

**265—30.3(16) Eligibility for allocation.**

**30.3(1)** In the case of a project involving a private business use (as defined in Section 141(b)(6) of the Internal Revenue Code), to be eligible for an allotment, the applicant must certify that the entity using the property either:

- a.* Suffered a loss in a trade or business attributable to the disasters; or
- b.* Is a person replacing a trade or business with respect to which another person suffered such a loss.

**30.3(2)** In the case of a project relating to public utility property (as defined in Section 168(i)(10) of the Internal Revenue Code), to be eligible for an allotment, the applicant must certify that the project involves repair or reconstruction of public utility property damaged by the disasters.

**30.3(3)** For a project to be eligible for an allotment as a qualified mortgage issue, the applicant must certify that 95 percent or more of the net proceeds (as defined in Section 150(a)(3) of the Internal Revenue Code) of the issue are to be used to provide financing for mortgagors who suffered damages to their principal residences attributable to the disasters.

[**ARC 7703B**, IAB 4/8/09, effective 5/13/09; **ARC 8548B**, IAB 2/24/10, effective 2/4/10; **ARC 8724B**, IAB 5/5/10, effective 6/9/10]