

SENATE BILL No. 34

By Committee on Federal and State Affairs

1-17

1 AN ACT concerning housing; ~~relating to the Kansas rural housing~~
2 ~~incentive district act;~~ expanding the availability of such districts to
3 certain cities and the use of bond proceeds; amending K.S.A. 12-5241,
4 12-5242 and 12-5249 and repealing the existing sections.
5

6 *Be it enacted by the Legislature of the State of Kansas:*

7 New Section 1. (a) The governing body of any city that satisfies the
8 definition of such term under K.S.A. 12-5242(a)(2), and amendments
9 thereto, is hereby authorized to designate rural housing incentive districts
10 within such city subject to the limitations of this section. Such city shall be
11 subject to the provisions of K.S.A. 12-5244 through 12-5252, and
12 amendments thereto.

13 (b) (1) The governing body of a city establishing a rural housing
14 incentive district under this section shall not:

15 (A) Designate more than 100 units within such district as for-sale
16 units in one year or more than 100 units within such district as for-rent
17 units in one year; and

18 (B) designate more than 50 units within such district associated with
19 a single project as for-sale units in one year or more than 50 units within
20 such district associated with a single project as for-rent units in one year.

21 (2) Units designated as for-sale units may be redesignated as for-rent
22 units by the governing body if such units have not been sold within six
23 months after the certificate of occupancy is granted.

24 (3) The governing body may designate for-sale and for-rent units for
25 succeeding years as part of a proposed multi-phased, multi-year
26 development plan adopted pursuant to K.S.A. 12-5246, and amendments
27 thereto.

28 (c) The average size of each residence constructed within a rural
29 housing incentive district established under this section shall not exceed
30 1,650 square feet. The square footage shall be calculated excluding any
31 garage area or other exterior area, such as porches, patios or unattached
32 storage buildings.

33 (d) The provisions of this section shall be a part of and supplemental
34 to the Kansas rural housing incentive district act.

35 Sec. 2. K.S.A. 12-5241 is hereby amended to read as follows: 12-
36 5241. ~~This act~~ *The provisions of K.S.A. 12-5241 through 12-5256, and*

Proposed amendment to SB 34
House Committee on Financial Institutions and Pensions
3/22/2023

Inserting the contents of SB 37, As Amended by Senate Committee
Prepared by Office of Revisor of Statutes

Kansas rural housing incentive

transferability of income, privilege and premium tax credits
issued under the Kansas housing investor tax credit act;

and K.S.A. 2022 Supp. 79-32,313

1 units or buildings or other structures exclusively for residential use
2 located on existing lots if:

3 (A) The infrastructure, including streets, sewer, water and utilities,
4 has been in existence for at least 10 years; or

5 (B) the existing lot has been subject to any tax assessment levied
6 pursuant to chapter 12, article 6a or chapter 19, article 27 of the Kansas
7 Statutes Annotated, and amendments thereto, because such lot is located
8 in an improvement district established pursuant to chapter 12, article 6a
9 or chapter 19, article 27 of the Kansas Statutes Annotated, and
10 amendments thereto.

11 (b) None of the proceeds from the sale of special obligation bonds
12 issued under K.S.A. 12-5248, and amendments thereto, shall be used for
13 the construction of buildings or other structures to be owned by or to be
14 leased to any developer of a residential housing project within the district,
15 except for buildings or other structures located in a central business district
16 or in a business or commercial district within a qualified census tract as
17 approved by the secretary of commerce.

18 Sec. 5. K.S.A. 12-5241, 12-5242 and 12-5249, are hereby repealed.

19 Sec. 6. This act shall take effect and be in force from and after its
20 publication in the ~~statute book~~.

Sec. 6. K.S.A. 2022 Supp. 79-32,313 is hereby amended to read as follows: Insert section 1 of SB 37, As Amended by Senate Committee (See attachment)

and K.S.A. 2022 Supp. 79-32,213

Kansas register

Renumber sections accordingly

Sec. 6. K.S.A. 2022 Supp. 79-32,313 is hereby amended to read as follows: 79-32,313. (a) (1) For tax year 2022 and all tax years thereafter, a credit against the income tax liability imposed pursuant to the Kansas income tax act, the privilege tax liability imposed upon any national banking association, state bank, trust company or savings and loan association pursuant to article 11 of chapter 79 of the Kansas Statutes Annotated, and amendments thereto, or the premium tax liability imposed upon an insurance company pursuant to K.S.A. 40-252, and amendments thereto, shall be allowed to:

(A) A qualified investor for a cash investment in a qualified housing project that has been approved and issued a tax credit by the director. The tax credit may be claimed in its entirety in the taxable year the cash investment is made; and

(B) a project builder or developer of a qualified housing project that has been approved and issued a tax credit by the director.

(2) To claim such tax credit, the qualified investor ~~or~~ project builder or developer or transferee shall provide all information or documentation in the form and manner required by the secretary of revenue. If the amount of the credit exceeds the taxpayer's tax liability in any one taxable year, the remaining portion of the credit may be carried forward in the succeeding taxable years until the total amount of the credit is used, except that no credit may be claimed after four taxable years next succeeding the taxable year that such credit was issued, and any remaining credit shall be forfeited. Any portion of the credit that is carried forward may be transferred pursuant to subsection (d) and claimed by the transferee in the same manner as the transferor.

(b) (1) Tax credits may be issued by the director for a qualified housing project as follows:

(A) For qualified housing projects located in a county with a population of not more than 8,000, in an amount not to exceed \$35,000 per residential unit;

(B) for qualified housing projects located in a county with a population of more than 8,000 but not more than 25,000, in an amount

not to exceed \$32,000 per residential unit; and

- (C) for all other qualified housing projects, in an amount not to exceed \$30,000.
- (2) A qualified housing project shall be limited to a total of 40 such residential units per year for both single-family and multi-family dwellings.
- (3) Tax credits may be issued to a qualified investor in the amount of a cash investment of up to the total amount that may be issued by the director under this subsection for the qualified housing project, or as provided in the agreement required by K.S.A. 2022 Supp. 79-32,312, and amendments thereto. Project builders or developers may apply to the director each year for tax credits for additional units or phases of a project. Qualified investors may be issued tax credits for cash investments in multiple qualified housing projects. Project builders or developers may apply and be approved for multiple qualified housing projects in the same tax year.
- (4) The aggregate amount of tax credits that may be issued under this section shall not exceed \$13,000,000 each tax year, except that if the director issues an aggregate amount of tax credits in one tax year that is less than \$13,000,000, then the director may carry forward the difference and issue such amount of tax credits in the immediately succeeding tax year in addition to the statutory amount that may be issued under this section. Of the aggregate amount of tax credits issued in one tax year, the director shall allocate:
 - (A) Not less than \$2,500,000 in tax credits for qualified housing projects located in counties with a population of not more than 8,000;
 - (B) not less than \$2,500,000 in tax credits for qualified housing projects located in counties with a population of more than 8,000 but not more than 25,000; and
 - (C) up to \$8,000,000 in tax credits for qualified housing projects located in counties with a population of more than 25,000 but not

more than 75,000.

- (c) A cash investment in a qualified housing project shall be deemed to have been made on the date of acquisition of the qualified security, as such date is determined by the director.
- (d) ~~Any qualified investor without a current tax liability at the time of the investment in a qualified housing project that does not reasonably believe such investor will owe any such tax for the current taxable year and who receives a tax credit pursuant to this section shall be deemed to acquire an interest in the nature of a transferable credit limited to the amount of the credit issued to the qualified investor by the director. ~~This interest~~ All or a portion of such credit may be transferred by the qualified investor or any subsequent transferee to any person one or more persons whether or not such ~~person~~ transferee is then a qualified investor and be claimed by the transferee as a credit against the transferee's Kansas tax liability in the same manner as the transferor beginning in the year the credit is transferred. The credit may be carried forward as permitted by subsection (a). ~~There shall be no limit on the number of times a credit or any portion thereof can be transferred.~~ No person shall be entitled to a refund for any interest on such tax credit that may be created under this section. ~~Only the full amount of the tax credit for any one qualified housing project investment may be transferred and may only be transferred one time.~~ A credit acquired by transfer shall be subject to the limitations prescribed in this section. Any such transferee succeeds to all remaining rights and restrictions of the transferor with respect to the credit being transferred on the date of such transfer. Documentation of any credit acquired by transfer shall be provided by the taxpayer claiming such credit in the manner required by the secretary of revenue. The qualified investor or subsequent transferee transferring such credit shall provide the director and the secretary of revenue with the name, address and taxpayer identification number of each person to whom ~~tax~~ credits have been transferred and such other information as may be required by the director or the secretary of revenue. The provisions of this subsection shall apply to credits issued for tax year 2022 and all tax years~~

thereafter.

- (e) The secretary of revenue may adopt rules and regulations as necessary to implement and administer the provisions of this act.
- (f) For purposes of calculating any tax due under K.S.A. 40-253, and amendments thereto, the credit allowed by this section shall be treated as a tax paid under K.S.A. 40-252, and amendments thereto.