

# House Bill 2437

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim Committee on Energy, Environment and Water)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Allows credit against income taxes for purchase of energy efficient home.  
Applies to tax years beginning on or after January 1, 2013, and before January 1, 2019.  
Takes effect on 91st day following adjournment sine die.

## A BILL FOR AN ACT

Relating to tax credits for energy efficient homes; and prescribing an effective date.

**Be It Enacted by the People of the State of Oregon:**

**SECTION 1. Sections 2 and 3 of this 2013 Act are added to and made a part of ORS chapter 315.**

**SECTION 2. (1) As used in this section and section 3 of this 2013 Act:**

**(a) "Energy efficient home" means an owner-occupied single family residential dwelling:**

**(A) For which construction or renovation begins on or after January 1, 2013, and before January 1, 2019;**

**(B) For which an energy efficient home income tax credit has not been previously claimed;**

**(C) That has a HERS index rating of 50 or lower; and**

**(D) That has been issued a certificate of occupancy.**

**(b) "HERS index" means a relative energy use index, where a rating of 100 represents the energy use of a home built to a HERS 2004 International Energy Conservation Code reference building design standard and a zero rating indicates that the home uses no net purchased energy.**

**(c) "Homeowner" means a person who is the purchaser, owner and occupant of an energy efficient home. "Homeowner" does not include the subsequent purchaser of an energy efficient home with respect to which a credit under this section has been previously claimed.**

**(2) A taxpayer who is a homeowner shall be allowed a credit against the taxes that are otherwise due under ORS chapter 316 for the purchase of an energy efficient home.**

**(3) The tax credit allowed under this section shall be calculated based on the HERS index rating of the energy efficient home, as follows:**

**(a) \$4,000, if the HERS index rating is 50 or less, but more than 25.**

**(b) \$6,000, if the HERS index rating of 25 or less, but more than zero.**

**(c) \$8,000, if the HERS index rating is zero or less.**

**(4) To be eligible for the credit allowed under this section, the taxpayer shall provide to the Department of Revenue a certificate of eligibility issued by the State Department of Energy pursuant to section 3 of this 2013 Act and any other information the Department of**

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 Revenue may require to determine the amount of the tax credit for which the taxpayer is  
2 eligible.

3 (5) A taxpayer may only claim the credit allowed under this section for the tax year in  
4 which the energy efficient home is purchased, and may not claim, in that tax year, a credit  
5 under ORS 316.116 for an alternative energy device installed or constructed in the same  
6 home.

7 (6) A nonresident taxpayer is allowed the credit under this section in the proportion  
8 provided in ORS 316.117.

9 (7) If a change in the status of a taxpayer from resident to nonresident or from nonres-  
10 ident to resident occurs, the credit allowed by this section shall be determined in a manner  
11 consistent with ORS 316.117.

12 (8) If a change in the tax year of a taxpayer occurs as described in ORS 314.085, or if the  
13 Department of Revenue terminates the taxpayer's tax year under ORS 314.440, the credit  
14 allowed under this section shall be prorated or computed in a manner consistent with ORS  
15 314.085.

16 **SECTION 3.** (1) A taxpayer may apply to the State Department of Energy for a certificate  
17 of eligibility for the credit allowed under section 2 of this 2013 Act, after the construction  
18 or renovation of the energy efficient home is completed.

19 (2) A taxpayer shall apply for a certificate of eligibility within one year following the end  
20 of the calendar year in which the energy efficient home is purchased. A taxpayer shall sub-  
21 mit a certificate of occupancy at the time the taxpayer applies for a certificate of eligibility.

22 (3) The department shall consider applications in the order received. If the department  
23 determines that a taxpayer meets the requirements of this section and section 2 of this 2013  
24 Act and that the home for which the tax credit application is made meets the requirements  
25 of section 2 of this 2013 Act as an energy efficient home, the department may issue a cer-  
26 tificate of eligibility to the taxpayer. The certificate shall include the HERS index rating  
27 awarded to the energy efficient home and the amount of the tax credit for which the tax-  
28 payer is eligible.

29 (4) All certificates of eligibility issued pursuant to this section shall be dated and shall  
30 be sequentially numbered, and an account of all certificates issued or destroyed shall be  
31 maintained by the department.

32 (5) The taxpayer shall maintain any documents received by the taxpayer in connection  
33 with the receipt of a tax credit under section 2 of this 2013 Act, including documents in  
34 support of an eligibility determination made pursuant to subsection (3) of this section, in the  
35 records of the taxpayer for the length of time prescribed by the Department of Revenue and  
36 shall provide a copy of the documents to the Department of Revenue if requested.

37 (6) The State Department of Energy shall establish by rule standards and procedures for  
38 determining the eligibility of taxpayers to claim the credit allowed under section 2 of this  
39 2013 Act. The department may establish standards for determining the HERS index rating  
40 of an energy efficient home for which an application is submitted under this section.

41 **SECTION 4.** Sections 2 and 3 of this 2013 Act apply to tax years beginning on or after  
42 January 1, 2013, and before January 1, 2019.

43 **SECTION 5.** This 2013 Act takes effect on the 91st day after the date on which the 2013  
44 regular session of the Seventy-seventh Legislative Assembly adjourns sine die.