

Notice 2006-52

Deduction for Energy Efficient Commercial Buildings

SECTION 4. CERTIFICATION

Before a taxpayer may claim the § 179D deduction with respect to property installed on or in a commercial building, the taxpayer must obtain a certification with respect to the property. The certification must be provided by a **qualified individual** and satisfy the requirements of § 179D(c)(1).

A taxpayer is **not required to attach the certification to the return** on which the deduction is taken. However, § 1.6001-1(a) of the Income Tax Regulations requires that taxpayers **maintain such books** and records as are sufficient to establish the entitlement to, and amount of, any deduction claimed by the taxpayer.

Accordingly, a taxpayer claiming a deduction under § 179D should retain the certification as part of the taxpayer's records for purposes of § 1.6001-1(a) of the Income Tax Regulations. A certification will be treated as satisfying the requirements of § 179D(c)(1) if the certification contains **all** of the following:

- .01 The name, address, and telephone number of the qualified individual.
- .02 The address of the building to which the certification applies.
- .03 **One** of the following statements by the qualified individual:

(1) Statement for energy efficient commercial building property: The interior lighting systems, heating, cooling, ventilation and hot water systems, and building envelope that have been, or are planned to be, incorporated into the building will reduce the total annual energy and power costs with respect to combined usage of the building's heating, cooling, ventilation, hot water, and interior lighting systems by **50 percent** or more as compared to a Reference Building that meets the minimum requirements of Standard **90.1-2001**.

(2) Statement for energy efficient lighting property that satisfies the requirements of the permanent rule of section 2.03(1)(a) of this notice: The interior lighting systems that have been, or are planned to be, incorporated into the building will reduce the total annual energy and power costs with respect to combined usage of the building's heating, cooling, ventilation, hot water, and interior lighting systems by $\frac{16}{3}$ percent or more as compared to a Reference Building that meets the minimum requirements of Standard 90.1-2001.

(3) Statement for energy efficient lighting property that satisfies the requirements of the **interim rule** of section 2.03(1)(b) of this notice: The interior lighting systems that have been, or are planned to be, incorporated into the building satisfy the requirements of the interim rule of section 2.03(1)(b) of Notice 2006-52.

(4) Statement for energy efficient heating, cooling, ventilation, and hot water property: The heating, cooling, ventilation, and hot water systems that have been, or are planned to be incorporated into the building will reduce the total annual energy and power costs with respect to combined usage of the building's heating, cooling, ventilation, hot water, and interior lighting systems by **16-2/3** percent or more as compared to a Reference Building that meets the minimum requirements of Standard 90.1-2001.

(5) Statement for energy efficient building envelope property: The building envelope that has been, or is planned to be, incorporated into the building will reduce the total annual energy and power costs with respect to combined usage of the building's heating, cooling, ventilation, hot water, and interior lighting systems by **162/3** percent or more as compared to a Reference Building that meets the minimum requirements of Standard 90.1-2001.

.04 A statement by the qualified individual that the amount of such reduction has been determined under the rules of Notice 2006-52.

.05 A statement by the qualified individual that **field inspections** of the building performed by a qualified individual after the property has been placed in service have confirmed that the building has met, or will meet, the energy-saving targets contained in the design plans and specifications, and that the field inspections were performed in accordance with any inspection and testing procedures that

- (1) have been prescribed by the National Renewable Energy Laboratory (NREL) as Energy Savings Modeling and Inspection Guidelines for Commercial Building Federal Tax Deductions and
- (2) are in effect at the time the certification is given.

.06 A statement that the building owner has received an explanation of the energy efficiency features of the building and its projected annual energy costs;

.07 A statement that qualified computer software was used to calculate energy and power consumption and costs and identification of the qualified computer software used (see section 6 of this notice).

.08 A list identifying the components of the interior lighting systems, heating, cooling, ventilation, and hot water systems, and building envelope installed on or in the building, the energy efficiency features of the building, and its projected annual energy costs.

.09 A declaration, applicable to the certification and any accompanying documents, signed by the qualified individual, in the following form:
“Under penalties of perjury, I declare that I have examined this certification, including accompanying documents, and to the best of my knowledge and belief, the facts presented in support of this certification are true, correct, and complete.”