

Tax Credit Programs

Federal & State Tax Incentives

Our attorneys have represented clients in transactions that involve various federal and state tax credits, including new markets tax credits, historic rehabilitation tax credits, certified capital company tax credits, low income housing tax credits, and motion picture tax credits. These credits can play an important role in the financing and development of projects. Our attorneys bring a multidisciplinary perspective to these transactions, derived from training in business, finance, real estate, securities, and tax law.

New Markets Tax Credit Transactions

Jones Walker attorneys have experience structuring transactions involving federal and state new markets tax credits. Our attorneys have represented all parties that commonly participate in new markets tax credits transactions. We have represented leverage lenders, community development entities (CDEs) and their sponsors, and qualified active low income community business (QALICB). We also have experience applying for, receiving, and monetizing Louisiana state new markets tax credits. We are familiar with structuring of leveraged loans, qualified equity investments (QEIs) and qualified low income community investments (QLICIs), with QALICB compliance and with preferred exit strategies. We have also been active with federal lobbying efforts to expand the federal new markets tax credit program.

Historic Rehabilitation Tax Credit Transactions

Our attorneys have experience working on transactions involving federal and state historic rehabilitation tax credits, including up front structuring, exit strategies, and negotiations of operating/limited partnership agreements with tax credits investors. We also have experience applying for, receiving, and monetizing Louisiana state historic rehabilitation tax credits. We have employed master lease arrangements where beneficial and are familiar with key economic issues, such as the after-tax cost effectiveness of developer fees and allocation of recapture risks. We have been active with federal lobbying efforts to expand the federal historic rehabilitation tax credit program.

Certified Capital Company (CAPCO) Tax Credit Transactions

Our attorneys have experience structuring, negotiating and closing investments in certified capital companies, including the documentation with insurance company investors, credit enhancers, and trustees. Our attorneys have closed 15 transactions under CAPCO programs in 6 different states and the District of Columbia. We also draft, analyze, and revise proposed statutes during legislative sessions; draft, analyze, and revise proposed regulations during agency rulemaking; design compliance protocols; and issue closing opinions on the qualification of qualified businesses.

Louisiana Motion Picture Investment Tax Credits

Our attorneys have experience with all aspects of the Louisiana motion picture investor tax credits. We have represented lenders, production companies, and tax credit purchasers in transactions under this program. We also assist clients in monetizing these credits. Our projects involve tax credits for motion picture production and development of infrastructure. We are familiar with transactions that monetize tax credits, as well as pre and post-production sales of credits generated.

