

HOUSE BILL No. 4175

February 5, 2009, Introduced by Reps. Ebli, Melton, Durhal, Young, Gonzales, Geiss, Sheltrown, Johnson, Polidori, Mayes, Tlaib, Calley, Meadows and Dean and referred to the Committee on Tax Policy.

A bill to amend 1967 PA 281, entitled
"Income tax act of 1967,"
(MCL 206.1 to 206.532) by adding section 279.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 279. (1) SUBJECT TO THE LIMITATIONS PROVIDED UNDER
2 SUBSECTION (10), FOR TAX YEARS THAT BEGIN AFTER DECEMBER 31, 2008,
3 A TAXPAYER THAT PURCHASES A QUALIFIED EQUITY INVESTMENT EARNS A
4 VESTED RIGHT TO A TAX CREDIT UNDER THIS SECTION. THE HOLDER OF THAT
5 QUALIFIED EQUITY INVESTMENT MAY CLAIM A CREDIT AGAINST THE TAX
6 IMPOSED BY THIS ACT, THE MICHIGAN BUSINESS TAX ACT, 2007 PA 36, MCL
7 208.1101 TO 208.1601, OR SECTION 476A OF THE INSURANCE CODE OF
8 1956, 1956 PA 218, MCL 500.476A, EQUAL TO THE APPLICABLE PERCENTAGE
9 OF THE PURCHASE PRICE PAID TO THE QUALIFIED COMMUNITY DEVELOPMENT
10 ENTITY FOR THE QUALIFIED EQUITY INVESTMENT. THE AMOUNT OF THE

1 CREDIT ALLOWED TO BE CLAIMED UNDER THIS SECTION SHALL NOT EXCEED
2 THE TAX LIABILITY OF THE TAXPAYER FOR THE TAX YEAR. IF THE AMOUNT
3 OF THE CREDIT ALLOWED UNDER THIS SECTION AND ANY UNUSED
4 CARRYFORWARD OF THE CREDIT ALLOWED BY THIS SECTION EXCEED THE TAX
5 LIABILITY OF THE TAXPAYER FOR THE TAX YEAR, THAT PORTION THAT
6 EXCEEDS THE TAX LIABILITY SHALL NOT BE REFUNDED OR TRANSFERRED,
7 EXCEPT AS PROVIDED IN SUBSECTION (7), BUT MAY BE CARRIED FORWARD TO
8 OFFSET TAX LIABILITY IN SUBSEQUENT TAX YEARS.

9 (2) A QUALIFIED COMMUNITY DEVELOPMENT ENTITY THAT SEEKS TO
10 HAVE AN EQUITY INVESTMENT OR LONG-TERM DEBT SECURITY DESIGNATED AS
11 A QUALIFIED EQUITY INVESTMENT AND ELIGIBLE FOR TAX CREDITS SHALL
12 APPLY TO THE DEPARTMENT FOR CERTIFICATION. A TAXPAYER SHALL NOT
13 CLAIM A CREDIT UNDER THIS SECTION UNLESS THE QUALIFIED COMMUNITY
14 DEVELOPMENT ENTITY THAT ISSUED THE QUALIFIED EQUITY INVESTMENT HAS
15 SUBMITTED AN APPLICATION FOR CERTIFICATION, ALONG WITH THE
16 APPLICATION FEE, AND THE DEPARTMENT HAS ISSUED A CERTIFICATE TO THE
17 QUALIFIED COMMUNITY DEVELOPMENT ENTITY FOR THAT QUALIFIED EQUITY
18 INVESTMENT. THE TAXPAYER SHALL ATTACH THE CERTIFICATE TO THE ANNUAL
19 RETURN FILED UNDER THIS ACT, THE MICHIGAN BUSINESS TAX ACT, 2007 PA
20 36, MCL 208.1101 TO 208.1601, OR SECTION 476A OF THE INSURANCE CODE
21 OF 1956, 1956 PA 218, MCL 500.476A, ON WHICH A CREDIT UNDER THIS
22 SECTION IS CLAIMED.

23 (3) THE APPLICATION REQUIRED UNDER THIS SECTION SHALL BE
24 ACCOMPANIED BY A \$5,000.00 APPLICATION FEE AND SHALL STATE ALL OF
25 THE FOLLOWING:

26 (A) THE APPLICANT IS A QUALIFIED COMMUNITY DEVELOPMENT ENTITY.

27 (B) THE EQUITY INVESTMENT OR LONG-TERM DEBT SECURITY IS A

1 QUALIFIED EQUITY INVESTMENT.

2 (C) THE PROPOSED DOLLAR AMOUNT OF THE QUALIFIED EQUITY
3 INVESTMENT.

4 (4) THE DEPARTMENT SHALL CERTIFY QUALIFIED EQUITY INVESTMENTS
5 IN THE ORDER APPLICATIONS ARE RECEIVED BY THE DEPARTMENT.
6 APPLICATIONS RECEIVED ON THE SAME DAY SHALL BE DEEMED TO HAVE BEEN
7 RECEIVED SIMULTANEOUSLY. FOR APPLICATIONS RECEIVED ON THE SAME DAY
8 AND DEEMED COMPLETE, THE DEPARTMENT SHALL CERTIFY QUALIFIED EQUITY
9 INVESTMENTS AND, IN THE EVENT THERE IS INSUFFICIENT REMAINING TAX
10 CREDIT CAPACITY, REDUCE THE AMOUNT OF CERTIFIED QUALIFIED EQUITY
11 INVESTMENT IN PROPORTIONATE PERCENTAGES BASED UPON THE RATIO OF THE
12 AMOUNT OF QUALIFIED EQUITY INVESTMENTS REQUESTED IN AN APPLICATION
13 TO THE TOTAL AMOUNT OF QUALIFIED EQUITY INVESTMENTS REQUESTED IN
14 ALL APPLICATIONS RECEIVED ON THE SAME DAY.

15 (5) WITHIN 30 DAYS AFTER RECEIVING NOTICE OF CERTIFICATION,
16 THE QUALIFIED COMMUNITY DEVELOPMENT ENTITY SHALL ISSUE THE
17 QUALIFIED EQUITY INVESTMENT AND RECEIVE CASH IN THE AMOUNT OF THE
18 CERTIFIED AMOUNT. THE QUALIFIED COMMUNITY DEVELOPMENT ENTITY SHALL
19 PROVIDE THE DEPARTMENT WITH A WRITTEN NOTICE IN A FORM OR MANNER AS
20 PROVIDED BY THE DEPARTMENT AND EVIDENCE OF RECEIPT OF THE CASH
21 INVESTMENT WITHIN 10 BUSINESS DAYS AFTER RECEIPT. WITHIN 30 DAYS
22 AFTER MAKING QUALIFIED LOW-INCOME COMMUNITY INVESTMENTS IN
23 QUALIFIED ACTIVE LOW-INCOME COMMUNITY BUSINESSES LOCATED IN THIS
24 STATE, THE QUALIFIED COMMUNITY DEVELOPMENT ENTITY SHALL PROVIDE THE
25 DEPARTMENT WITH A WRITTEN NOTICE, IN A FORM OR MANNER AS PROVIDED
26 BY THE DEPARTMENT, OF THOSE INVESTMENTS INCLUDING THE NAME AND
27 ADDRESS OF EACH QUALIFIED ACTIVE LOW-INCOME COMMUNITY BUSINESS THAT

1 RECEIVED ALL OR A PORTION OF THOSE INVESTMENTS. IF THE QUALIFIED
2 COMMUNITY DEVELOPMENT ENTITY FAILS TO PROVIDE THE DEPARTMENT WITH
3 THE WRITTEN NOTICES AND EVIDENCE AS REQUIRED UNDER THIS SUBSECTION,
4 THE CERTIFICATION SHALL LAPSE AND THE ENTITY MAY NOT ISSUE THE
5 QUALIFIED EQUITY INVESTMENT WITHOUT REAPPLYING TO THE DEPARTMENT
6 FOR CERTIFICATION. IF THE QUALIFIED COMMUNITY DEVELOPMENT ENTITY
7 DOES NOT RECEIVE THE CASH INVESTMENT AND ISSUE THE QUALIFIED EQUITY
8 INVESTMENT WITHIN 30 DAYS FOLLOWING RECEIPT OF THE CERTIFICATION
9 NOTICE, THE CERTIFICATION SHALL LAPSE AND THE ENTITY MAY NOT ISSUE
10 THE QUALIFIED EQUITY INVESTMENT WITHOUT REAPPLYING TO THE
11 DEPARTMENT FOR CERTIFICATION. A CERTIFICATION THAT LAPSES REVERTS
12 BACK TO THE DEPARTMENT AND MAY BE REISSUED IN ACCORDANCE WITH THE
13 APPLICATION PROCESS OUTLINED IN THIS SECTION.

14 (6) THE QUALIFIED COMMUNITY DEVELOPMENT ENTITY SHALL NOT USE
15 ANY OF THE CASH PROCEEDS FROM THE ISSUANCE OF THE QUALIFIED EQUITY
16 INVESTMENT TO INVEST IN QUALIFIED LOW-INCOME COMMUNITY INVESTMENTS
17 IN QUALIFIED ACTIVE LOW-INCOME COMMUNITY BUSINESSES OUTSIDE THIS
18 STATE.

19 (7) IF A TAXPAYER IS A PARTNERSHIP, LIMITED LIABILITY COMPANY,
20 OR SUBCHAPTER S CORPORATION, THE TAXPAYER MAY ALLOCATE ALL OR ANY
21 PORTION OF A CREDIT EARNED UNDER THIS SECTION TO ITS PARTNERS,
22 MEMBERS, OR SHAREHOLDERS FOR THEIR DIRECT USE IN ACCORDANCE WITH
23 THE PROVISIONS OF ANY AGREEMENT AMONG THE PARTNERS, MEMBERS, OR
24 SHAREHOLDERS OR BASED ON THE PARTNER'S, MEMBER'S, OR SHAREHOLDER'S
25 PROPORTIONATE SHARE OF OWNERSHIP OR ON AN ALTERNATIVE METHOD
26 APPROVED BY THE DEPARTMENT. A TAXPAYER MAY CLAIM A PORTION OF A
27 CREDIT AND ALLOCATE THE REMAINING CREDIT AMOUNT. A CREDIT AMOUNT

1 ALLOCATED UNDER THIS SUBSECTION MAY BE CLAIMED AGAINST THE
2 PARTNER'S, MEMBER'S, OR SHAREHOLDER'S TAX LIABILITY UNDER THIS ACT,
3 THE MICHIGAN BUSINESS TAX ACT, 2007 PA 36, MCL 208.1101 TO
4 208.1601, OR SECTION 476A OF THE INSURANCE CODE OF 1956, 1956 PA
5 218, MCL 500.476A. A CREDIT ALLOCATION UNDER THIS SUBSECTION SHALL
6 BE MADE ON A FORM PRESCRIBED BY THE DEPARTMENT. THE ALLOCATOR AND
7 ALLOCATEES SHALL SEND A COPY OF THE COMPLETED ALLOCATION FORM TO
8 THE DEPARTMENT IN THE TAX YEAR IN WHICH THE ALLOCATION IS MADE AND
9 ATTACH A COPY OF THE COMPLETED ALLOCATION FORM TO THE ANNUAL RETURN
10 REQUIRED TO BE FILED UNDER THIS ACT FOR THAT TAX YEAR.

11 (8) THE DEPARTMENT SHALL RECAPTURE IN A MANNER AS PROVIDED
12 UNDER 1941 PA 122, MCL 205.1 TO 205.31, FROM THE TAXPAYER THAT
13 CLAIMED THE CREDIT ON A RETURN THE TAX CREDIT ALLOWED UNDER THIS
14 SECTION UNDER ANY OF THE FOLLOWING CIRCUMSTANCES:

15 (A) IF ANY FEDERAL TAX CREDIT THAT MAY BE AVAILABLE WITH
16 RESPECT TO A QUALIFIED EQUITY INVESTMENT THAT IS ELIGIBLE FOR A TAX
17 CREDIT UNDER THIS SECTION IS RECAPTURED UNDER SECTION 45D OF THE
18 INTERNAL REVENUE CODE. IN THAT CASE, THE DEPARTMENT'S RECAPTURE
19 SHALL BE PROPORTIONATE TO THE FEDERAL RECAPTURE WITH RESPECT TO
20 THAT QUALIFIED EQUITY INVESTMENT.

21 (B) IF THE ISSUER REDEEMS OR MAKES PRINCIPAL REPAYMENT WITH
22 RESPECT TO A QUALIFIED EQUITY INVESTMENT PRIOR TO THE SEVENTH
23 ANNIVERSARY OF THE ISSUANCE OF THE QUALIFIED EQUITY INVESTMENT. IN
24 THAT CASE, THE DEPARTMENT'S RECAPTURE SHALL BE PROPORTIONATE TO THE
25 AMOUNT OF THE REDEMPTION OR REPAYMENT WITH RESPECT TO THE QUALIFIED
26 EQUITY INVESTMENT.

27 (C) IF THE ISSUER FAILS TO INVEST AT LEAST 85% OF THE CASH

1 PURCHASE PRICE OF THE QUALIFIED EQUITY INVESTMENT IN QUALIFIED LOW-
2 INCOME COMMUNITY INVESTMENTS IN THIS STATE WITHIN 12 MONTHS OF THE
3 ISSUANCE OF THE QUALIFIED EQUITY INVESTMENT AND MAINTAIN SUCH LEVEL
4 OF INVESTMENT IN QUALIFIED LOW-INCOME COMMUNITY INVESTMENTS IN THIS
5 STATE UNTIL THE LAST CREDIT ALLOWANCE DATE FOR THAT QUALIFIED
6 EQUITY INVESTMENT.

7 (9) FOR PURPOSES OF THIS SECTION, A QUALIFIED LOW-INCOME
8 COMMUNITY INVESTMENT SHALL BE CONSIDERED HELD BY A QUALIFIED
9 COMMUNITY DEVELOPMENT ENTITY EVEN IF THE INVESTMENT HAS BEEN SOLD
10 OR REPAID, PROVIDED THAT THE QUALIFIED COMMUNITY DEVELOPMENT ENTITY
11 REINVESTS AN AMOUNT EQUAL TO THE CAPITAL RETURNED TO OR RECOVERED
12 BY THE QUALIFIED COMMUNITY DEVELOPMENT ENTITY FROM THE ORIGINAL
13 INVESTMENT, EXCLUSIVE OF ANY PROFITS REALIZED, IN ANOTHER QUALIFIED
14 LOW-INCOME COMMUNITY INVESTMENT IN THIS STATE WITHIN 12 MONTHS
15 AFTER THE RECEIPT OF THAT CAPITAL. A QUALIFIED COMMUNITY
16 DEVELOPMENT ENTITY IS NOT REQUIRED TO REINVEST CAPITAL RETURNED
17 FROM QUALIFIED LOW-INCOME COMMUNITY INVESTMENTS AFTER THE SIXTH
18 ANNIVERSARY OF THE ISSUANCE OF THE QUALIFIED EQUITY INVESTMENT, THE
19 PROCEEDS OF WHICH WERE USED TO MAKE THE QUALIFIED LOW-INCOME
20 COMMUNITY INVESTMENT, AND THE QUALIFIED LOW-INCOME COMMUNITY
21 INVESTMENT SHALL BE CONSIDERED HELD BY THE QUALIFIED COMMUNITY
22 DEVELOPMENT ENTITY THROUGH THE SEVENTH ANNIVERSARY OF THE QUALIFIED
23 EQUITY INVESTMENT'S ISSUANCE. IN ADDITION TO THE NOTIFICATION
24 REQUIRED UNDER 1941 PA 122, MCL 205.1 TO 205.31, THE DEPARTMENT
25 SHALL PROVIDE NOTICE TO THE QUALIFIED COMMUNITY DEVELOPMENT ENTITY
26 OF ANY PROPOSED RECAPTURE OF TAX CREDITS PURSUANT TO THIS SECTION
27 FOR WHICH THE QUALIFIED COMMUNITY DEVELOPMENT ENTITY ISSUED A

1 QUALIFIED EQUITY INVESTMENT.

2 (10) THE TOTAL AMOUNT OF ALL QUALIFIED EQUITY INVESTMENTS THAT
3 MAY BE CERTIFIED BY THE DEPARTMENT UNDER THIS SECTION, SECTION 465
4 OF THE MICHIGAN BUSINESS TAX ACT, 2007 PA 36, MCL 208.1465, AND
5 SECTION 476A OF THE INSURANCE CODE OF 1956, 1956 PA 218, MCL
6 500.476A, SHALL NOT RESULT IN MORE THAN \$20,000,000.00 IN TAX
7 CREDITS AVAILABLE IN ANY 1 TAX YEAR NOT INCLUDING ANY CARRIED-
8 FORWARD AMOUNTS FROM CREDITS APPROVED IN A PREVIOUS TAX YEAR. A
9 QUALIFIED COMMUNITY DEVELOPMENT ENTITY SHALL NOT ISSUE A QUALIFIED
10 EQUITY INVESTMENT BEFORE JULY 1, 2009 OR AFTER DECEMBER 31, 2011. A
11 QUALIFIED COMMUNITY DEVELOPMENT ENTITY THAT ISSUES A LONG-TERM DEBT
12 SECURITY SHALL NOT MAKE CASH INTEREST PAYMENTS ON THAT LONG-TERM
13 DEBT SECURITY DURING THE PERIOD COMMENCING WITH ITS ISSUANCE AND
14 ENDING ON ITS FINAL CREDIT ALLOWANCE DATE THAT ARE IN EXCESS OF THE
15 SUM OF THOSE CASH INTEREST PAYMENTS AND THE CUMULATIVE OPERATING
16 INCOME OF THAT QUALIFIED COMMUNITY DEVELOPMENT ENTITY FOR THE SAME
17 PERIOD. FOR PURPOSES OF THIS SUBSECTION, "CASH INTEREST PAYMENTS"
18 AND "CUMULATIVE OPERATING INCOME" SHALL BE DETERMINED IN ACCORDANCE
19 WITH SECTION 45D OF THE INTERNAL REVENUE CODE AND ANY FEDERAL
20 REGULATIONS RELATING TO THAT SECTION.

21 (11) THE DEPARTMENT MAY PROMULGATE RULES TO IMPLEMENT THIS
22 SECTION.

23 (12) AS USED IN THIS SECTION:

24 (A) "APPLICABLE PERCENTAGE" MEANS 0% FOR EACH OF THE FIRST 2
25 CREDIT ALLOWANCE DATES, 7% FOR THE THIRD CREDIT ALLOWANCE DATE, AND
26 8% FOR THE NEXT 4 CREDIT ALLOWANCE DATES.

27 (B) "CREDIT ALLOWANCE DATE" MEANS THE DATE ON WHICH THE

1 QUALIFIED EQUITY INVESTMENT IS INITIALLY MADE AND EACH OF THE 6
2 ANNIVERSARY DATES OF THAT DATE THEREAFTER.

3 (C) "LONG-TERM DEBT SECURITY" MEANS ANY DEBT INSTRUMENT ISSUED
4 BY A QUALIFIED COMMUNITY DEVELOPMENT ENTITY, AT PAR VALUE OR A
5 PREMIUM, WITH AN ORIGINAL MATURITY DATE OF AT LEAST 7 YEARS FROM
6 THE DATE OF ITS ISSUANCE, WITH NO ACCELERATION OF REPAYMENT,
7 AMORTIZATION, OR PREPAYMENT FEATURES PRIOR TO ITS ORIGINAL MATURITY
8 DATE. THIS DEFINITION IN NO WAY LIMITS THE HOLDER'S ABILITY TO
9 ACCELERATE PAYMENTS ON THE DEBT INSTRUMENT IN SITUATIONS WHERE THE
10 QUALIFIED COMMUNITY DEVELOPMENT ENTITY HAS DEFAULTED ON COVENANTS
11 DESIGNED TO ENSURE COMPLIANCE WITH THIS ACT OR SECTION 45D OF THE
12 INTERNAL REVENUE CODE.

13 (D) "PURCHASE PRICE" MEANS THE AMOUNT PAID TO THE QUALIFIED
14 COMMUNITY DEVELOPMENT ENTITY FOR THE QUALIFIED EQUITY INVESTMENT.

15 (E) "QUALIFIED ACTIVE LOW-INCOME COMMUNITY BUSINESS" HAS THE
16 MEANING GIVEN TO THAT TERM IN SECTION 45D OF THE INTERNAL REVENUE
17 CODE, EXCEPT THAT ANY BUSINESS THAT DERIVES OR PROJECTS TO DERIVE
18 15% OR MORE OF ITS ANNUAL REVENUE FROM THE RENTAL OR SALE OF REAL
19 ESTATE IS NOT CONSIDERED TO BE A QUALIFIED ACTIVE LOW-INCOME
20 COMMUNITY BUSINESS UNLESS THE BUSINESS IS CONTROLLED BY, OR UNDER
21 COMMON CONTROL WITH, ANOTHER BUSINESS THAT DOES NOT DERIVE OR
22 PROJECT TO DERIVE 15% OR MORE OF ITS ANNUAL REVENUE FROM THE RENTAL
23 OR SALE OF REAL ESTATE AND IS THE PRIMARY TENANT OF THE REAL ESTATE
24 LEASED FROM THE INITIAL BUSINESS. A BUSINESS SHALL BE CONSIDERED A
25 QUALIFIED ACTIVE LOW-INCOME COMMUNITY BUSINESS FOR THE DURATION OF
26 THE QUALIFIED COMMUNITY DEVELOPMENT ENTITY'S INVESTMENT IN, OR LOAN
27 TO, THE BUSINESS IF THE ENTITY REASONABLY EXPECTS, AT THE TIME IT

1 MAKES THE INVESTMENT OR LOAN, THAT THE BUSINESS WILL CONTINUE TO
2 SATISFY THE REQUIREMENTS FOR BEING A QUALIFIED ACTIVE LOW-INCOME
3 COMMUNITY BUSINESS THROUGHOUT THE ENTIRE PERIOD OF THE INVESTMENT
4 OR LOAN.

5 (F) "QUALIFIED COMMUNITY DEVELOPMENT ENTITY" HAS THE MEANING
6 GIVEN TO THAT TERM IN SECTION 45D OF THE INTERNAL REVENUE CODE,
7 PROVIDED THAT SUCH ENTITY HAS ENTERED INTO, OR IS CONTROLLED BY A
8 QUALIFIED COMMUNITY DEVELOPMENT ENTITY THAT HAS ENTERED INTO, AN
9 ALLOCATION AGREEMENT WITH THE COMMUNITY DEVELOPMENT FINANCIAL
10 INSTITUTIONS FUND OF THE UNITED STATES TREASURY DEPARTMENT WITH
11 RESPECT TO CREDITS AUTHORIZED BY SECTION 45D OF THE INTERNAL
12 REVENUE CODE. THE ALLOCATION AGREEMENT SHALL INCLUDE THE STATE OF
13 MICHIGAN WITHIN THE SERVICE AREA SET FORTH IN THAT ALLOCATION
14 AGREEMENT.

15 (G) "QUALIFIED EQUITY INVESTMENT" MEANS ANY EQUITY INVESTMENT
16 IN, OR LONG-TERM DEBT SECURITY ISSUED BY, A QUALIFIED COMMUNITY
17 DEVELOPMENT ENTITY THAT IS ACQUIRED AFTER JULY 1, 2009 AT ITS
18 ORIGINAL ISSUANCE SOLELY IN EXCHANGE FOR CASH, HAS AT LEAST 85% OF
19 ITS CASH PURCHASE PRICE USED BY THE QUALIFIED COMMUNITY DEVELOPMENT
20 ENTITY TO MAKE QUALIFIED LOW-INCOME COMMUNITY INVESTMENTS IN
21 QUALIFIED ACTIVE LOW-INCOME COMMUNITY BUSINESSES LOCATED IN THIS
22 STATE, AND IS DESIGNATED BY THE QUALIFIED COMMUNITY DEVELOPMENT
23 ENTITY AS A QUALIFIED EQUITY INVESTMENT UNDER THIS SECTION AND IS
24 CERTIFIED BY THE DEPARTMENT AS NOT EXCEEDING THE LIMITATION
25 CONTAINED IN SUBSECTION (10). QUALIFIED EQUITY INVESTMENT INCLUDES
26 ANY QUALIFIED EQUITY INVESTMENT THAT IS NOT ACQUIRED AFTER JULY 1,
27 2009 AT ITS ORIGINAL ISSUANCE SOLELY IN EXCHANGE FOR CASH IF THE

1 INVESTMENT WAS A QUALIFIED EQUITY INVESTMENT IN THE HANDS OF A
2 PRIOR HOLDER.

3 (H) "QUALIFIED LOW-INCOME COMMUNITY INVESTMENT" MEANS, SUBJECT
4 TO THE LIMITATION PROVIDED UNDER THIS SUBDIVISION, ANY CAPITAL OR
5 EQUITY INVESTMENT IN, OR LOAN TO, ANY QUALIFIED ACTIVE LOW-INCOME
6 COMMUNITY BUSINESS MADE AFTER JULY 1, 2009. WITH RESPECT TO ANY 1
7 QUALIFIED ACTIVE LOW-INCOME COMMUNITY BUSINESS, THE MAXIMUM AMOUNT
8 ALLOWED OF QUALIFIED LOW-INCOME COMMUNITY INVESTMENTS MADE IN THAT
9 BUSINESS, ON A COLLECTIVE BASIS WITH ALL OF ITS AFFILIATES, WITH
10 PROCEEDS OF QUALIFIED EQUITY INVESTMENTS CERTIFIED AS ELIGIBLE FOR
11 TAX CREDITS UNDER THIS SECTION, WHETHER ISSUED TO 1 OR MORE
12 QUALIFIED COMMUNITY DEVELOPMENT ENTITIES, IS \$10,000,000.00.