Advocacy During the First 100 Days of the Biden Administration and the 117th Congress

Policy Issues and Challenges Facing the Preservation Community | January 28, 2021

SHAW SPRAGUE, VICE PRESIDENT FOR GOVERNMENT RELATIONS
Shaw Sprague | Vice President of Government Relations, National Trust for Historic Preservation

Shaw joined the National Trust for Historic Preservation in 2012 and is the Vice President of Government Relations. Shaw directed the National Trust’s efforts in support of the federal historic tax credit in the years leading up to the 2017 tax reform bill and continues his work to advance historic preservation policy, including improving preservation tax incentives, at the federal and state levels. Prior to his time with the National Trust, Shaw spent three years as a Senior Legislative Representative for The Trust for Public Land. Shaw also worked on Capitol Hill for Senator Susan Collins as her principal advisor on National Resource, Trade, and Judiciary issues. Shaw graduated from Suffolk University Law School in Boston, Massachusetts, where he concentrated on environmental, municipal, and land use law.
Historic Preservation’s Role in the 117th Congress and the Biden Administration?

**Legislative**

**Economic Relief, Recovery & Stimulus**
- Historic Tax Credit (HTC) Improvements & Assessing COVID-19 Impacts on Historic Rehabilitation Projects and the industry
- Infrastructure Investment & Rehabilitation’s Role in Economic Recovery
- Historic Preservation Fund (HPF) Appropriations
- Climate: Energy Efficiency Incentives & Building Rehabilitation

**Regulatory**

Overview of Biden Executive Orders & Federal Agency Actions
- National Environmental Policy Act (NEPA)
- National Monuments
- Climate Change/Environment
- Density and Affordable Housing Issues
Jon Bosworth is a Senior Legislative Assistant for Representative Earl Blumenauer, who represents Portland, Oregon and the surrounding region. Jon is originally from Portland and began working for Congressman Blumenauer after graduating from Oregon State University’s Honors College. As a legislative assistant, Jon is responsible for the Congressman’s tax, historic preservation, transportation, and housing portfolios.
Maggie Ward | Legislative Assistant, Rep. Michael Turner (R-OH)

Maggie Ward is a Legislative Assistant for Congressman Mike Turner (OH-10). In her role as LA, she handles an array of issues including energy, environment, and historic preservation. Maggie is a graduate of the University of Dayton and is currently in law school at George Washington University.
Sharee Williamson | Senior Associate General Counsel, National Trust for Historic Preservation

As Senior Associate General Counsel at the National Trust for Historic Preservation, Sharee focuses her practice on federal litigation and policy advocacy, as well as leading the National Trust’s legal education conferences. Prior to joining the National Trust, Sharee was a litigation associate in Saint Louis, Missouri. She has also provided environmental research and policy assistance to the Environmental Law Institute in Washington, D.C. Sharee received her J.D. from Washington University School of Law.
National Register of Historic Places Rulemaking
Antiquities Act and National Monuments
Racial Justice Initiatives

- National Environmental Policy Act (NEPA) Rulemaking
- Tribal Consultation Executive Order
Federal Climate Policy

- Oil & Gas Development on Public Lands
- NEPA Rulemaking
- Affordable Clean Energy Rule
- Renewable Energy
- Housing Policy
Merrill Hoopengardner | President, National Trust Community Investment Corporation (NTCIC)

As President of NTCIC, Merrill directs fundraising and acquisition opportunities, develops and implements overall strategy and new lines of business for the company, and coordinates governing board/staff relations. Merrill joined NTCIC in 2016, bringing 19 years of experience in community development finance that includes the structuring and closing of over $1 billion utilizing Historic, New Markets, and Low-Income Housing Tax Credits. She is also the chair of the Historic Tax Credit Coalition (HTCC) and a member of the Novogradac Journal of Tax Credits Advisory Board, the SunTrust CDE Advisory Board, the Bank of America CDE Advisory Board, and the Executive Committee of the New Markets Tax Credit Coalition.
Biden Proposes $1.9 Trillion COVID Rescue Plan but No Relief for Community Development & Rehabilitation

- COVID-19 work site restrictions and tight credit markets have slowed or stopped rehabilitation projects.
RESPONSE TO COVID IMPACT

• Worked with IRS to extend the substantial rehab test timelines so projects delayed due to COVID-19 can remain eligible for HTC

• Proposed a temporary 30% credit for all HTC projects

• Recommended inclusion of HTC-GO (S. 2615/ H.R. 2825) in H.R. 2 to achieve permanent enhancements
HTC PROVISIONS IN HR2
“Moving Forward Act”

SHORT TERM PROVISIONS

• **H.R. 2, Sec. 90301**
  – Temporary increases in the historic tax credit percentage
    • 2020-24: 30 percent / 2025: 26 percent / 2026: 23 percent / 2027 and thereafter: 20 percent

• **H.R. 2, Sec. 90304**
  – Temporary 12-month extension of the 24- and 60-month substantial rehabilitation period

• **IRS Substantial Rehabilitation Deadline Extension**
  – August 2020 IRS extended the deadline to substantially rehabilitate HTC projects
  – Applies to projects with a 24- or 60-month measuring period ending on or after April 1st, 2020, and before March 31st, 2021
  – Now have until **March 31st, 2021** to incur sufficient qualified rehabilitation expenditures (QREs) to satisfy the sub rehab test.
HTC PROVISIONS IN HR2

“Moving Forward Act”

PERMANENT PROVISIONS

- **H.R. 2, Sec. 90302**
  - Increases the credit from 20 to 30% for projects with less than $2.5 million QREs

- **H.R. 2, Sec. 90303**
  - Makes more buildings eligible for HTCs by lowering the substantial rehabilitation threshold

- **H.R. 2, Sec. 90305**
  - Brings more value to the HTC by eliminating the basis adjustment requirement
  - Enables HTC to pair better with LIHTC

- **H.R. 2, Sec. 90306**
  - Simplifies the “tax exempt use” rules, making the HTC easier to use by non-profit organizations

- **H.R. 2, Sec. 90307**
  - Rehabilitation of Historic Schools Act (H.R. 158)
RENEWED EFFORTS TO PASS HTC ENHANCEMENTS

• New HTC-GO legislation is expected to be introduced in February

• The bill will build on many of the provisions in the previous HTC-GO bill and the HR 2 infrastructure bill

• Advocacy efforts will be critical to gain enough support to be included in larger legislative vehicles
QUESTION AND ANSWER

Use the chat box on the bottom right to ask questions of the speakers.
Upcoming Advocacy Update and Webinars

Save the Date!

The next National Trust Government Relations webinar is scheduled for March 4th. This webinar will include an overview and look ahead at appropriations for historic preservation for fiscal year 2022.

Stay tuned for details!
Virtual Historic Preservation Advocacy Week

March 08 – 11, 2021

• Registration and more information at: preservationaction.org/advocacyweek
Keep Talking

• **Forum Connect** is Forum’s online community

• FREE and open to everyone

Keep Learning

- Brown v. Board: Cheryl Brown Henderson and the Legacy of the 1954 Supreme Court Case
  February 18, 2021 | 1:00 pm EST
Thank you!

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