines.

More information on CDE certification can be found on the CDFI Fund’s website (www.cdfifund.gov/cde).
How can NMTCs work for your organization?

• **If you are a financing entity** (e.g. loan fund, bank), you may want to consider applying for **CDE** certification.
  – For more information, visit [www.cdfifund.gov/cde](http://www.cdfifund.gov/cde).

• **If you are a certified CDE**, you can:
  – Apply for an allocation of NMTCs;
  – Receive a loan or investment from another **CDE** with **NMTC allocation** authority;
  – Sell loan(s) to another **CDE** with **NMTC allocation** authority if those loan(s) are QLICI(s).
  – For more information, visit [www.cdfifund.gov/nmtc](http://www.cdfifund.gov/nmtc)
If you are a business looking for financing, you can contact a CDE directly to inquire about NMTC enhanced financing.

- For more information, visit the “Searchable Awards Database” at https://www.cdfifund.gov/awards/state-awards/Pages/default.aspx.
Information on Prior NMTC Allocations

- The following slides give information on prior NMTC allocations.
- Results from past rounds illustrate that the NMTC program is highly competitive. Demand for NMTCs far outpaces supply.
- Successful NMTC Applicants have a track record of providing financing to Low-Income Communities and have committed to providing non-traditional and flexible financing products to businesses that result in substantial benefits to Low-Income Communities.
As of April 13, 2018, Allocatees reported raising QEIs totaling more than $48.1 billion.

Through the FY 2017 reporting period, CDEs have disbursed a total of $44.4 billion in QLICIs to 5,942 Qualified Active Low-Income Community Businesses (QALICBs).

These investments have financed:
- Small and large businesses
- Mixed-use real estate
- Retail
- Manufacturing
- Community facilities
- Alternative energy
To date, the CDFI Fund has received 3,711 NMTC Allocation Applications.

Applicants have collectively requested about $331 billion in allocation authority.

During this span, the CDFI Fund has made a total of 1,105 allocation awards totaling $54 billion in allocation authority. This means that 29.8% of applications have been awarded since the program’s inception.
Information on Prior NMTC Allocations:
Number of Applications/Awardees – To Date
Information on Prior NMTC Allocations: Allocation Requested/Awarded – To Date
All 73 of the Allocatees committed to offering preferential rates and terms.

All 73 of the Allocatees indicated that 100 percent of their investment dollars would be made either in the form of equity, equity-equivalent or characterized by at least five concessionary features.

All 73 of the Allocatees committed to providing at least 75 percent of their investments in areas characterized by more severe economic distress.
Information on Prior NMTC Allocations: CY 2017 Round Allocatees

* Note that the number of Allocatees represented in the chart above does not total 73, as some Allocatees are classified in more than one category and some Allocatees do not fall under any of the categories identified.
Contact Information

If you have additional questions on the New Markets Tax Credit Program, you can reach the CDFI Fund via one of the following methods:

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<tr>
<th>CDFI Fund’s New Market Tax Credit Website</th>
<th><a href="http://www.cdfifund.gov/nmtc">www.cdfifund.gov/nmtc</a></th>
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<tr>
<td>NMTC Program Help Desk Phone</td>
<td>(202) 653-0421 *Option 3</td>
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<tr>
<td>CDE Certification Help Desk Email</td>
<td><a href="mailto:ccme@cdfi.treas.gov">ccme@cdfi.treas.gov</a></td>
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<tr>
<td>CDFI Fund’s Help Desk Email</td>
<td><a href="mailto:cdfihelp@cdfi.treas.gov">cdfihelp@cdfi.treas.gov</a></td>
</tr>
<tr>
<td>IRS Contact (Jian Grant &amp; James Holmes)</td>
<td>(202) 317-4137</td>
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