



## Affordable Housing Member Consent Agreement

### Subchapter K Entity Information:

|                          |       |                   |
|--------------------------|-------|-------------------|
| SUBCHAPTER K ENTITY NAME |       | FEDERAL ID NUMBER |
| STREET ADDRESS           |       |                   |
| CITY                     | STATE | ZIP               |

### Nonresident Member Information:

|                |       |            |
|----------------|-------|------------|
| MEMBER NAME    |       | SSN / FEIN |
| STREET ADDRESS |       |            |
| CITY           | STATE | ZIP        |

### Agreement of the Nonresident Member:

I, \_\_\_\_\_, as a nonresident member of the above named subchapter K entity, request that the subchapter K entity be exempt from the composite payment requirements of Section 40-18-24.2, *Code of Alabama 1975*, regarding my distributive share of income from the entity for the tax year \_\_\_\_\_ and all subsequent tax years, until I notify the Alabama Department of Revenue, in writing, of my revocation of this consent agreement.

By signing this agreement, I agree to:

1. File all income tax returns in accordance with Alabama income tax law, and to make all income tax payments required by Alabama income tax law;
2. Be subject to personal jurisdiction by the State of Alabama for the purpose of the collection of income taxes and any related interest and penalties imposed on me by the State of Alabama with respect to my distributive share of the income from the above named subchapter K entity; and,
3. Waive any taxpayer confidentiality required by §40-2A-10, *Code of Alabama 1975*, as necessary to assess and collect any amount owed by the above named subchapter K entity as a result of my distributive share of income from the subchapter K entity.

\_\_\_\_\_  
Signature of Nonresident Member

\_\_\_\_\_  
Date

### Agreement of the Subchapter K Entity:

On behalf of the subchapter K entity, I agree to submit this document to the Alabama Department of Revenue and I agree to maintain a copy of this executed document. I have verified the signature of the nonresident member and I agree to indemnify the State of Alabama concerning the composite payment required regarding the nonresident member's distributive share of income during the period of this agreement.

\_\_\_\_\_  
Signature of Subchapter K Entity Manager or Officer

\_\_\_\_\_  
Date

## Instructions for Completion of Form NMC Affordable Housing Member Consent Agreement

This agreement is valid for Subchapter K entity members of certain affordable rental housing developments where making a composite payment would be in violation of a federal or Alabama law or a directive from any governmental agency having regulatory authority over the development. See rule 810-3-24.2.01 at [www.revenue.alabama.gov](http://www.revenue.alabama.gov) for further information.

Form NMC must be completed by each qualifying nonresident member of an entity for whom an agreement has not been previously filed. Once filed, Form NMC remains in effect until the member notifies the Alabama Department of Revenue and the entity in writing that the Form NMC has been revoked. A copy should be filed with the Alabama Form 65 return each year. A copy of Form NMC should be maintained by the entity and the member for future reference.

If the Form NMC is not submitted timely by the entity on behalf of the nonresident member, when applicable, the entity must complete the Form PTE-C on behalf of that member and pay to the state an amount equal to the highest income tax rate applicable to individuals multiplied by the owner's pro rata share of income allocated and apportioned to this state as reflected in the entity's return for the period in question.

In the spaces labeled Subchapter K Entity Information enter the name, Federal Employer Identification Number (FEIN) and address of the Subchapter K entity.

In the spaces labeled Nonresident Member Information enter the name, taxpayer identification number (social security number or FEIN) and the legal resident address of the member. **BE SURE TO ENTER THE LEGAL RESIDENCE OF THE MEMBER NOT THE ENTITY ADDRESS.**

This agreement must be signed and dated by both the nonresident member and an officer or manager of the Subchapter K entity to be valid.