115TH CONGRESS 1ST SESSION H.R. 764

AUTHENTICATED U.S. GOVERNMENT INFORMATION

GPO

To amend the Internal Revenue Code of 1986 to provide incentives for employer-provided employee housing assistance, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 31, 2017

Ms. VELÁZQUEZ introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

- To amend the Internal Revenue Code of 1986 to provide incentives for employer-provided employee housing assistance, and for other purposes.
 - 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 "Housing America's5 Workforce Act of 2017".

6 SEC. 2. FINDINGS AND PURPOSES.

7 (a) FINDINGS.—The Congress finds the following:

(1) Resurgent housing markets are pricing out
 low- and moderate-income families and are pro ducing few lower-cost units.

4 (2) In many markets, housing costs have far
5 outgrown the rate of inflation and the gap between
6 wages and housing costs is widening, pushing afford7 able housing beyond the reach of an increasing num8 ber of working families.

9 (3) Despite some of the lowest mortgage rates 10 in our Nation's history, millions of working families 11 still find it extremely difficult to rent or purchase a 12 home. Many workers who fill jobs that provide the 13 backbone of our communities—teachers, firefighters, 14 and police officers—often cannot afford to live in the 15 communities in which they serve.

16 (4) The United States Department of Housing 17 and Urban Development (HUD) considers housing 18 affordable when a family spends no more than 30 19 percent of its monthly income on rent and utilities. 20 Entry-level wage earners with annual incomes of up 21 to \$30,000 spending no more than 30 percent of 22 their income on rent can only afford to pay up to 23 \$750 for rent. In the high job growth areas, such 24 rents are not readily available.

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1 (5) Affordable housing is the key to creating 2 and sustaining healthy, economically vibrant communities. 3 4 (6) The lack of affordable housing across the 5 United States has been shown to cause or contribute 6 to labor shortages. 7 (7) Under employer-assisted housing (EAH) 8 programs employers provide much needed housing 9 assistance to their employees. 10 (8) EAH programs are innovative local solu-11 tions that have increased affordable housing opportunities for thousands of working families across 12 13 America while benefiting the economy. 14 (9) According to findings of the Rutgers Uni-15 versity American Affordable Housing Institute, em-16 ployer-assisted housing increases productivity by re-17 ducing commuting time as well as saves money on 18 recruitment and retention. 19 (10) The future growth of EAH programs will 20 remain dependent upon increasing individual em-21 ployer knowledge and implementation of these pro-22 grams. 23 (11) EAH programs will not solve the Nation's 24 housing problems but such programs do seek to ad-

dress the challenge from a new perspective and allow

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1 the private sector to play a direct role in promoting 2 housing affordability. Additionally, EAH programs 3 can help to promote redevelopment and reinvestment 4 in distressed communities. 5 (b) PURPOSES.—The purposes of this Act are as fol-6 lows: 7 (1) To expand affordable housing opportunities to low- and moderate-income working individuals 8 9 and families. 10 (2) To encourage employers, counties, and mu-11 nicipalities to invest in employer-assisted housing 12 programs. 13 SEC. 3. TAX CREDIT FOR EMPLOYER-PROVIDED EMPLOYEE 14 HOUSING ASSISTANCE. 15 (a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 16 17 1986 (relating to business related credits) is amended by 18 adding at the end the following new section: 19 "SEC. 45S. EMPLOYER-PROVIDED EMPLOYEE HOUSING AS-20 SISTANCE. "(a) Allowance of Credit.— 21 22 "(1) IN GENERAL.—For purposes of section 38, 23 the employer-provided employee housing assistance 24 credit determined under this section for any taxable 25 year is an amount equal to 50 percent of the quali-

1	fied housing expenses paid by the employer during
2	the taxable year if such expenses are furnished pur-
3	suant to a program described in subsection (b).
4	"(2) Special rule for small business em-
5	PLOYERS.—
6	"(A) In the case of an employer that is a
7	small business employer, paragraph (1) shall be
8	applied by substituting '100 percent' for '50
9	percent'.
10	"(B) Small business employer.—For
11	purposes of subparagraph (A), the term 'small
12	business employer' means an employer that is a
13	small business concern (within the meaning of
14	section 3 of the Small Business Act) which—
15	"(i) is engaged in a trade or business,
16	and
17	"(ii) employs one or more individuals
18	in such trade or business.
19	"(3) Per employee limitation.—
20	"(A) IN GENERAL.—The aggregate
21	amount of qualified housing expenses taken into
22	account with respect to any eligible employee
23	for any taxable year shall not exceed, when
24	added to any qualified housing expenses taken

1	into account for any preceding taxable year
2	with respect to such employee—
3	"(i) in the case of homeownership as-
4	sistance, the lesser of $$10,000$ or 6 percent
5	of the purchase price of such employee's
6	principal residence, and
7	"(ii) in the case of rental assistance,
8	\$5,000.
9	"(B) INFLATION ADJUSTMENT.—
10	"(i) IN GENERAL.—In the case of any
11	taxable year beginning after 2017, each
12	dollar amount referred to in subparagraph
13	(A) shall be increased by an amount equal
14	to—
15	"(I) such dollar amount, multi-
16	plied by
17	"(II) the cost-of-living adjust-
18	ment determined under section 26
19	U.S.C. $1(f)(3)$ for the calendar year in
20	which the taxable year begins, by sub-
21	stituting '2016' for '1992'.
22	"(ii) ROUNDING.—If any amount as
23	adjusted under clause (i) is not a multiple
24	of \$50, such amount shall be rounded to
25	the nearest multiple of \$50.

1	"(b) Housing Assistance Program.—For pur-
2	poses of this section, a housing assistance program is a
3	separate written plan of an employer for the exclusive ben-
4	efit of such employer's employees to provide the qualified
5	housing expenses of such employees and which meets re-
6	quirements similar to the requirements of paragraphs (2)
7	through (6) of section $127(b)$.
8	"(c) Definitions and Special Rules.—For pur-
9	poses of this section—
10	"(1) ELIGIBLE EMPLOYEE.—
11	"(A) IN GENERAL.—The term 'eligible em-
12	ployee' means any individual—
13	"(i) employed by an employer,
14	"(ii) whose household income does not
15	exceed 120 percent of the area median
16	gross income (adjusted for household size)
17	for the metropolitan statistical area (as de-
18	fined in section $143(k)(2)(B)$) in which the
19	housing is located, and
20	"(iii) in the case of homeownership
21	assistance, who is a qualified homebuyer.
22	If the housing with respect to such employee is
23	located in a high housing cost area (as defined
24	in section $143(f)(5)(C)$, the income limitation
25	under subparagraph (B) shall be adjusted (but

1	not reduced) by the application of the rule
2	under section $143(f)(5)$ by substituting '120
3	percent' for '115 percent' in subparagraph
4	(B)(I) thereof.
5	"(B) CERTAIN EMPLOYEES NOT ELIGI-
6	BLE.—The term 'eligible employee' shall not in-
7	clude—
8	"(i) any individual described in sub-
9	paragraph (A), (B), or (C) of section
10	51(i)(1), and
11	"(ii) any 5-percent owner (as defined
12	in section $416(i)(1)(B)$).
13	"(2) Qualified Housing expenses.—
14	"(A) IN GENERAL.—The term 'qualified
15	housing expenses' means rental assistance or
16	homeownership assistance towards the lease or
17	purchase of housing.
18	"(B) RENTAL ASSISTANCE.—The term
19	'rental assistance' means assistance with secu-
20	rity deposits and rental payments.
21	"(C) Homeownership assistance.—The
22	term 'homeownership assistance' means assist-
23	ance for the purchase of a principal residence,
24	including—

"(i) payment of qualified acquisition 1 2 costs (as defined in section 72(t)(8)(C)), "(ii) providing (or reducing the costs 3 4 of) financing, including the funding of a permanent interest rate buydown, 5 6 "(iii) contributions to second mortgage pools or low interest loan programs 7 8 accessible to eligible employees, 9 "(iv) mortgage guarantee programs for the repayment of any loans in default 10 11 that are secured by an eligible employee 12 and guaranteed by the employer, "(v) contributions to Individual Devel-13 14 opment Accounts (within the meaning of 15 section 404(h) of the Social Security Act) 16 which are designated exclusively for the 17 purchase of a home, and 18 "(vi) contributions to homebuyer edu-

19 cation and homeownership counseling of el20 igible employees.

21 "(3) PRINCIPAL RESIDENCE.—The term 'prin22 cipal residence' has the same meaning as when used
23 in section 121, except such term shall not include a
24 residence with a purchase price exceeding the great25 er of—

1	"(A) 90 percent of the average area pur-
2	chase price applicable to the residence, or
3	"(B) 3.5 times the family income limit ap-
4	plicable to the eligible employee under para-
5	graph (1)(A)(ii).
6	"(4) Qualified homebuyer.—
7	"(A) IN GENERAL.—The term 'qualified
8	homebuyer' means any individual if such indi-
9	vidual (and if married, such individual's spouse)
10	had no present ownership in a principal resi-
11	dence during the 3-year period ending on the
12	date of the purchase of the principal residence
13	to which this section applies.
14	"(B) ONE TIME ONLY.—If an individual is
15	treated as a qualified homebuyer with respect to
16	any principal residence, such individual may not
17	be treated as a qualified homebuyer with re-
18	spect to any other principal residence.
19	"(5) Applicable Rules.—Rules similar to the
20	rules under section $127(c)(5)(A)$ shall apply for the
21	purposes of this section.
22	"(d) TREATMENT OF EMPLOYERS NOT ABLE TO
23	USE ENTIRE CREDIT.—
24	"(1) Allowance of credit.—Except as oth-
25	erwise provided in this subsection, any credit allow-

1	able under subsection (a) to any employer described
2	in paragraph (2)(C) may be transferred as provided
3	in this subsection and the determination as to
4	whether the credit is allowable shall be made without
5	regard to the tax-exempt status of the employer.
6	"(2) Transfer of credit.—
7	"(A) IN GENERAL.—An employer described
8	in subparagraph (C) may transfer any credit to
9	which paragraph (1) applies through an assign-
10	ment to any other person. Such transfer may be
11	revoked only with the consent of the Secretary.
12	"(B) REGULATIONS.—The Secretary shall
13	prescribe such regulations as necessary to en-
14	sure that any credit described in subparagraph
15	(A) is assigned once and not reassigned by such
16	other person.
17	"(C) Employer described.—An em-
18	ployer is described in this subparagraph if the
19	employer is—
20	"(i) a State or political subdivision
21	thereof, the District of Columbia, a posses-
22	sion of the United States, or an agency or
23	instrumentality of any of the foregoing,

1	"(ii) an Indian tribal government
2	(within the meaning of section 7871) or
3	any agency or instrumentality thereof, or
4	"(iii) any entity exempt from taxation
5	under section 501(a).
6	"(D) TRANSFER PROCEEDS TREATED AS
7	ARISING FROM ESSENTIAL GOVERNMENT FUNC-
8	TION.—Any proceeds derived by a person de-
9	scribed in clause (i) or (ii) of subparagraph (C)
10	from the transfer under subparagraph (A) of
11	any credit to which paragraph (1) applies shall
12	be treated as arising from the exercise of an es-
13	sential government function.
14	"(E) CREDIT NOT INCOME.—Any transfer
15	under subparagraph (A) of any credit to which
16	paragraph (1) applies shall not be treated as in-
17	come for purposes of section 501(c)(12).".
18	(b) Credit Allowed as Part of General Busi-
19	NESS CREDIT.—Section 38(b) of the Internal Revenue
20	Code of 1986 (defining current year business credit) is
21	amended by striking "plus" at the end of paragraph (35),
22	by striking the period at the end of paragraph (36) and
23	inserting ", plus", and by adding at the end the following
24	new paragraph:

	15
1	"(37) the employer-provided employee housing
2	assistance credit determined under section 45S(a).".
3	(c) Conforming Amendments.—
4	(1) Subsection (c) of section 196 of the Internal
5	Revenue Code of 1986 is amended by striking "and"
6	at the end of paragraph (13), by striking the period
7	at the end of paragraph (14) and inserting ", and",
8	and by adding at the end the following new para-
9	graph:
10	"(15) the employer-provided employee housing
11	assistance credit determined under section 458(a).".
12	(2) The table of sections for subpart D of part
13	IV of subchapter A of chapter 1 of such Code is
14	amended by adding at the end the following new
15	item:
	"Sec. 45S. Employer-provided employee housing assistance.".
16	(d) EFFECTIVE DATE.—The amendments made by
17	this section shall apply to taxable years beginning after
18	December 31, 2016.
19	SEC. 4. EXCLUSION FROM INCOME OF EMPLOYER-PRO-
20	VIDED EMPLOYEE HOUSING ASSISTANCE.
21	(a) IN GENERAL.—Part III of subchapter B of chap-
22	ter 1 of the Internal Revenue Code of 1986 (relating to
23	items specifically excluded from gross income) is amended
24	by inserting after section 139F the following new section:

1	"SEC. 139G. EMPLOYEE HOUSING ASSISTANCE PROGRAMS.
2	"(a) Exclusion From Gross Income.—
3	"(1) IN GENERAL.—Gross income of an eligible
4	employee does not include amounts paid or incurred
5	by the employer of such employee for qualified hous-
6	ing expenses provided to the employee if the assist-
7	ance is furnished pursuant to a program described
8	in subsection (b).
9	"(2) LIMITATION.—
10	"(A) IN GENERAL.—The aggregate
11	amount of qualified housing expenses which
12	may be excluded under paragraph (1) with re-
13	spect to any eligible employee for any taxable
14	year shall not exceed, when added to any quali-
15	fied housing expenses excluded in any preceding
16	taxable year with respect to such employee—
17	"(i) in the case of homeownership as-
18	sistance, the lesser of $$10,000$ or 6 percent
19	of the purchase price of such employee's
20	principal residence, and
21	"(ii) in the case of rental assistance,
22	\$5,000.
23	"(B) INFLATION ADJUSTMENT.—
24	"(i) IN GENERAL.—In the case of any
25	taxable year beginning after 2017, each
26	dollar amount referred to in subparagraph

1	(A) shall be increased by an amount equal
2	to—
3	"(I) such dollar amount, multi-
4	plied by
5	"(II) the cost-of-living adjust-
6	ment determined under section 26
7	U.S.C. $1(f)(3)$ for the calendar year in
8	which the taxable year begins, by sub-
9	stituting '2016' for '1992'.
10	"(ii) ROUNDING.—If any amount as
11	adjusted under clause (i) is not a multiple
12	of \$50, such amount shall be rounded to
13	the nearest multiple of \$50.
14	"(b) Housing Assistance Program.—For pur-
15	poses of this section, a housing assistance program is a
16	separate written plan of an employer for the exclusive ben-
17	efit of such employer's employees to provide the qualified
18	housing expenses of such employees and which meets re-
19	quirements similar to the requirements of paragraphs (2)

21 "(c) DEFINITIONS; SPECIAL RULES.—For purposes
22 of this section—

23 "(1) IN GENERAL.—Any term used in section
24 45S which is also used in this section shall have the
25 same meaning as given such term by section 45S.

20 through (6) of section 127(b).

"(2) APPLICABLE RULES.—Rules similar to the
 rules under section 127(c)(5)(A) shall apply for pur poses of this section.

4 "(3) BASIS ADJUSTMENT.—For purposes of 5 this subtitle, if an exclusion is allowed under sub-6 section (a) with respect to a residence, the basis of 7 such residence shall be reduced by the amount of the 8 exclusion.".

9 (b) REPORTING REQUIREMENTS.—Subsection (d)(1) 10 of section 6039D of the Internal Revenue Code of 1986 11 (relating to returns and records with respect to certain 12 fringe benefit plans) is amended by striking "or 137" and 13 inserting "137, or 139G".

14 (c) CONFORMING AMENDMENTS.—

(1) The table of sections for part III of subchapter B of chapter 1 of the Internal Revenue Code
of 1986 is amended by inserting after the item relating to section 139F the following new item:

"Sec. 139G. Employee housing assistance programs.".

(2) Subsection (a) of section 1016 of such Code
(relating to adjustments to basis) is amended by
striking "and" at the end of paragraph (36), by
striking the period at the end of paragraph (37) and
inserting ", and", and by adding at the end the following new paragraph:

	± •
1	"(38) in the case of a residence with respect to
2	which amounts were excluded from income under
3	section 139G, to the extent provided in section
4	139G(c)(3).".
5	(d) EFFECTIVE DATE.—The amendments made by
6	this section shall apply to taxable years beginning Decem-
7	ber 31, 2016.
8	SEC. 5. GRANTS TO COVER EMPLOYER-ASSISTED HOUSING
9	PROGRAM COSTS.
10	(a) Grants Authorized.—
11	(1) IN GENERAL.—The Secretary may award a
12	grant to an eligible entity to pay—
13	(A) the operating costs of administering an
14	employer-assisted housing program;
15	(B) for technical assistance provided by
16	the eligible entity to an employer in connection
17	with such a program; and
18	(C) for costs associated with promoting,
19	publicizing, or otherwise attempting to dis-
20	tribute information relating to such a program.
21	(2) DURATION.—Grants in an annual aggregate
22	total of not more than \$5,000,000 may be awarded
23	under this subsection during each of fiscal years

(3) AWARD BASIS.—The Secretary shall award
 grants under this section on a competitive basis.

3 (b) ELIGIBLE ENTITIES.—To be eligible to receive a
4 grant under this section, an entity shall demonstrate that
5 it is—

6 (1) a nonprofit housing organization with a rel-7 evant mission and demonstrated track record in 8 housing counseling or employer-assisted housing con-9 tracted by an employer to assist the employer in es-10 tablishing or maintaining an employer-assisted hous-11 ing program; or

(2) a city, county, town, township, parish, village, hamlet, or other general purpose political subdivision of a State that seeks to establish or maintain, or otherwise participate in an employer-assisted
housing program for its own employees.

(c) APPLICATION.—Each eligible entity seeking a
grant under this section shall submit an application to the
Secretary at such time, in such manner, and containing
such information as the Secretary may require.

(d) LIMITATION ON USE OF FUNDS.—A grant
awarded to an eligible entity under this section shall be
used only for the purposes described under subsection (a).
(e) REPORTS.—

1	(1) IN GENERAL.—Each eligible entity receiving
2	a grant under this section shall annually prepare
3	and submit to the Secretary a report that describes
4	the—
5	(A) amount of grant funds expended dur-
6	ing the year;
7	(B) total amount—
8	(i) of funds expended during the year
9	to administer an employer-assisted housing
10	program; and
11	(ii) of down payment assistance pro-
12	vided by such a program;
13	(C) total number of employees utilizing
14	such a program;
15	(D) number of employees utilizing such a
16	program—
17	(i) who are first-time homebuyers;
18	(ii) who are previous homeowners; and
19	(iii) who live in high-cost housing
20	areas;
21	(E) average—
22	(i) income of employees utilizing such
23	a program;
24	(ii) age of employees utilizing such a
25	program; and

1	(iii) cost of a home purchased under
2	such a program;
3	(F) ethnicity of employees utilizing such a
4	program; and
5	(G) number of housing units affected by
6	such a program.
7	(2) CLEARINGHOUSE AND DISSEMINATION.—
8	(A) IN GENERAL.—Not later than 1 year
9	after the date of enactment of this Act, the Sec-
10	retary shall establish a national clearinghouse,
11	including a website, designed—
12	(i) to provide information about em-
13	ployer-assisted housing programs to—
14	(I) Federal, State, and local gov-
15	ernment entities; and
16	(II) interested groups, busi-
17	nesses, persons, and organizations;
18	and
19	(ii) to collect and disseminate the in-
20	formation gathered from the reports re-
21	quired under paragraph (1).
22	(B) WEBPOSTING.—The Secretary shall
23	ensure that—
24	(i) each report submitted under para-
25	graph (1) is posted to the website of the

1	national clearinghouse established under
2	subparagraph (A); and
3	(ii) the website of the Department of
4	Housing and Urban Development provides
5	a hyperlink to such reports on the website
6	of the national clearinghouse.
7	(f) DEFINITIONS.—As used in this section:
8	(1) Secretary.—The term "Secretary" means
9	the Secretary of Housing and Urban Development.
10	(2) Nonprofit housing organization.—The
11	term "nonprofit housing organization" means any
12	organization that—
13	(A) the Internal Revenue Service has ruled
14	is exempt from income taxation under para-
15	graph (3) , (4) , or (5) of section $501(c)$ of the
16	Internal Revenue Code of 1986; and
17	(B) has as its stated purpose to produce,
18	maintain, operate, or promote affordable hous-
19	ing.
20	(g) AUTHORIZATION OF APPROPRIATIONS.—There
21	are authorized to be appropriated \$5,000,000 for each of
22	fiscal years 2017, 2018, and 2019 to carry out this sec-
23	tion.

1SEC. 6. EVALUATION OF EMPLOYER-ASSISTED HOUSING2PROGRAMS.

3 (a) IN GENERAL.—A study of employer-assisted pro4 grams shall be carried out in accordance with subsection
5 (b) for the purposes of evaluating the effects of the tax
6 benefits provided under sections 3 and 4 and the grant
7 program established under section 5 on—

8 (1) such programs; and

9 (2) the private sector resources leveraged to10 further fund such programs.

11 (b) NATIONAL EVALUATION.—

(1) IN GENERAL.—The Comptroller General of
the United States (in this section referred to as the
"Comptroller General") shall conduct the study required under subsection (a).

16 (2) REQUIREMENTS.—The study required
17 under subsection (a) shall include an analysis and
18 summary of—

19 (A) the total number of—

20 (i) employers participating in em21 ployer-assisted housing programs;

22 (ii) States that have enacted em23 ployer-assisted housing program legisla24 tion; and

25 (iii) States considering enacting such26 legislation;

1	(B) the extent to which Federal funds are
2	being used to support employer-assisted housing
3	programs;
4	(C) the size and nature of existing Federal,
5	State, and private employer-assisted housing
6	programs;
7	(D) the types of assistance offered to em-
8	ployees under employer-assisted housing pro-
9	grams;
10	(E) the distribution of employers offering
11	employer-assisted housing programs, including
12	a review of the—
13	(i) geographic distribution of such em-
14	ployers;
15	(ii) industry distribution of such em-
16	ployers; and
17	(iii) size distribution of such employ-
18	ers;
19	(F) the extent to which employer-assisted
20	housing programs are located in "high-cost"
21	housing markets;
22	(G) the extent to which employers are able
23	to, and have made, use of the tax benefits pro-
24	vided under this Act;

1	(H) the information contained in the re-
2	ports submitted under section 5(e); and
3	(I) any other information that the Comp-
4	troller General determines would be relevant
5	and helpful to the Secretary of Housing and
6	Urban Development (in this section referred to
7	as the "Secretary") in evaluating the effects of
8	the tax benefits provided under sections 3 and
9	4 and the grant program established under sec-
10	tion 5.
11	(c) CONSULTATION.—In conducting the study re-
12	quired under subsection (a), the Comptroller General shall
13	consult with—
14	(1) appropriate Federal, State, and local gov-
15	ernment entities; and
16	(2) interested groups, businesses, persons, uni-
17	versities, and organizations.
18	(d) Report.—
19	(1) INTERIM REPORT.—Not later than January
20	1, 2020, the Comptroller General shall submit to the
21	Secretary an interim report on the findings of the
22	study required under subsection (a).
23	(2) FINAL REPORT.—Not later than December
24	31, 2021, the Comptroller General shall submit to
25	the Secretary a final report that describes—

(A) the findings of the study required
under subsection (a); and
(B) any conclusions and recommendations
of such study.
(e) Authorization of Appropriations.—There
are authorized to be appropriated \$1,000,000 to carry out
this section.

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