



# Introduction to the New Markets Tax Credit Program

PREPARED ON  
**September 30, 2021**

The CDFI Fund is an equal opportunity provider.

# 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.

# CDFI Fund Overview



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

# NMTC Program History



- 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 Taxpayer Certainty and Disaster Tax Relief Act of 2020 provided \$5 billion in NMTC Allocation authority for calendar year 2021.
- In the 17 application rounds to date, the CDFI Fund has made 1,354 allocation awards totaling \$66 billion in tax credit authority.
  - Includes \$3 billion in Recovery Act awards and \$1 billion for recovery and redevelopment from Hurricane Katrina.

# NMTC Program Overview



- 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.

# NMTC Program Overview



- 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*.

# Tax Credit Amount



- 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*.

| Year 1 | Year 2 | Year 3 | Year 4 | Year 5 | Year 6 | Year 7 | TOTAL |
|--------|--------|--------|--------|--------|--------|--------|-------|
| 5%     | 5%     | 5%     | 6%     | 6%     | 6%     | 6%     | 39%   |

# Tax Credit Amount - Example



- 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.

| Year 1   | Year 2   | Year 3   | Year 4   | Year 5   | Year 6   | Year 7   | TOTAL     |
|----------|----------|----------|----------|----------|----------|----------|-----------|
| \$50,000 | \$50,000 | \$50,000 | \$60,000 | \$60,000 | \$60,000 | \$60,000 | \$390,000 |

# 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.*

# Non-Metropolitan Counties



- 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% of *QLICs* 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% of its direct financing activities in the last 5 years to *Non-Metropolitan Counties*; and
  - Commit that at least 50% of *QLICs* 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.

# Finding a Low-Income Community



- The CDFI Fund offers tools and guidance on determining whether a business is located in an LIC.
  - CDFI Information Mapping System (CIMS) indicates whether a census tract qualifies as an LIC – [www.cdfifund.gov/mapping](http://www.cdfifund.gov/mapping).
  - Additional information and guidance is also available at <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 *QEI*s within **5 years** of receiving an allocation.

# Qualified Equity Investment (QEI)



- 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.

# Use of QEI Proceeds



- “Substantially all” of QEI proceeds must be invested in *Qualified Low-Income Community Investments (QLICs)* 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 (QLICs)



*QLICs* 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*.

# Purchasing Loans from Other CDEs



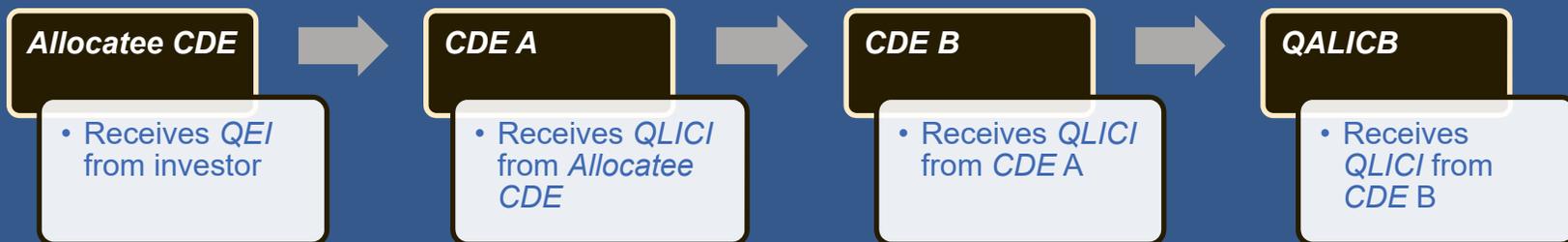
*CDEs* may purchase loans, but **not** investments, from other *CDEs* if:

- The purchased loans were originated by an entity that was a *CDE* at the time the loan was sold; and
- The loans qualified as QLICs 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-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.

# Summary Graphic



**Community  
Development  
Entity**  
(For-profit only)

**CDE must offer  
credits to investors  
within 5 years**

Private  
Investors

**QEI must  
stay invested in CDE  
for 7 years**

**CDEs must make QLICs  
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 Certification



- 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*.

# CDE Certification



- 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](http://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)

# How can NMTCs work for your organization?



- **If you are an organization** looking for financing, you can contact a *CDE* directly to inquire about NMTC enhanced financing.
  - For more information on CDEs that received allocation, visit the “Searchable Awards Database” at <https://www.cdfifund.gov/awards/state-awards>
  - For more information on CDEs that have not finalized all of their allocation authority, review the latest QEI Issuance Report at <https://www.cdfifund.gov/programs-training/Programs/new-markets-tax-credit/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*.

# Information on Prior NMTC Allocations: Awards to Date



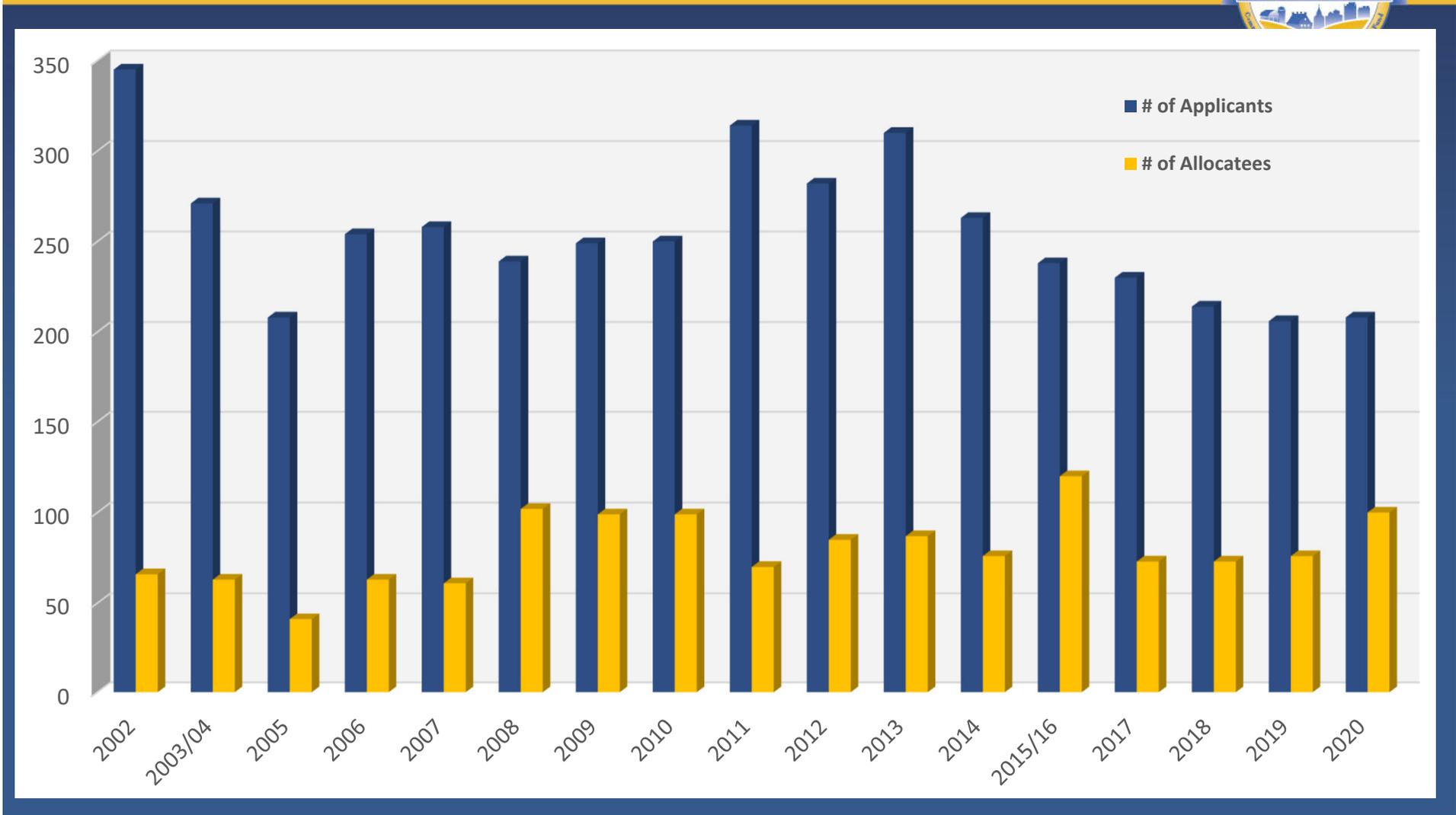
- As of October 4, 2021, *Allocatees* reported raising *QELs* totaling more than \$59.4 billion.
- Through the FY 2020 reporting period, *CDEs* have disbursed a total of \$55.9 billion in *QLICs* to 7,789 *Qualified Active Low-Income Community Businesses (QALICBs)*.
- These investments have financed:
  - Small and large businesses
  - Mixed-use real estate
  - Retail
  - Manufacturing
  - Community facilities
  - Alternative energy

# Information on Prior NMTC Allocations: Awards to Date

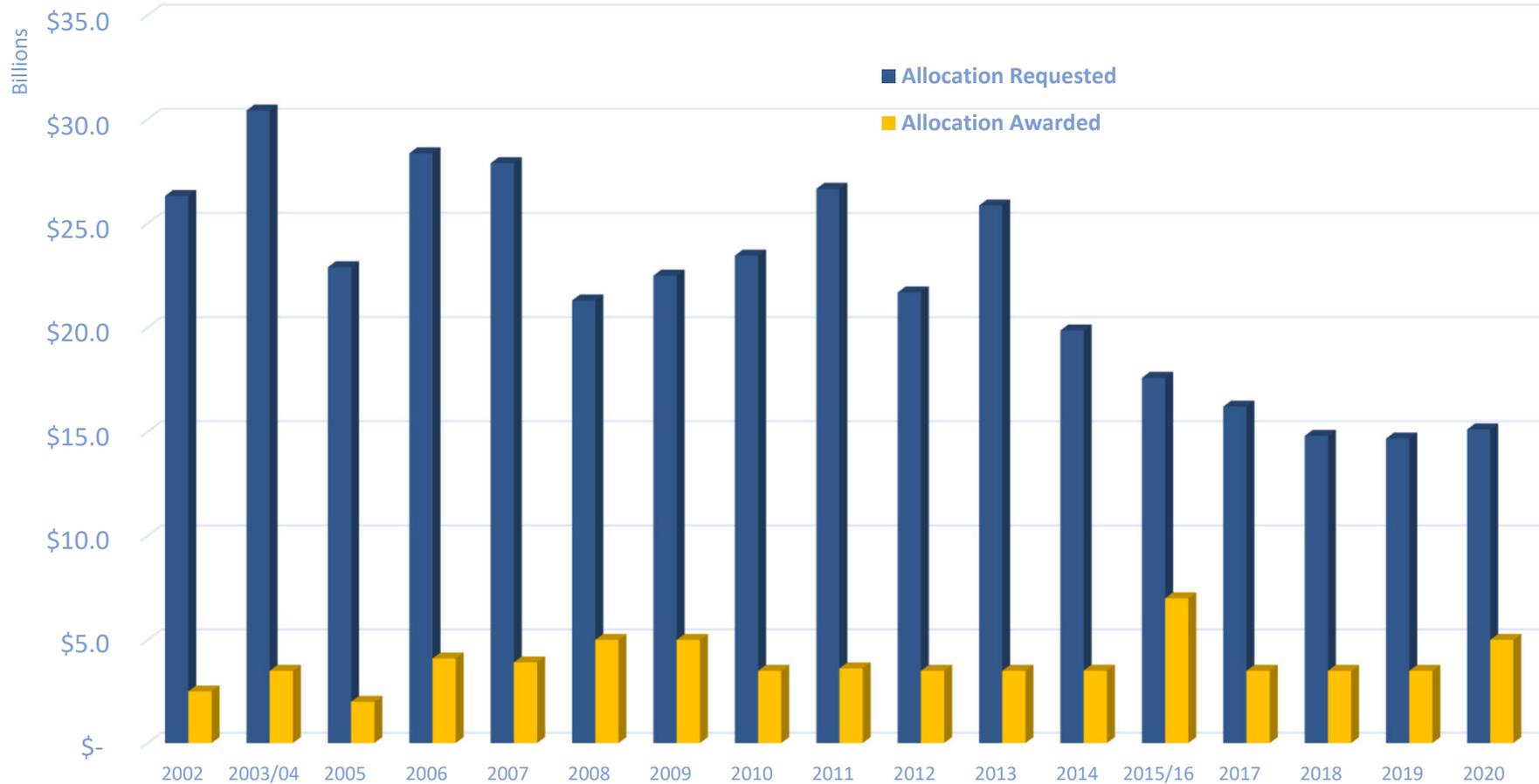


- To date, the CDFI Fund has received 4,339 NMTC *Allocation Applications*.
- *Applicants* have collectively requested about \$375.1 billion in allocation authority.
- During this span, the CDFI Fund has made a total of 1,354 allocation awards totaling \$66 billion in allocation authority. This means that 31.2% 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

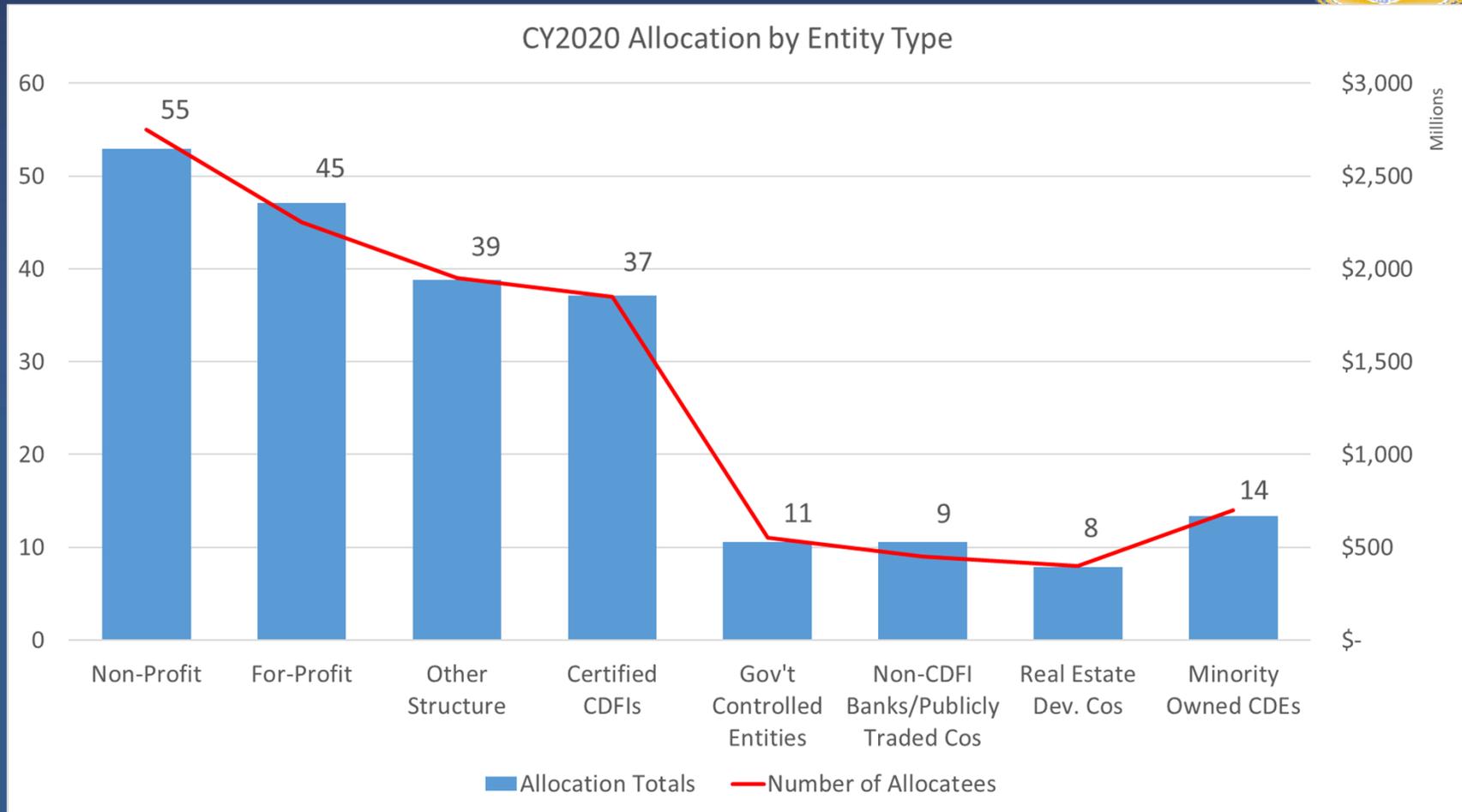


# Information on Prior NMTC Allocations: CY 2020 Round Allocatees



- All 100 of the *Allocatees* committed to offering preferential rates and terms.
- All 100 of the *Allocatees* indicated that at least 95% of their investment dollars would be made either in the form of equity or equity-equivalent.
- All 100 of the *Allocatees* indicated that at least 95% of their investment dollars would be characterized by at least five concessionary features.
- All 100 of the *Allocatees* committed to providing at least 75% of their investments in areas characterized by more severe economic distress.

# Information on Prior NMTC Allocations: CY 2020 Round Allocatees



\*The number of Allocatees in the chart above does not total 100, as some Allocatees are classified in more than one category and some Allocatees do not 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:

| CDFI Fund's New Market Tax Credit Website     | <a href="http://www.cdfifund.gov/nmtc">www.cdfifund.gov/nmtc</a>     |
|---|--|
| NMTC Program Help Desk Phone                  | (202) 653-0421<br>*Option 3  |
| CDE Certification Help Desk Email             | <a href="mailto:ccme@cdfi.treas.gov">ccme@cdfi.treas.gov</a>         |
| CDFI Fund's Help Desk Email                   | <a href="mailto:cdfihelp@cdfi.treas.gov">cdfihelp@cdfi.treas.gov</a> |
| AMIS Service Request                          | Log-In to your AMIS Profile,<br>see the "Service Request Tab"        |
| IRS Contact<br>(James Holmes & Dillon Taylor) | (202) 317-4137   |