

141.437 Tax credit for construction of ENERGY STAR home or sale of ENERGY STAR manufactured home -- Required verification -- Reports.

- (1) As used in this section:
 - (a) "ENERGY STAR home" means any single-family residence that qualifies for and receives the ENERGY STAR label under the ENERGY STAR Program administered by the United States Environmental Protection Agency; and
 - (b) "ENERGY STAR manufactured home" means a manufactured home as defined in KRS 100.348 that meets the ENERGY STAR label under the ENERGY STAR Program administered by the United States Environmental Protection Agency.
- (2) For taxable years beginning after December 31, 2008, and before January 1, 2016, there is hereby created a nonrefundable credit against the tax imposed by KRS 141.040, and KRS 141.0401, with the ordering of credits as provided in KRS 141.0205 if a taxpayer:
 - (a) Builds a new ENERGY STAR home located in the Commonwealth for use as a principal place of residence; or
 - (b) Sells a new ENERGY STAR manufactured home to a buyer who uses that home as a principal place of residence in the Commonwealth.
- (3) The tax credit shall equal:
 - (a) Eight hundred dollars (\$800) if the taxpayer builds an ENERGY STAR home; or
 - (b) Four hundred dollars (\$400) if the taxpayer sells an ENERGY STAR manufactured home.
- (4) The tax credit provided under this section shall apply in the tax year in which the taxpayer completes construction of the ENERGY STAR home or sells the ENERGY STAR manufactured home.
- (5) The tax credit provided in this section shall not apply if:
 - (a) The tax credit has been previously taken by another taxpayer on the same ENERGY STAR home or ENERGY STAR manufactured home; or
 - (b) The taxpayer has taken the energy efficiency tax credits provided in KRS 141.436.
- (6) The department may request verification of the ENERGY STAR label placed on the home, documentation that the buyer is using the home as a principal place of residence, and any other information that the department determines is necessary to verify the tax credits taken.
- (7) On or before December 1, 2010, and on or before every December 1 thereafter, the department shall report to the Legislative Research Commission the total number and gross amount of each type of credit claimed on returns processed during the fiscal year ending prior to the December reporting period.

Effective: February 25, 2010

History: Repealed and reenacted 2010 Ky. Acts ch. 5, sec. 13, effective February 25, 2010. -- Created 2008 Ky. Acts ch. 139, sec. 13, effective July 15, 2008.

Legislative Research Commission Note (2/25/2010). 2010 Ky. Acts ch. 5, sec. 28, provides that the repeal and reenactment of this section in that Act

"shall apply retroactively to July 15, 2008."

Legislative Research Commission Note (7/15/2008). 2008 Ky. Acts ch. 139, sec. 26, provides that this section "shall apply to taxable periods beginning after December 31, 2008."