

116TH CONGRESS
2D SESSION

H. R. 7074

To establish an Office of Equitable Transit-Oriented Development and Mobility to carry out an equitable transit-oriented development and mobility grant program, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 1, 2020

Mr. GARCÍA of Illinois (for himself, Mrs. WATSON COLEMAN, Mr. COHEN, Ms. PRESSLEY, Mr. SOTO, Mr. CARSON of Indiana, Mr. THOMPSON of Mississippi, and Ms. OCASIO-CORTEZ) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on Ways and Means, 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 establish an Office of Equitable Transit-Oriented Development and Mobility to carry out an equitable transit-oriented development and mobility grant program, 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 “Promoting Equitable
5 Transit-Oriented Development and Mobility Corridors
6 Act”.

1 **SEC. 2. DEFINITIONS.**

2 (a) IN GENERAL.—In this Act, the following defini-
3 tions apply:

4 (1) **EQUITABLE TRANSIT-ORIENTED DEVELOP-**
5 **MENT.**—The term “equitable transit-oriented devel-
6 opment” means—

7 (A) the creation and support of commu-
8 nities of opportunity, especially disadvantaged
9 or low-income communities where residents of
10 all incomes, ages, races, and ethnicities partici-
11 pate in, and benefit from, living in connected,
12 healthy, vibrant places connected by public
13 transportation; and

14 (B) including, in communities of oppor-
15 tunity, a mixture of housing (including a sig-
16 nificant level of affordable housing), office, re-
17 tail, and other amenities as part of a walkable
18 neighborhood generally located within a half
19 mile of quality public transportation.

20 (2) **ETOD AND MOBILITY PLAN.**—The term
21 “eTOD and Mobility Plan” means a plan for equi-
22 table transit-oriented development and mobility cor-
23 ridors developed under section 4.

24 (3) **MOBILITY CORRIDOR.**—The term “mobility
25 corridor” means a major economic corridor that in-
26 tegrates safety, mobility, and access for freight, ac-

1 tive transportation, and public transportation along
2 the corridor while promoting quality of life, economic
3 development, and greenhouse gas reduction, includ-
4 ing, at a minimum—

5 (A) at least 125 acres with centrality to
6 employment and amenities;

7 (B) meets a location affordability as de-
8 fined by a household spending no more than 45
9 percent or more of their income on housing and
10 transportation as determined by the Location
11 Affordability Index published by the Depart-
12 ment of Transportation and the Department of
13 Urban Development;

14 (C) mixed commercial use or community-
15 based facility and residential use; and

16 (D) mobility options to reduce personal ve-
17 hicle miles used or green house gas emissions.

18 (4) PRIORITY INVESTMENT AREA.—The term
19 “priority investment area” means an area certified
20 as a priority investment area in an eTOD and Mo-
21 bility Plan.

22 (5) SECRETARY.—The term “Secretary” means
23 the Secretary of Transportation.

24 (6) STATE TRANSPORTATION AUTHORITY.—The
25 term “State transportation authority” means the

1 State agency or official responsible under the direc-
2 tion of the Governor of the State or a State law for
3 preparation, maintenance, coordination, and admin-
4 istration of the State transportation, rail, and public
5 transportation plan.

6 (b) APPLICABILITY OF CHAPTER 53 DEFINITIONS.—
7 In this Act, any term defined in chapter 53 of title 49,
8 United States Code, has the meaning given that term in
9 that chapter.

10 **SEC. 3. OFFICE OF EQUITABLE TRANSIT-ORIENTED DEVEL-**
11 **OPMENT.**

12 (a) ESTABLISHMENT.—The Secretary shall establish
13 within the Department of Transportation an Office of Eq-
14 uitable Transit-Oriented Development and Mobility.

15 (b) RESPONSIBILITIES.—The responsibilities of the
16 Office of Equitable Transit-Oriented Development and
17 Mobility are—

18 (1) to establish and manage the eTOD and mo-
19 bility grant program established under section 5;

20 (2) to certify eTOD and Mobility Plans;

21 (3) to certify priority investment areas included
22 in such Plans; and

23 (4) to coordinate Federal resources for eligible
24 projects in certified priority investment areas.

1 **SEC. 4. STATE PLANS.**

2 (a) ESTABLISHMENT.—To be eligible for assistance
3 under section 5 or any of sections 7 through 11, a State
4 shall, in coordination with metropolitan planning organiza-
5 tions, transit agencies and local governments, including
6 tribal governments, within the State, develop a plan for
7 equitable transit-oriented development and mobility cor-
8 ridors that proposes priority investment areas and projects
9 proposed to be carried out in those areas.

10 (b) PURPOSES.—The purposes of the eTOD and Mo-
11 bility Plan shall be the following:

12 (1) To identify priority investment areas in the
13 State with a need for a comprehensive investment
14 strategy to keep and revitalize existing neighbor-
15 hoods and corridors while maintaining and enhanc-
16 ing housing and transportation affordability and cre-
17 ating equal opportunity for existing residents and
18 businesses.

19 (2) Support implementation of local and com-
20 munity transportation and land use plans consistent
21 with sustainable State, regional, and local growth
22 plans, policies, and strategies to achieve quality of
23 life, economic vitality, and greenhouse gas reduction
24 goals.

25 (3) Encourage and create convenient, safe
26 multi-modal access to the public transportation sys-

1 tem, with an emphasis on non-motorized access and
2 neighborhood walkability and mobility.

3 (4) To establish the period covered by the
4 eTOD and Mobility Plan.

5 (5) To serve as the basis for Federal and State
6 investments within the State.

7 (c) CRITERIA FOR STATE PLANS.—The eTOD and
8 Mobility Plan shall contain the following:

9 (1) Clearly integrate State and regional housing
10 and transportation improvement plans and imple-
11 ment an accountability mechanism that ensures an
12 individual’s average combined housing and transpor-
13 tation cost does not exceed 40 percent of total
14 household spending for such individual.

15 (2) Create a shared vision and implementation
16 plan for priority investment areas for infrastructure,
17 climate mitigation, and development.

18 (3) Increase the value and effectiveness of pub-
19 lic transportation by increasing ridership with a
20 focus on people of color and middle to low income
21 individuals.

22 (4) Promote mutually beneficial partnerships
23 between public, private, and community-based non-
24 profit organizations and disadvantaged business en-
25 terprises.

1 (5) Make equitable transit-oriented development
2 an integral component of, and supportive of, public
3 transportation, land use, climate resiliency, and eco-
4 nomic development project planning and delivery, es-
5 pecially in supporting the retention of existing resi-
6 dents in developing communities.

7 (6) Reduce and mitigate social and economic
8 impacts on existing residents and businesses vulner-
9 able to displacement caused by economic pressures
10 in stronger markets as well as depopulations caused
11 by disinvestment.

12 (7) Promote an increase in State, local, and pri-
13 vate investment in both public transportation and
14 mobility options, specifically through a value capture
15 mechanism.

16 (8) Increase State, local, and private investment
17 in economic development especially in disadvantaged
18 or low-income communities and communities of
19 color.

20 (9) Engage a broad cross-section of the commu-
21 nity most affected by future investments in an inclu-
22 sive, effective, transparent process.

23 (10) Create affordable housing and commercial
24 options as well as community facilities near public
25 transportation with priority given to affordability,

1 and to community-based ownership and entrepre-
2 neurship, with a focus on participation of disadvan-
3 tagged business enterprises.

4 (d) PRIORITY INVESTMENT AREA.—Each eTOD and
5 Mobility Plan shall propose priority investment areas that
6 will serve as the eligible locations for projects described
7 under subsection (d) in the State. A priority investment
8 area shall be—

9 (1) within a half mile of a public transportation
10 facility that includes a fixed-guideway public trans-
11 portation station, designated high-speed rail or exist-
12 ing intercity rail station, or a major local transit hub
13 connecting more than 3 local transit lines; or

14 (2) a mobility corridor designated by a state
15 transportation authority or metropolitan planning
16 organization in consultation with local governments
17 that consists of walkable rural main streets or a sub-
18 urban economic center.

19 (e) REQUIRED FINANCE PLAN.—A strategy created
20 under this subsection shall include an implementation plan
21 that identifies a 5-year financing plan for proposed im-
22 provements, including any financial gap, and a timeline
23 for adoption of the strategy by relevant local governments.

24 (f) PUBLIC COMMENT.—In developing and reviewing
25 an eTOD and Mobility Plan, a State shall provide ade-

1 quate and reasonable notice and opportunity for comment
2 and other input to—

3 (1) the public;

4 (2) community organizations, affordable hous-
5 ing agencies and public transportation agencies;

6 (3) units of local government; and

7 (4) other interested parties.

8 (g) COORDINATION WITH OTHER STATE PLANS.—

9 In developing an eTOD and Mobility Plan, a State shall
10 ensure that such plan is coordinated with—

11 (1) other State, regional planning agencies,
12 metropolitan planning organizations, and local trans-
13 portation planning goals and programs;

14 (2) economic and community development
15 plans; and

16 (3) comprehensive State or regional housing
17 plans.

18 (h) INTERGOVERNMENTAL COORDINATION.—In de-
19 veloping an eTOD and Mobility Plan, a State shall—

20 (1) review the freight and passenger rail service
21 activities and initiatives of regional planning agen-
22 cies, regional transportation authorities, and municipi-
23 palities within the State or in the region in which
24 the State is located; and

1 (2) include any recommendations made by such
2 agencies, authorities, and municipalities as consid-
3 ered appropriate by the State.

4 (i) CERTIFICATION OF eTOD AND MOBILITY
5 PLANS.—Upon submission of an eTOD and Mobility Plan
6 to the Office of Equitable Transit-Oriented Development
7 and Mobility, such Office shall—

8 (1) review the proposed priority investment
9 areas and projects in the eTOD and Mobility Plan;

10 (2) certify the eTOD and Mobility Plan if each
11 priority investment area meets the requirements of
12 this section; and

13 (3) for each eTOD and Mobility Plan, deter-
14 mine whether each proposed project included in such
15 Plan meets the requirements of this section and cer-
16 tify each such project for eligibility for funding
17 under this Act and the amendments made by this
18 Act.

19 (j) WAIVER.—The Secretary may grant certification
20 waiver for States with equitable development policies en-
21 acted prior to the enactment of this Act that substantially
22 meet the requirements set forth this section.

1 **SEC. 5. EQUITABLE TRANSIT-ORIENTED DEVELOPMENT**
2 **AND MOBILITY GRANT AND TECHNICAL AS-**
3 **SISTANCE PROGRAM.**

4 (a) **ESTABLISHMENT.**—The Secretary shall establish
5 a competitive grant program to be administered by the Of-
6 fice of Equitable Transit-Oriented Development and Mo-
7 bility to provide technical assistance grants for States car-
8 rying out equitable transit-oriented development and mo-
9 bility projects.

10 (b) **ELIGIBLE APPLICANTS.**—The Secretary shall
11 provide grants under the program to eligible activities car-
12 ried out by a State with regional planning agencies, metro-
13 politan planning organizations, local governments, includ-
14 ing tribal governments, and at least 1 community-based
15 nonprofit organization.

16 (c) **TECHNICAL ASSISTANCE GRANTS.**—

17 (1) **IN GENERAL.**—A technical assistance grant
18 provided under this section shall be used to create
19 a strategy for a priority investment area to increase
20 equitable economic development (including mixed in-
21 come and mixed use development), including locally
22 determined activities necessary to create the condi-
23 tions that will lead to successful equitable transit-
24 oriented development or a mobility corridor.

1 (2) ELIGIBLE ACTIVITIES.—The following ac-
2 tivities may be included in the strategy developed
3 under paragraph (1):

4 (A) Reducing regulatory or procedural bar-
5 riers to private investment in areas near transit
6 or in areas with high walkability by revising
7 local zoning ordinances or completing area-wide
8 environmental review to increase the speed of
9 development.

10 (B) Identifying public infrastructure needs.

11 (C) Community engagement efforts.

12 (d) ELIGIBLE USES.—A grant provided under this
13 section may be used to—

14 (1) increase transit ridership from development
15 within the planning area;

16 (2) create an appropriate mix of uses for the
17 station area, determined by reference to local growth
18 and development plans;

19 (3) promote community stability, especially for
20 existing residents and businesses during and after
21 the development;

22 (4) increase transit accessible attainable hous-
23 ing within the planning area;

1 (5) increase State, local, or private investment
2 in public infrastructure, including public transpor-
3 tation;

4 (6) coordinate with all relevant stakeholders, in-
5 cluding real-estate, retail, housing, commercial and
6 economic development, non-profit participants, pub-
7 lic health, and anchor institutions; or

8 (7) coordinate with relevant housing, economic
9 development, land use, and transportation plans.

10 (e) FUNDING.—

11 (1) AUTHORIZATION OF APPROPRIATIONS.—

12 There is authorized to be appropriated \$15,000,000
13 to carry out this section.

14 (2) ADMINISTRATION OF GRANTS.—Of the

15 amounts provided to a State under this section, a
16 State may use up to 2 percent of any such amounts
17 to provide capacity building and training for public
18 transportation personnel, private developers, or com-
19 munity groups regarding planning and implementa-
20 tion of equitable transit-oriented development and
21 mobility corridors.

22 **SEC. 6. ANNUAL REPORT.**

23 Not later than 12 months after the date of enactment
24 of this Act, and annually thereafter, the Secretary shall
25 submit to Congress a report containing—

1 (1) the eTOD and Mobility Plans certified
2 under section 4(i)(2);

3 (2) the certified priority investment areas con-
4 tained in eDOT and Mobility Plans; and

5 (3) a report tracking the outcomes of prior cer-
6 tified plans.

7 **SEC. 7. MODIFICATION OF REHABILITATION CREDIT.**

8 (a) REINSTATEMENT OF CREDIT FOR QUALIFIED
9 REHABILITATED BUILDINGS.—

10 (1) IN GENERAL.—Subsection (a) of section 47
11 of the Internal Revenue Code of 1986 is amended to
12 read as follows:

13 “(a) DETERMINATION OF CREDIT.—

14 “(1) IN GENERAL.—For purposes of section 46,
15 the rehabilitation credit for any taxable year is the
16 sum of—

17 “(A) in the case of any qualified rehabili-
18 tated building other than a certified historic
19 structure which is placed in service during such
20 taxable year, 10 percent of the qualified reha-
21 bilitation expenditures with respect to such
22 building, and

23 “(B) in the case of any qualified rehabili-
24 tated building which is a certified historic struc-
25 ture which is placed in service during such tax-

1 able year or any of the 4 immediately preceding
2 taxable years, the ratable share for such taxable
3 year.

4 “(2) RATABLE SHARE.—For purposes of para-
5 graph (1)(B), the ratable share for any taxable year
6 is an amount equal to 20 percent of the qualified re-
7 habilitation expenditures with respect to the certified
8 historic structure, as allocated ratably to each of the
9 5 years to which paragraph (1)(B) applies.”.

10 (2) CONFORMING AMENDMENTS.—

11 (A) Section 47(c) of such Code is amend-
12 ed—

13 (i) in paragraph (1)—

14 (I) in subparagraph (A), by
15 amending clause (iii) to read as fol-
16 lows:

17 “(iii) in the case of any building other
18 than a certified historic structure, in the
19 rehabilitation process—

20 (I) 50 percent or more of the
21 existing external walls of such build-
22 ing are retained in place as external
23 walls,

24 (II) 75 percent or more of the
25 existing external walls of such build-

1 ing are retained in place as internal or
2 external walls, and

3 “(III) 75 percent or more of the
4 existing internal structural framework
5 of such building is retained in place,
6 and”; and

7 (II) by redesignating subpara-
8 graphs (B) and (C) as subparagraphs
9 (C) and (D), respectively, and by in-
10 sserting after subparagraph (A) the
11 following new subparagraph:

12 “(B) BUILDING MUST BE FIRST PLACED
13 IN SERVICE BEFORE 1936.—In the case of a
14 building other than a certified historic struc-
15 ture, a building shall not be a qualified rehabili-
16 tated building unless the building was first
17 placed in service before 1936.”; and

18 (ii) in paragraph (2)(B), by amending
19 clause (iv) to read as follows:

20 “(iv) CERTIFIED HISTORIC STRUC-
21 TURE, ETC.—Any expenditure attributable
22 to the rehabilitation of a certified historic
23 structure or a building in a registered his-
24 toric district, unless the rehabilitation is a
25 certified rehabilitation (within the meaning

1 of subparagraph (C)). The preceding sen-
2 tence shall not apply to a building in a reg-
3 istered historic district if—

4 “(I) such building was not a cer-
5 tified historic structure,

6 “(II) the Secretary of the Inte-
7 rior certified to the Secretary that
8 such building is not of historic signifi-
9 cance to the district, and

10 “(III) if the certification referred
11 to in subclause (II) occurs after the
12 beginning of the rehabilitation of such
13 building, the taxpayer certifies to the
14 Secretary that, at the beginning of
15 such rehabilitation, he in good faith
16 was not aware of the requirements of
17 subclause (II).”.

18 (B) Paragraph (4) of section 145(d) of
19 such Code is amended—

20 (i) by striking “of section
21 47(c)(1)(B)” each place it appears and in-
22 serting “of section 47(c)(1)(C)”; and

23 (ii) by striking “section
24 47(c)(1)(B)(i)” and inserting “section
25 47(c)(1)(C)(i)”.

1 (b) INCREASE IN CREDIT RATE FOR QUALIFIED RE-
2 HABILITATED BUILDINGS OTHER THAN CERTIFIED HIS-
3 TORIC STRUCTURES.—Section 47(a)(1) of such Code, as
4 amended by subsection (a), is amended by striking “10
5 percent” and inserting “15 percent”.

6 (c) MODIFICATION OF DATE BEFORE WHICH BUILD-
7 INGS OTHER THAN CERTIFIED HISTORIC STRUCTURES
8 MUST BE PLACED IN SERVICE.—Section 47(c)(1)(B) of
9 such Code, as amended by subsection (a), is amended by
10 striking “1936” and inserting “the calendar year which
11 is 50 years prior to the calendar year in which the building
12 is placed in service (within the meaning of subsection
13 (b)(1))”.

14 (d) REQUIREMENT THAT BUILDINGS OTHER CER-
15 TIFIED HISTORIC STRUCTURES MUST BE CLOSE TO PUB-
16 LIC TRANSPORTATION CENTERS OR MOBILITY COR-
17 RIDORS.—Section 47(c)(1) of such Code, as amended by
18 subsection (a), is amended by redesignating subpara-
19 graphs (C) and (D) as subparagraphs (D) and (E), re-
20 spectively, and by inserting after subparagraph (B) the
21 following new subparagraph:

22 “(C) BUILDING MUST BE CLOSE TO PUB-
23 LIC TRANSPORTATION CENTER.—

24 “(i) IN GENERAL.—In the case of a
25 building other than a certified historic

1 structure, a building shall not be a quali-
2 fied rehabilitated building unless the build-
3 ing is in a priority investment area of an
4 eTOD and Mobility Plan, as such terms
5 are defined in section 2 of the Promoting
6 Equitable Transit-Oriented Development
7 and Mobility Corridors Act, or not further
8 than one-half mile from at least one of the
9 following:

10 “(I) A location which provides
11 passenger boarding on a fixed guide-
12 way (as defined in section 5302(7) of
13 title 49, United States Code), com-
14 muter rail passenger transportation
15 (as defined in section 24102(3) of
16 title 49, United States Code), or
17 intercity rail passenger transportation
18 (as defined in section 24102(4) of
19 title 49, United States Code).

20 “(II) A planned site for a loca-
21 tion described in subclause (I) if the
22 Secretary of Transportation has
23 issued a full funding grant agreement
24 with respect to such location under

1 section 5309(k)(2) of title 49, United
2 States Code.

3 “(ii) IDENTIFICATION OF QUALIFIED
4 AREAS.—The Secretary, in consultation
5 with the Secretary of Transportation, shall
6 identify areas which are described in clause
7 (i).”.

8 (e) ELIMINATION OF CERTAIN LODGING RESTRIC-
9 TIONS ON BUILDINGS OTHER THAN CERTIFIED HISTORIC
10 STRUCTURES.—Section 50(b)(2)(C) of such Code is
11 amended by striking “certified historic structure” and in-
12 serting “qualified rehabilitated building”.

13 (f) REQUIREMENT THAT BUILDINGS THAT ARE NOT
14 CERTIFIED HISTORIC STRUCTURES AND NOT IN A REG-
15 ISTERED HISTORIC DISTRICT RECEIVE CERTIFICATION
16 OF STATUS.—Section 47(c)(1) of such Code, as amended
17 by subsections (a) and (d), is amended by redesignating
18 subparagraphs (D) and (E) as subparagraphs (E) and
19 (F), respectively, and by inserting after subparagraph (C)
20 the following new subparagraph:

21 “(D) BUILDINGS THAT ARE NOT CER-
22 TIFIED HISTORIC STRUCTURES AND NOT IN
23 REGISTERED HISTORIC DISTRICT MUST RE-
24 CEIVE CERTIFICATION OF STATUS.—

1 “(i) IN GENERAL.—In the case of a
2 building which is neither a certified his-
3 toric structure nor located in a registered
4 historic district, such building shall not be
5 a qualified rehabilitated building unless the
6 Secretary of the Interior certifies to the
7 Secretary that such building is—

8 “(I) not a certified historic struc-
9 ture, and

10 “(II) not in a registered historic
11 district.

12 “(ii) DETERMINATIONS BY NATIONAL
13 PARK SERVICE.—To the maximum extent
14 practicable, the Secretary of the Interior
15 shall make certifications under clause (i)
16 within 30 days of the receipt of an applica-
17 tion for such certification.”.

18 (g) CREDIT FOR CERTAIN RELATED EXPENDI-
19 TURES.—

20 (1) CREDIT FOR CERTAIN EXPENDITURES FOR
21 PUBLIC INFRASTRUCTURE.—Section 47(c)(2) of
22 such Code is amended by adding at the end the fol-
23 lowing new subparagraph:

24 “(E) TREATMENT OF CERTAIN EXPENDI-
25 TURES FOR PUBLIC INFRASTRUCTURE.—

1 “(i) IN GENERAL.—In the case of any
2 qualified rehabilitated building, expendi-
3 tures for qualified public infrastructure (or
4 improvements thereto) shall be treated for
5 purposes of this section as qualified reha-
6 bilitation expenditures with respect to such
7 building if providing such qualified public
8 infrastructure is related to such building
9 and is required by any State or local gov-
10 ernment.

11 “(ii) LIMITATION.—The amount treat-
12 ed as qualified rehabilitation expenditures
13 with respect to any building under clause
14 (i) shall not exceed 25 percent of the quali-
15 fied rehabilitation expenditures with re-
16 spect to such building (determined after
17 the application of clause (i) and subpara-
18 graph (F)).

19 “(iii) BONUS CREDIT AMOUNT.—In
20 the case of any amount treated as qualified
21 rehabilitation expenditures under clause
22 (i), subsection (a)(1) shall be applied by
23 substituting ‘25 percent’ for ‘15 percent’.

24 “(iv) QUALIFIED PUBLIC INFRA-
25 STRUCTURE.—For purposes of this sub-

1 paragraph, the term ‘qualified public infra-
2 structure’ means water and sewer lines,
3 electrical lines and equipment, tele-
4 communications lines and equipment, and
5 road and sidewalks, which are located in
6 the public right of way and are not owned
7 by the taxpayer.”.

8 (2) CREDIT FOR EXPANSION AND ADJACENT
9 BUILDINGS WITH RESPECT TO QUALIFIED REHABILI-
10 TATED BUILDINGS OTHER THAN CERTIFIED HIS-
11 TORIC STRUCTURES.—Section 47(c)(2) of such
12 Code, as amended by paragraph (1), is amended by
13 adding at the end the following new subparagraph:

14 “(F) TREATMENT OF BUILDING EXPAN-
15 SIONS AND CERTAIN ADJACENT BUILDINGS
16 WITH RESPECT TO QUALIFIED REHABILITATED
17 BUILDINGS OTHER THAN CERTIFIED HISTORIC
18 STRUCTURES.—

19 “(i) IN GENERAL.—In the case any
20 qualified rehabilitated building other than
21 a certified historic structure—

22 “(I) clause (iii) of subparagraph
23 (B) shall not apply, and

24 “(II) amounts described in sub-
25 paragraph (A)(i) which are in connec-

1 tion with the rehabilitation or con-
2 struction of a qualified adjacent build-
3 ing shall be treated as qualified reha-
4 bilitation expenditures with respect to
5 such qualified rehabilitated building.

6 “(ii) LIMITATION.—The amount treat-
7 ed as qualified rehabilitation expenditures
8 with respect to any qualified rehabilitated
9 building under clause (i) shall not exceed
10 100 percent of the qualified rehabilitation
11 expenditures with respect to such building
12 (determined without regard to clause (i)
13 and subparagraph (E)).

14 “(iii) QUALIFIED ADJACENT BUILD-
15 ING.—For purposes of this subparagraph,
16 the term ‘qualified adjacent building’
17 means, with respect to any qualified reha-
18 bilitated building, any building if such
19 building and such qualified rehabilitated
20 building are both on the same block.”.

21 (3) RELATED EXPENDITURES DISREGARDED IN
22 DETERMINING IF REHABILITATION IS SUBSTAN-
23 TIAL.—Section 47(c)(1)(E), as redesignated by sub-
24 sections (a), (d), and (f), is amended by adding at
25 the end the following new clause:

1 “(iv) CERTAIN EXPENDITURES DIS-
2 REGARDED.—Amounts which are otherwise
3 treated as qualified rehabilitation expendi-
4 tures by reason of subparagraph (E) or
5 (F) of paragraph (2) shall not be treated
6 as qualified rehabilitation expenditures for
7 purposes of this subparagraph.”.

8 (h) BONUS CREDIT FOR RENT-RESTRICTED HOUS-
9 ING UNITS.—Section 47 of such Code is amended by add-
10 ing at the end the following new subsection:

11 “(e) BONUS CREDIT FOR RENT-RESTRICTED HOUS-
12 ING UNITS.—

13 “(1) IN GENERAL.—Subsection (a)(1) shall be
14 applied by substituting ‘25 percent’ for ‘15 percent’
15 with respect to so much of the qualified rehabilita-
16 tion expenditures (determined without regard to sub-
17 section (c)(2)(E)) with respect to any qualified reha-
18 bilitated building as are properly allocable to resi-
19 dential units which are—

20 “(A) rent-restricted (within the meaning of
21 section 42(g)(2)), and

22 “(B) occupied by individuals whose income
23 is 100 percent or less of area median gross in-
24 come (within the meaning of section 42(g)(1)).

1 “(2) FAILURE TO MAINTAIN RENT-RESTRICTION
2 SUBJECT TO RECAPTURE.—In the case of any fail-
3 ure to maintain any residential unit taken into ac-
4 count under paragraph (1) as a residential unit de-
5 scribed in such paragraph during the recapture pe-
6 riod, section 50(a) shall apply as though the quali-
7 fied rehabilitated building ceased to be investment
8 credit property except that the recapture period and
9 recapture percentage shall be determined under
10 paragraph (3) and in determining the increase in tax
11 under such section in lieu of reducing the credit de-
12 termined under this section to zero such credit shall
13 be determined without regard to paragraph (1). The
14 application of section 50(a) with respect to a build-
15 ing as described in this paragraph shall not prevent
16 the reapplication of such section to such building if
17 such building is disposed of or otherwise ceases to
18 be investment credit property and the tax imposed
19 under such section by reason of such reapplication
20 shall be reduced by the tax previously imposed as
21 described in this paragraph.

22 “(3) RECAPTURE PERIOD; RECAPTURE PER-
23 CENTAGE.—For purposes of this subsection—

24 “(A) RECAPTURE PERIOD.—The term ‘re-
25 capture period’ means the 10-year period begin-

1 ning on the date the building is placed in serv-
2 ice.

3 “(B) RECAPTURE PERCENTAGE.—The
4 term ‘recapture percentage’ means—

5 “(i) in the case of a failure described
6 in paragraph (2) that occurs during the
7 first year of the recapture period, 100 per-
8 cent, and

9 “(ii) in the case of such a failure
10 which occurs during any subsequent year
11 of the recapture period, the percentage
12 which is 10 percentage points less than the
13 percentage which applied for the previous
14 year (as determined under this subpara-
15 graph).”.

16 (i) PUBLIC REPORTING.—Section 47 of such Code,
17 as amended by subsection (h), is amended by adding at
18 the end the following new subsection:

19 “(f) PUBLIC REPORTING WITH RESPECT TO QUALI-
20 FIED REHABILITATED BUILDINGS OTHER THAN CER-
21 TIFIED HISTORIC STRUCTURES.—

22 “(1) IN GENERAL.—No credit shall be allowed
23 under this section with respect to any qualified reha-
24 bilitated building other than a certified historic
25 structure unless the taxpayer submits to the Sec-

1 retary a report (at such time and in such manner
2 as the Secretary may provide) which includes the in-
3 formation described in paragraph (2).

4 “(2) INFORMATION.—The report described in
5 paragraph (1) shall include the following:

6 “(A) The name of the building and, if ap-
7 plicable, the name of the project of which such
8 building is a part.

9 “(B) Each of the following with respect to
10 the location of the building: city, State, zip
11 code, 2010 census tract (and whether such
12 tract is metropolitan statistical area).

13 “(C) The total cost of the building and, if
14 applicable, the total cost of the project of which
15 such building is a part.

16 “(D) The total amount of credit allowed
17 under this section with respect to such building
18 and, if applicable, with respect to the project of
19 which such building is a part.

20 “(E) The year the building is placed in
21 service.

22 “(F) The number of housing units in the
23 building and number of such housing units
24 which are rent-restricted (within the meaning of
25 section 42(g)(2)).

1 “(G) The primary purpose of the building.

2 “(3) REPORTS MADE PUBLICLY AVAILABLE.—

3 The Secretary shall ensure that reports made under
4 paragraph (1) are made available to the public.”.

5 (j) EFFECTIVE DATE.—The amendments made by
6 this section shall apply to property placed in service after
7 the date of the enactment of this Act.

8 **SEC. 8. CREDIT FACILITY TO SUPPORT EQUITABLE TRAN-**
9 **SIT-ORIENTED DEVELOPMENT AND MOBIL-**
10 **ITY.**

11 (a) DEFINITIONS.—In this section:

12 (1) ELIGIBLE APPLICANT.—The term “eligible
13 applicant” means—

14 (A) a State;

15 (B) a unit of local government;

16 (C) a corporation, partnership, or joint
17 venture;

18 (D) a regional planning agency;

19 (E) a tribal government; or

20 (F) a transit agency.

21 (2) ELIGIBLE BORROWER.—The term “eligible
22 borrower” means—

23 (A) a governmental entity, authority, agen-
24 cy, or instrumentality;

1 (B) a corporation, partnership, joint ven-
2 ture, or trust on behalf of which an eligible ap-
3 plicant has submitted an application under sub-
4 section (c); or

5 (C) any other legal entity undertaking an
6 eligible project on behalf of which an eligible
7 applicant has submitted an application under
8 subsection (c).

9 (3) ELIGIBLE PROJECT.—The term “eligible
10 project” means an eligible equitable transit-oriented
11 development or mobility project, including—

12 (A) property enhancement, including con-
13 ducting environmental remediation, park devel-
14 opment, and open space acquisition;

15 (B) improvement of mobility and parking,
16 including rehabilitating, or providing for addi-
17 tional, streets, transit stations, structured park-
18 ing, walkways, and bikeways;

19 (C) utility development, including rehabili-
20 tating existing, or providing for new drinking
21 water, wastewater, electric, and gas utilities;

22 (D) economic development, including com-
23 mercial and residential development, located in
24 a priority investment area; or

1 (E) commercial and residential projects
2 that includes—

3 (i) a project for residential or mixed-
4 use development in which—

5 (I) not less than 30 percent of
6 the residential units in the project
7 are, or in the case of new construc-
8 tion, are designated to be, rent-re-
9 stricted; and

10 (II) the average of the designated
11 income limitations under clause (ii) of
12 all rent-restricted units does not ex-
13 ceed 80 percent of the median gross
14 income in the area; and

15 (ii) a project for mixed-use develop-
16 ment for—

17 (I) affordable commercial space
18 dedicated to local businesses owned by
19 women or people of color;

20 (II) local businesses primarily
21 owned by individuals who are mem-
22 bers of historically underserved popu-
23 lations; and

24 (III) non-profit organizations
25 which serve historically underserved

1 communities, including communities
2 of color.

3 (4) ESSENTIAL COMMUNITY FACILITY.—The
4 term “essential community facility” means a facility
5 that provides an essential service to the local com-
6 munity for the beneficial and orderly development of
7 the community, including—

8 (A) a facility that provides health services;
9 and

10 (B) a facility that provides community, so-
11 cial, or cultural services.

12 (b) ESTABLISHMENT.—The Secretary may make or
13 guarantee loans under this section to eligible borrowers
14 for eligible projects.

15 (c) APPLICATION.—An eligible applicant may submit
16 to the Secretary an application for a loan or loan guar-
17 antee under this section—

18 (1) to fund an eligible project carried out by the
19 eligible applicant; or

20 (2) on behalf of an eligible borrower, to fund an
21 eligible project carried out by the eligible borrower.

22 (d) MINIMUM PROJECT COSTS.—An eligible project
23 shall have project costs that are reasonably anticipated to
24 equal or exceed \$2,500,000.

1 (e) MAXIMUM AMOUNT OF LOAN.—Federal assist-
2 ance provided for a project under this section may not ex-
3 ceed 75 percent of total project costs. The Secretary may
4 increase the maximum amount of a secured loan from the
5 amount described in the preceding sentence if the secured
6 loan is for an eligible project for residential or mixed-use
7 development for which—

8 (1) not more than 30 percent of the total
9 square footage is used for commercial development;
10 or

11 (2)(A) not more than 50 percent of the total
12 square footage is used for commercial development;
13 and

14 (B) not less than 50 percent of the square foot-
15 age described in subparagraph (A) is reserved for es-
16 sential community facilities.

17 (f) ELIGIBLE SOURCES OF REPAYMENT.—A loan
18 made or guaranteed under this section shall be repayable,
19 in whole or in part, from dedicated revenue sources, which
20 may include—

21 (1) user fees;

22 (2) property tax revenues;

23 (3) sales tax revenues; or

24 (4) other revenue sources dedicated to the
25 project by property owners and businesses.

1 (g) INTEREST RATE.—The Secretary shall establish
2 an interest rate for loans made or guaranteed under this
3 section with reference to a benchmark interest rate yield
4 on marketable Treasury securities with a maturity that
5 is similar to the loans made or guaranteed under this sec-
6 tion.

7 (h) MAXIMUM MATURITY.—The maturity of a loan
8 made or guaranteed under this section may not exceed the
9 lesser of—

10 (1) 35 years; or

11 (2) 90 percent of the useful life of the project
12 to be financed by the loan or loan guarantee, as de-
13 termined by the Secretary.

14 (i) MAXIMUM LOAN GUARANTEE RATE.—

15 (1) IN GENERAL.—The guarantee rate on a
16 loan guaranteed under this section may not exceed
17 75 percent of the amount of the loan.

18 (2) LOWER GUARANTEE RATE FOR LOW-RISK
19 BORROWERS.—The Secretary shall establish a guar-
20 antee rate for loans to eligible borrowers that the
21 Secretary determines pose a lower risk of default
22 that is lower than the guarantee rate for loans to
23 other eligible borrowers.

24 (j) FEES.—The Secretary shall establish fees for
25 loans made or guaranteed under this section in amounts

1 up to, but not exceeding, the costs to the Federal Govern-
2 ment of making or guaranteeing a loan under this section.

3 (k) NONSUBORDINATION.—A loan made or guaran-
4 teed under this section for a project may not be subordi-
5 nated to the claims of any holder of an obligation relating
6 to the project in the event of bankruptcy, insolvency, or
7 liquidation.

8 (l) COMMENCEMENT OF REPAYMENT.—The sched-
9 uled repayment of principal or interest on a loan made
10 or guaranteed under this section for a project shall com-
11 mence not later than 5 years after the date of substantial
12 completion of the project.

13 (m) REPAYMENT DEFERRAL FOR LOANS.—

14 (1) IN GENERAL.—

15 (A) LOAN MADE BY SECRETARY.—If, at
16 any time after the date of substantial comple-
17 tion of a project under the program, the Sec-
18 retary determines that dedicated revenue
19 sources of an eligible borrower are insufficient
20 to make the scheduled loan repayments of prin-
21 cipal and interest on a loan made or guaranteed
22 under this section, the Secretary may, subject
23 to criteria established by the Secretary, allow
24 the eligible borrower to defer payments and add

1 unpaid principal and interest to the outstanding
2 balance of the loan.

3 (B) LOAN GUARANTEED BY SECRETARY.—

4 If, at any time after the date of substantial
5 completion of a project, the Secretary deter-
6 mines that dedicated revenue sources of an eli-
7 gible borrower are insufficient to make the
8 scheduled loan repayments of principal and in-
9 terest on a loan guaranteed by the Secretary
10 under this section, the Secretary may, subject
11 to criteria established by the Secretary—

12 (i) add unpaid principal and interest
13 to the outstanding balance of the loan; and

14 (ii) modify the terms of the loan guar-
15 antee to reflect a modification made under
16 clause (i).

17 (2) TREATMENT OF DEFERRED PAYMENTS.—

18 Any payment deferred under this section shall—

19 (A) continue to accrue interest until fully
20 repaid; and

21 (B) be scheduled to be amortized over the
22 remaining term of the loan.

23 (n) CONSULTATION.—In carrying out this section,
24 the Secretary shall consult with the Secretary of Housing
25 and Urban Development, as appropriate.

1 (o) REQUIREMENT.—Of the funds made available to
2 carry out this section for each fiscal year, not less than
3 5 percent shall be used for eligible projects in rural and
4 disadvantage communities.

5 (p) AUTHORIZATION OF APPROPRIATIONS.—There
6 are authorized to be appropriated for the cost of loans and
7 loan guarantees under this section—

8 (1) \$300,000,000 for each of fiscal years 2021
9 and 2022; and

10 (2) \$500,000,000 for each of fiscal years 2023
11 and 2024.

12 **SEC. 9. AMENDMENTS TO TIFIA AND RRIF.**

13 (a) DETERMINATION OF ELIGIBILITY AND PROJECT
14 SELECTION.—Section 602(a)(5)(B)(ii) of title 23, United
15 States Code, is amended by inserting “or section
16 5302(3)(G)” after “601(a)(12)(E)”.

17 (b) SECURED LOANS.—Section 603(b)(2) of title 23,
18 United States Code, is amended—

19 (1) in subparagraph (A) by striking “subpara-
20 graph (A)” and inserting “subparagraphs (A) and
21 (B)”;

22 (2) by adding at the end the following:

23 “(C) ETOD AND MOBILITY PROJECTS.—

24 “(i) IN GENERAL.—Notwithstanding
25 subparagraph (A), in the case of a project

1 described in clause (ii), the maximum
2 amount of a secured loan under this sec-
3 tion shall be 49 percent of the reasonably
4 anticipated eligible project costs.

5 “(ii) PROJECT DESCRIPTION.—For
6 purposes of clause (i), a project eligible for
7 the loan described in clause (i) shall be a
8 project certified under section 4(i)(3) of
9 the Promoting Equitable Transit-Oriented
10 Development and Mobility Corridors Act.”.

11 (c) CREDITWORTHINESS.—Section 602(a)(2) of title
12 23, United States Code, is amended by adding at the end
13 the following:

14 “(C) ADDITIONAL CREDITWORTHINESS
15 FACTORS.—Notwithstanding subparagraph (A),
16 an applicant may demonstrate creditworthiness
17 under this paragraph by providing—

18 “(i) collateral;

19 “(ii) the applicant’s audited financial
20 data, including balance sheet, income
21 statement, and cash flow statements; or

22 “(iii) cash flow projections from a
23 project.”.

1 (d) DIRECT LOANS AND LOAN GUARANTEES.—Sec-
2 tion 502(b) of the Railroad Revitalization and Regulatory
3 Reform Act of 1976 (45 U.S.C. 822(b)) is amended—

4 (1) in paragraph (1)(E)—

5 (A) in clause (ii) by striking the semicolon
6 and inserting “; and”;

7 (B) in clause (iii) by striking “; and” and
8 inserting a period; and

9 (C) by striking clause (iv); and

10 (2) by striking paragraph (3).

11 (e) CONDITIONS OF ASSISTANCE.—Section 502(h)(4)
12 of the Railroad Revitalization and Regulatory Reform Act
13 of 1976 (45 U.S.C. 822(h)(4)) is amended by inserting
14 “, except that a Federal match shall not be required for
15 any project certified under section 4(i)(3) of the Pro-
16 moting Equitable Transit-Oriented Development and Mo-
17 bility Corridors Act or for a project that has dedicated
18 revenues for affordable housing or public transportation.”

19 **SEC. 10. LOCAL INFRASTRUCTURE BANK PROGRAM.**

20 Section 610 of title 23, United States Code, is
21 amended—

22 (1) in subsection (a)—

23 (A) by inserting “or regional infrastructure
24 bank” after “State infrastructure bank” each
25 place that it appears; and

1 (B) by adding at the end the following:

2 “(13) LOCAL INFRASTRUCTURE BANK.—The
3 term ‘local infrastructure bank’ means an infrastruc-
4 ture bank of a city, town, borough, county, parish,
5 district, or other public body created by, or pursuant
6 to, State or Federal law.”;

7 (2) in subsection (b) by inserting “or local in-
8 frastructure banks” after “State infrastructure
9 banks”;

10 (3) in subsection (d) by inserting “or local in-
11 frastructure bank” after “State infrastructure
12 bank” each place that it appears; and

13 (4) in subsection (e) by inserting “or local in-
14 frastructure bank” after “State infrastructure
15 bank” each place that it appears.

16 **SEC. 11. FIXED GUIDEWAY CAPITAL INVESTMENT GRANTS.**

17 Section 5309(a)(5) of title 49, United States Code,
18 is amended—

19 (1) in subparagraph (A) by striking “; or” and
20 inserting a semicolon;

21 (2) in subparagraph (B) by striking the period
22 and inserting “; or”; and

23 (3) by adding at the end the following:

24 “(C) a new affordable housing trust fund
25 to promote affordable housing.”.

1 **SEC. 12. DEFINITIONS.**

2 (a) CAPITAL PROJECT.—Section 5302(3)(G)(iii) of
3 title 49, United States Code, is amended by inserting “or
4 affordable housing” after “public transportation”.

5 (b) AFFORDABLE HOUSING.—Section 5302 of title
6 49, United States Code, is amended by adding at the end
7 the following:

8 “(25) AFFORDABLE HOUSING.—The term ‘af-
9 fordable housing’ means—

10 “(A) housing for which the household
11 spends less than 30 percent of income on hous-
12 ing costs; or

13 “(B) housing for which the household
14 spends 45 percent or more of the income of the
15 household on housing and transportation com-
16 bined as determined by the Location Afford-
17 ability Index published by the Department of
18 Transportation and the Department of Housing
19 and Urban Development.”.

○