

By: Leibowitz

H.B. No. 2184

A BILL TO BE ENTITLED

AN ACT

relating to a franchise tax credit for building new single-family homes or duplexes that exceed certain energy efficiency standards.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 171, Tax Code, is amended by adding Subchapter V to read as follows:

SUBCHAPTER V. TAX CREDIT FOR CERTAIN ENERGY-EFFICIENT HOMEBUILDING

Sec. 171.901. DEFINITIONS. In this subchapter:

(1) "Homebuilder" means any person who, for a fixed price, commission, fee, wage, or other compensation, sells, constructs, or supervises or manages the construction of, or contracts for the construction of or the supervision or management of the construction of a new single-family home or duplex.

(2) "State energy code" means the state energy code adopted under Section 388.003, Health and Safety Code.

Sec. 171.902. ENTITLEMENT TO CREDIT. A taxable entity is entitled to a credit in the amount and under the conditions and limitations provided by this subchapter against the tax imposed under this chapter.

Sec. 171.903. QUALIFICATION. A taxable entity qualifies for a credit under this subchapter if the taxable entity is a homebuilder and builds a new single-family home or duplex in this state the energy efficiency of which exceeds the energy efficiency standards prescribed by the state energy code.

1 Sec. 171.904. AMOUNT; LIMITATIONS. (a) The amount of the
2 credit is equal to:

3 (1) \$10,000 for each new single-family home or duplex
4 the energy efficiency of which exceeds the energy efficiency
5 standards prescribed by the state energy code by at least 15 percent
6 but less than 20 percent;

7 (2) \$15,000 for each new single-family home or duplex
8 the energy efficiency of which exceeds the energy efficiency
9 standards prescribed by the state energy code by at least 20 percent
10 but less than 25 percent;

11 (3) \$20,000 for each new single-family home or duplex
12 the energy efficiency of which exceeds the energy efficiency
13 standards prescribed by the state energy code by at least 25 percent
14 but less than 30 percent; and

15 (4) \$25,000 for each new single-family home or duplex
16 the energy efficiency of which exceeds the energy efficiency
17 standards prescribed by the state energy code by at least 30
18 percent.

19 (b) The credit claimed for each reporting period may not
20 exceed the amount of franchise tax due, before any other applicable
21 tax credits, for the period.

22 (c) A taxable entity may claim a credit under this
23 subchapter relating to a new single-family home or duplex only on
24 the report based on the reporting period during which construction
25 of the new home or duplex was completed.

26 (d) A taxable entity may not carry over a credit amount for
27 construction completed during a reporting period to a subsequent

1 period.

2 (e) A taxable entity may not convey, assign, or transfer a
3 credit under this subchapter to another entity unless all of the
4 assets of the taxable entity are conveyed, assigned, or transferred
5 in the same transaction.

6 Sec. 171.905. APPLICATION FOR CREDIT. A taxable entity
7 must apply for a credit under this subchapter on or with the tax
8 report for the period for which the credit is claimed. The taxable
9 entity shall file with the report a certification from the self
10 certification program of the Energy Systems Laboratory at the Texas
11 Engineering Experiment Station of The Texas A&M University System
12 of the energy efficiency of each new single-family home or duplex
13 for which the taxable entity is claiming a credit under this
14 subchapter.

15 Sec. 171.906. RULES. The comptroller shall adopt rules
16 necessary to implement this subchapter.

17 SECTION 2. This Act applies only to a report originally due
18 on or after the effective date of this Act.

19 SECTION 3. This Act takes effect January 1, 2010.