

HOUSE BILL 74

Q3

(PRE-FILED)

1lr1099
CF SB 198

By: **Delegate Brooks**

Requested: October 23, 2020

Introduced and read first time: January 13, 2021

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Income Tax – Credit for Energy Efficiency Upgrades – Passive Houses**

3 FOR the purpose of allowing a credit against the State income tax for certain costs, paid or
4 incurred after a certain date, by an owner of certain residential property for certain
5 energy efficiency upgrades and for which the owner obtains a tax credit certificate
6 from the Maryland Energy Administration; requiring the Administration to issue, in
7 a timely manner, tax credit certificates not exceeding certain amounts; providing
8 that the credit may not exceed the State income tax for the taxable year; providing
9 that the credit may not be carried forward to another taxable year, subject to a
10 certain exception; prohibiting a taxpayer from claiming the tax credit in a certain
11 taxable year under certain emergency circumstances; requiring the Administration
12 to report certain information to the Comptroller on or before a certain date each year;
13 requiring the Administration, in consultation with the Comptroller, to adopt
14 regulations to carry out the tax credit; defining certain terms; providing for the
15 application of this Act; and generally relating to an income tax credit for energy
16 efficiency upgrades.

17 BY adding to

18 Article – Tax – General

19 Section 10–751

20 Annotated Code of Maryland

21 (2016 Replacement Volume and 2020 Supplement)

22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
23 That the Laws of Maryland read as follows:

24 **Article – Tax – General**

25 **10–751.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**
2 **INDICATED.**

3 **(2) “ADMINISTRATION” MEANS THE MARYLAND ENERGY**
4 **ADMINISTRATION.**

5 **(3) (I) “ENERGY EFFICIENCY UPGRADE” MEANS AN**
6 **IMPROVEMENT, MADE ON OR AFTER JULY 1, 2021, TO A COMPONENT OF THE DUCT**
7 **SYSTEM OR ENVELOPE OF A BUILDING THAT MEETS OR EXCEEDS THE MINIMUM**
8 **R-VALUE OF THE COMPONENT, AS ESTABLISHED BY THE CURRENT VERSION OF THE**
9 **INTERNATIONAL ENERGY CONSERVATION CODE.**

10 **(II) “ENERGY EFFICIENCY UPGRADE” INCLUDES:**

- 11 **1. ADDITIONAL INSULATION;**
- 12 **2. REPLACEMENT OF WINDOWS WITH ENERGY**
13 **EFFICIENT WINDOWS;**
- 14 **3. STORM WINDOWS;**
- 15 **4. WEATHER STRIPPING AND CAULKING; AND**
- 16 **5. DUCT SEALING AND INSULATION.**

17 **(4) “PASSIVE HOUSE” MEANS A BUILDING THAT IS CONSTRUCTED OR**
18 **UPGRADED USING THE PASSIVE HOUSE INSTITUTE METHODOLOGY AND MEETS THE**
19 **PASSIVE HOUSE STANDARD CRITERIA.**

20 **(5) “PASSIVE HOUSE STANDARD” MEANS AN INTERNATIONAL**
21 **BUILDING STANDARD DEVELOPED BY THE PASSIVE HOUSE INSTITUTE.**

22 **(B) SUBJECT TO THE LIMITATIONS OF THIS SECTION, THE OWNER OF A**
23 **SINGLE-FAMILY RESIDENTIAL PROPERTY OR A MULTIFAMILY RESIDENTIAL RENTAL**
24 **PROPERTY THAT RECEIVES A TAX CREDIT CERTIFICATE UNDER THIS SECTION MAY**
25 **CLAIM A CREDIT AGAINST THE STATE INCOME TAX FOR THE TOTAL COSTS PAID OR**
26 **INCURRED BY THE OWNER DURING THE TAXABLE YEAR FOR AN ENERGY EFFICIENCY**
27 **UPGRADE THAT:**

28 **(1) USES COMPONENTS CERTIFIED BY THE PASSIVE HOUSE**
29 **INSTITUTE; AND**

1 **(2) BRINGS THE BUILDING INTO COMPLIANCE WITH THE CRITERIA**
2 **FOR PASSIVE HOUSES, AS ESTABLISHED BY THE PASSIVE HOUSE INSTITUTE.**

3 **(C) ON APPLICATION BY A TAXPAYER, THE ADMINISTRATION SHALL ISSUE**
4 **A TAX CREDIT CERTIFICATE THAT MAY NOT EXCEED THE LESSER OF:**

5 **(1) 10% OF THE TOTAL COSTS PAID OR INCURRED BY THE OWNER FOR**
6 **AN ENERGY EFFICIENCY UPGRADE; OR**

7 **(2) \$2,000.**

8 **(D) THE ADMINISTRATION SHALL APPROVE ALL APPLICATIONS THAT**
9 **QUALIFY FOR A TAX CREDIT CERTIFICATE UNDER THIS SECTION IN A TIMELY**
10 **MANNER.**

11 **(E) (1) THE TOTAL AMOUNT OF THE CREDIT ALLOWED UNDER THIS**
12 **SECTION FOR ANY TAXABLE YEAR MAY NOT EXCEED THE STATE INCOME TAX FOR**
13 **THAT TAXABLE YEAR, CALCULATED BEFORE THE APPLICATION OF THE CREDITS**
14 **UNDER THIS SECTION AND §§ 10-701 AND 10-701.1 OF THIS SUBTITLE, BUT AFTER**
15 **THE APPLICATION OF OTHER CREDITS ALLOWABLE UNDER THIS SUBTITLE.**

16 **(2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION,**
17 **THE UNUSED AMOUNT OF CREDIT FOR ANY TAXABLE YEAR MAY NOT BE CARRIED**
18 **OVER TO ANY OTHER TAXABLE YEAR.**

19 **(3) (I) THE CREDIT ALLOWED UNDER THIS SECTION MAY NOT BE**
20 **CLAIMED FOR A TAXABLE YEAR DURING WHICH THE GOVERNOR DECLARES A STATE**
21 **OF EMERGENCY AND:**

22 **1. STATES IN THE DECLARATION THAT ECONOMIC**
23 **DISRUPTION IS EXPECTED OR IS THE CAUSE OF THE EMERGENCY; OR**

24 **2. ORDERS THE GENERAL CESSATION OF BUSINESS**
25 **OPERATIONS IN ONE OR MORE POLITICAL SUBDIVISIONS.**

26 **(II) THE TOTAL AMOUNT OF THE CREDIT THAT COULD NOT BE**
27 **CLAIMED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH MAY BE CARRIED OVER**
28 **TO THE NEXT TAXABLE YEAR NOTWITHSTANDING A RENEWAL OF THE STATE OF**
29 **EMERGENCY OR A DECLARATION OF A STATE OF EMERGENCY IN THE NEXT TAXABLE**
30 **YEAR.**

31 **(F) ON OR BEFORE JANUARY 31 EACH TAXABLE YEAR, THE**
32 **ADMINISTRATION SHALL REPORT TO THE COMPTROLLER ON THE TAX CREDIT**

1 **CERTIFICATES ISSUED UNDER THIS SECTION DURING THE PRIOR TAXABLE YEAR.**

2 **(G) THE ADMINISTRATION, IN CONSULTATION WITH THE COMPTROLLER,**
3 **SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.**

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
5 1, 2021, and shall be applicable to all taxable years beginning after December 31, 2020.