

119TH CONGRESS
2D SESSION

S. _____

To amend the Internal Revenue Code of 1986 to improve the low-income housing credit.

IN THE SENATE OF THE UNITED STATES

Ms. KLOBUCHAR (for herself and Mrs. GILLIBRAND) introduced the following bill; which was read twice and referred to the Committee on

A BILL

To amend the Internal Revenue Code of 1986 to improve the low-income housing credit.

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 “Visitable Inclusive Tax
5 credits for Accessible Living (VITAL) Act”.

6 **SEC. 2. PURPOSE.**

7 The purposes of this Act are to—

8 (1) increase low-income housing tax credits to
9 increase the stock of disability-accessible and afford-
10 able housing;

1 (2) ensure that States are using the Federal
2 tax credits to construct housing that will meet the
3 needs of an aging population and currently under-
4 served populations such as households with people
5 with disabilities;

6 (3) encourage States to make sure older adults
7 and underserved populations are integrated into
8 their community and can fully participate in society;
9 and

10 (4) increase technical assistance, awareness,
11 knowledge, and understanding of the low-income
12 housing credit program and the housing needs of
13 older adults and people with disabilities.

14 **SEC. 3. FINDINGS.**

15 Congress makes the following findings:

16 (1) By 2060, 1 in every 4 Americans will be
17 over age 65, and currently, 2 in 5 adults over age
18 65 have a disability. As people age, they need struc-
19 turally safe and functional housing that accommo-
20 dates people with disabilities.

21 (2) Approximately 26 percent of people in the
22 United States have a disability, yet less than 6 per-
23 cent of the national housing supply is designed to be
24 even rudimentarily accessible.

1 (3) An accessible home offers specific features
2 or technologies such as lowered kitchen counters and
3 sinks, widened doorways, and zero-step showers.

4 (4) A lack of affordable and accessible housing
5 can relegate people with disabilities to living in insti-
6 tutional settings when they would prefer to live in a
7 community setting.

8 (5) Older adults and people with disabilities
9 prefer to remain in their homes for as long as pos-
10 sible. More than 89 percent of adults aged 65 and
11 over hope to stay in their homes as they age.

12 (6) Older adults and people with disabilities
13 must be able to run errands, work, visit family and
14 friends, and keep doctor appointments, while not al-
15 ways being able to drive. Accessible and affordable
16 public transit options and walkable and roll-able
17 neighborhoods allow older adults and people with
18 disabilities to remain independent and active in their
19 communities.

20 (7) Many older adults and people with disabil-
21 ities are experiencing an affordability crisis. More
22 than 7,000,000 older adults and people with disabil-
23 ities receive Federal monthly Supplemental Security
24 Income and are priced out of every rental housing
25 market in the United States.

1 **SEC. 4. INCREASES IN STATE ALLOCATIONS.**

2 (a) IN GENERAL.—Clause (ii) of section 42(h)(3)(C)
3 of the Internal Revenue Code is amended—

4 (1) in subclause (I), by striking “\$1.75” and
5 inserting “the per capita amount”, and

6 (2) in subclause (II), by striking “\$2,000,000”
7 and inserting “the minimum amount”.

8 (b) PER CAPITA AMOUNT; MINIMUM AMOUNT.—Sec-
9 tion 42(h)(3) of the Internal Revenue Code of 1986 is
10 amended by striking subparagraphs (H) and (I) and in-
11 serting the following:

12 “(H) PER CAPITA AMOUNT.—For purposes
13 of subparagraph (C)(ii)(I), the per capita
14 amount shall be determined as follows:

15 “(i) CALENDAR YEAR 2026.—For cal-
16 endar year 2026, the per capita amount is
17 \$4.25.

18 “(ii) CALENDAR YEAR 2027.—For cal-
19 endar year 2027, the per capita amount is
20 the product of—

21 “(I) 1.25, and

22 “(II) the dollar amount under
23 clause (i) increased by an amount
24 equal to—

25 “(aa) such dollar amount,
26 multiplied by

1 “(bb) the cost-of-living ad-
2 justment determined under sec-
3 tion 1(f)(3) for such calendar
4 year, determined by substituting
5 ‘calendar year 2024’ for ‘cal-
6 endar year 2016’ in subpara-
7 graph (A)(ii) thereof.

8 If the amount determined after appli-
9 cation of the preceding sentence is not
10 a multiple of \$5,000, such amount
11 shall be rounded to the next lowest
12 multiple of \$5,000.

13 “(iii) CALENDAR YEARS AFTER
14 2027.—In the case of any calendar year
15 after 2027, the per capita amount is the
16 dollar amount determined under clause (ii)
17 increased by an amount equal to—

18 “(I) such dollar amount, multi-
19 plied by

20 “(II) the cost-of-living adjust-
21 ment determined under section 1(f)(3)
22 for such calendar year, determined by
23 substituting ‘calendar year 2026’ for
24 ‘calendar year 2016’ in subparagraph
25 (A)(ii) thereof.

1 Any amount increased under the preceding
2 sentence which is not a multiple of 5 cents
3 shall be rounded to the next lowest mul-
4 tiple of 5 cents.

5 “(I) MINIMUM AMOUNT.—For purposes of
6 subparagraph (C)(ii)(II), the minimum amount
7 shall be determined as follows:

8 “(i) CALENDAR YEAR 2026.—For cal-
9 endar year, 2026, the minimum amount is
10 \$4,876,000.

11 “(ii) CALENDAR YEAR 2027.—For cal-
12 endar year 2027, the minimum amount is
13 the product of—

14 “(I) 1.25, and

15 “(II) the dollar amount under
16 clause (i) increased by an amount
17 equal to—

18 “(aa) such dollar amount,
19 multiplied by

20 “(bb) the cost-of-living ad-
21 justment determined under sec-
22 tion 1(f)(3) for such calendar
23 year, determined by substituting
24 ‘calendar year 2024’ for ‘cal-

1 endar year 2016’ in subpara-
2 graph (A)(ii) thereof.

3 If the amount determined after appli-
4 cation of the preceding sentence is not
5 a multiple of 5 cents, such amount
6 shall be rounded to the next lowest
7 multiple of 5 cents.

8 “(iii) CALENDAR YEARS AFTER
9 2027.—In the case of any calendar year
10 after 2027, the minimum amount is the
11 dollar amount determined under clause (ii)
12 increased by an amount equal to—

13 “(I) such dollar amount, multi-
14 plied by

15 “(II) the cost-of-living adjust-
16 ment determined under section 1(f)(3)
17 for such calendar year, determined by
18 substituting ‘calendar year 2026’ for
19 ‘calendar year 2016’ in subparagraph
20 (A)(ii) thereof.

21 Any amount increased under the preceding
22 sentence which is not a multiple of \$5,000
23 shall be rounded to the next lowest mul-
24 tiple of \$5,000.”.

1 (c) EFFECTIVE DATE.—The amendments made by
2 this section shall apply to calendar years beginning after
3 December 31, 2025.

4 **SEC. 5. INCREASE IN CREDIT FOR PROJECTS DESIGNATED**
5 **TO SERVE HOUSEHOLDS WITH PEOPLE WITH**
6 **DISABILITIES.**

7 (a) IN GENERAL.—Paragraph (5) of section 42(d) of
8 the Internal Revenue Code of 1986 is amended by adding
9 at the end the following new subparagraph:

10 “(C) INCREASE IN CREDIT FOR PROJECTS
11 DESIGNATED TO SERVE HOUSEHOLDS WITH
12 PEOPLE WITH DISABILITIES.—

13 “(i) IN GENERAL.—In the case of any
14 building—

15 “(I) 50 percent or more of the
16 low-income units in the building are
17 units designated by the taxpayer to
18 meet the applicable design standards
19 for occupancy by persons with mental,
20 physical, sensory, or developmental
21 disabilities,

22 “(II) which is located in a census
23 block group designated by the Envi-
24 ronmental Protection Agency as
25 being—

1 “(aa) above average or bet-
2 ter in terms of walkability, or

3 “(bb) adjacent to 2 or more
4 census tracts described in item
5 (aa), and

6 “(III) which is designated by the
7 housing credit agency as requiring the
8 increase in credit under this subpara-
9 graph in order for such building to be
10 financially feasible as part of a quali-
11 fied low-income housing project,
12 subparagraph (B) shall not apply to the
13 portion of such building which is comprised
14 of such units, and the eligible basis of such
15 portion of the building shall be 150 per-
16 cent of such basis determined without re-
17 gard to this subparagraph.

18 “(ii) DESIGN STANDARDS.—For pur-
19 poses of clause (i)(I), the term ‘applicable
20 design standards’ means the principles and
21 standards of adaptable design as detailed
22 in the Uniform Federal Accessibility
23 Standards, or any successor standard des-
24 ignated by the Secretary.”.

1 (b) EFFECTIVE DATE.—The amendment made by
2 this section shall apply to buildings which receive alloca-
3 tions of housing credit dollar amount or, in the case of
4 projects financed by tax-exempt obligations as described
5 in section 42(h)(4) of the Internal Revenue Code of 1986,
6 which are first taken into account under section 146 of
7 such Code, after December 31, 2026.

8 **SEC. 6. REQUIREMENT FOR PROJECTS DESIGNATED TO**
9 **SERVE HOUSEHOLDS WITH PEOPLE WITH**
10 **DISABILITIES.**

11 (a) IN GENERAL.—Paragraph (1) of section 42(m)
12 of the Internal Revenue Code of 1986 is amended by add-
13 ing at the end the following new subparagraph:

14 “(E) PROJECTS DESIGNATED TO SERVE
15 HOUSEHOLDS WITH PEOPLE WITH DISABIL-
16 ITIES.—

17 “(i) IN GENERAL.—The qualified allo-
18 cation plan shall ensure that, with respect
19 to any 3-year period, the applicable per-
20 centage is not less than 40 percent.

21 “(ii) APPLICABLE PERCENTAGE.—For
22 purposes of this subparagraph, the applica-
23 ble percentage is the ratio (expressed as a
24 percentage) of—

1 “(I) the number of low-income
2 units in all projects receiving an allo-
3 cation of the housing credit dollar
4 amount during such period which
5 meet the requirements of subclause
6 (I) of subsection (d)(5)(C)(i), to

7 “(II) the aggregate number of all
8 low-income units in all projects receiv-
9 ing an allocation of the housing credit
10 dollar amount during such period.

11 “(iii) SPECIAL RULE.—For purposes
12 of clause (ii)(I), any low-income unit which
13 is part of a project which meets the re-
14 quirements of both subclause (I) and sub-
15 clause (II) of subsection (d)(5)(C)(i) shall
16 be counted twice.”.

17 (b) EFFECTIVE DATE.—The amendments made by
18 this section shall apply to allocations of housing credit dol-
19 lar amounts made under qualified allocation plans (as de-
20 fined in section 42(m)(1)(B) of the Internal Revenue Code
21 of 1986) adopted after December 31, 2026.