This document details policies that EPA has adopted in support of implementation of the Section 45L New Energy Efficient Home Credit (§ 45L credit) by the Internal Revenue Service (IRS). These policies are solely for the purpose of the § 45L credit and do not modify the normal procedures of the ENERGY STAR New Construction programs nor the technical requirements that dwelling units must meet to earn ENERGY STAR certification. Historical versions of this document be found in the Archives.

Background: As part of the Inflation Reduction Act (IRA), the § 45L credit has been updated and extended through 2032. For eligible homes and apartments (referred to as dwelling units in § 45L) acquired on or after January 1, 2023, the tax credit is now specifically tied to certification to an eligible version of the relevant ENERGY STAR program requirements. Individuals or entities looking to claim the credit should consult with a tax professional to determine whether and how they can claim the credit and determine whether the credit can be used with other tax incentives or Federal incentives.

On September 27, 2023, the IRS issued Notice 2023-65, which contained guidance for taxpayers on the § 45L credit as amended by the IRA.

The ENERGY STAR <u>Tax Credits for Home Builders</u> webpage contains tables listing the minimum ENERGY STAR program versions eligible for the § 45L credit by acquisition year. Deriving those tables according to § 45L's provisions requires consideration of several factors, including the first two policies in this document ("program requirement effective dates" and "deemed certification of national and regional program requirements").

The third and last policy in this document is a list of eligible documents that demonstrate proof of certification for the ENERGY STAR Residential New Construction programs for each sector, as cited by the IRS Notice.

Abbreviations: This document uses the following abbreviations when referring to the ENERGY STAR New Construction programs:

- SFNH = ENERGY STAR Single-Family New Homes
- MFNC = ENERGY STAR Multifamily New Construction
- MH = ENERGY STAR Manufactured Homes

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Program Requirements Effective Dates

Issue: Section 45L specifies that the determination of which version of ENERGY STAR program requirements are eligible for the § 45L credit depends, in part, on the version that was "in effect on" certain dates. EPA has not historically defined effective dates for program versions.

Resolution: To support the implementation of § 45L, EPA is defining effective dates for applicable program requirement versions, as detailed in the following tables. In general, the effective dates are defined as the first January 1 after the program requirements version's original release. For the three program requirement versions released in 2022 (SFNH National v3.2, MFNC National v1.2, and MH v3), EPA is defining the effective dates as January 1, 2024.

In the future, EPA will publish an effective date for any new program requirements at the time of release and update these tables accordingly.

SFNH Effective Dates

Program Requirements	Defined Effective Date
SFNH National v3.1	January 1, 2015
SFNH National v3.2	January 1, 2024
SFNH California v3.3	January 1, 2023
SFNH California v3.4	January 1, 2024
SFNH Florida v3.1	January 1, 2012
SFNH Oregon and Washington v3.2	January 1, 2019
SFNH Pacific v3	January 1, 2020
SFNH Pacific v3.2	January 1, 2024

MFNC Effective Dates

Program Requirements	Defined Effective Date
MFNC National v1.1	January 1, 2019
MFNC National v1.2	January 1, 2024
MFNC California v1.3	January 1, 2023
MFNC California v1.4	January 1, 2024
MFNC Oregon and Washington v1.2	January 1, 2019

MH Effective Dates

Program Requirements	Defined Effective Date
MH v2	January 1, 2020
MH v3	January 1, 2024

Note that EPA is not defining effective dates in the following instances:

- For older program requirements where the question of eligibility is moot according to the provisions of § 45L, including:
 - o In cases where § 45L cites specific versions, any program requirements older than those cited (e.g., EPA is not defining effective dates for SFNH National v3 because the minimum version cited by § 45L is SFNH National v3.1);
 - In all other cases, program requirements with anything but the most recent release date as of January 1, 2023 (e.g., EPA is not defining effective dates for SFNH California v3.2, which was released on 2017, because SFNH California v3.3 was released more recently, in 2022);
- For SFNH Caribbean v3 and MFNC Caribbean v1, because the IRS clarified that homes in U.S. territories (i.e., Puerto Rico and the U.S. Virgin Islands) are not eligible for the § 45L credit.

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Deemed Certification of National and Regional Program Requirements

Issue: IRS Notice 2023-65 clarified that a dwelling unit built in a location where EPA has defined a SFNH or MFNC regional program requirement must meet both national and applicable regional ENERGY STAR program requirements to qualify for the § 45L credit. This guidance conflicts with EPA's prior policy that homes be certified to either the national program requirements or the applicable regional program requirements, but not both.

Resolution: To support the implementation of § 45L, EPA is reconciling ENERGY STAR program policies in the following manner for the two scenarios where regional program requirements have been developed:

1. **Increased stringency of state code** – In FL, OR, and WA, where regional requirements were developed to ensure at least 10% energy cost savings compared to state codes, partners have the option to certify using the regional requirements or a sufficiently stringent version of the national requirements, but not both. However, because the only difference between the two types of requirements is the stringency of the performance target, certification to a regional version can effectively demonstrate compliance with a national version, and vice versa.

Accordingly, for homes and apartments being certified to regional requirements in this category, EPA deems those units to also be certified under any national program requirement version(s) of equal or lesser rigor. Conversely, for homes being certified under the national program requirements, EPA deems the home/apartment to also be certified under any regional program requirement version(s) of equal or lesser rigor. The deemed certifications for all applicable program requirement versions in this category are summarized below.

State	If certified to:	Deemed to also be certified to:
FL	SFNH Florida v3.1	SFNH National v3.1
FL	SFNH National v3.1	SFNH Florida v3.1
FL	SFNH National v3.2	SFNH Florida v3.1
OR, WA	SFNH Oregon and Washington v3.2	SFNH National v3.1
OR, WA	MFNC Oregon and Washington v1.2	MFNC National v1.1
OR, WA	SFNH National v3.2	SFNH Oregon and Washington v3.2
OR, WA	MFNC National v1.2	MFNC Oregon and Washington v1.2

2. **Differences in state code structure and/or building practices** – In California and Hawaii, homes and apartments are not eligible to be certified using the national program requirements due to fundamental incompatibilities created by the state code (as in CA) or local building practices (as in HI). Therefore, in these locations, homes will continue to be certified using the applicable regional version, and EPA will address the Section 45L requirement by deeming such homes to also be certified to all current versions of the national programs eligible for the tax credit, as summarized below.

State	If certified to:	Deemed to also be certified to:
CA	SFNH California v3.3	SFNH National v3.1 and v3.2
CA	SFNH California v3.4	SFNH National v3.1 and v3.2
CA	MFNC California v1.3	MFNC National v1.1 and v1.2
CA	MFNC California v1.4	MFNC National v1.1 and v1.2
HI	SFNH Pacific v3	SFNH National v3.1 and v3.2
Н	SFNH Pacific v3.2	SFNH National v3.1 and v3.2

Note that EPA is not defining a deemed national certification in the following instances:

- For SFNH California v3.2 and MFNC California v1.2, because the minimum version required by § 45L based on the effective dates defined above is SFNH v3.3 and MFNC California v1.3;
- For SFNH Caribbean v3 and MFNC Caribbean v1, because the IRS clarified that homes in U.S. territories (i.e., Puerto Rico and the U.S. Virgin Islands) are not eligible for the §45L tax; and
- For SFNH Pacific v3 outside of Hawaii, because the IRS clarified that homes in U.S. territories (i.e., Guam and the Northern Mariana Islands) are not eligible for the §45L credit.

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Documentation of ENERGY STAR Certification

Issue: Section 45L specifies that an eligible contractor must obtain the required certification with respect to a dwelling unit before claiming the tax credit, per established program rules. IRS Notice 2023-65 further clarified this point by specifying that certification requirements for the program are provided on the program webpage.

Resolution: To support the implementation of § 45L, EPA is providing the following list of eligible documents that demonstrate proof of certification for the ENERGY STAR Residential New Construction programs for each sector. Eligible documents must originate directly from an EPA-recognized oversight organization (a <u>Home Certification Organization (HCO)</u>, <u>Multifamily Review Organization (MRO)</u>, or <u>Quality Assurance Provider (QAP)</u>, depending on the sector and compliance path used); or be generated via approved rating software by an HCO-approved designee (i.e., an energy rating company performing third-party verification on the dwelling unit).

Eligible Documentation of ENERGY STAR Certification

Program	Document Title
SFNH	 ENERGY STAR Certificate RESNET Rated Home Label BSI 45L ENERGY STAR Report
MFNC	 ENERGY STAR Certificate ENERGY STAR Multifamily Whole Building Certificate RESNET Rated Home Label BSI 45L ENERGY STAR Report
мн	SBRA ENERGY STAR Manufactured Home Certificate NEEM Certificate of Compliance

Note that IRS Notice 2023-65 references the date of certification, which is indicated in each document by one of the following terms: "certification date", "rating date," "date entered," or "date awarded."

Some of the documents identified above abbreviate the version of the ENERGY STAR program requirements to which a dwelling unit has been certified. For reference, the following table lists common abbreviations for applicable program requirements versions:

Sample Program Requirements Abbreviations

Program	Full ENERGY STAR Program Requirements Version Name	Abbreviation	Alternate Abbreviation
SFNH	Single-Family New Homes National Version 3.1	v3.1	USv3.1
SFNH	Single-Family New Homes National Version 3.2	v3.2	Usv3.2
SFNH	Single-Family New Homes California Version 3.3	CA v3.3	CAv3.3
SFNH	Single-Family New Homes California Version 3.4	CA v3.4	CAv3.4
SFNH	Single-Family New Homes Florida Version 3.1	FL v3.1	FLv3.1
SFNH	Single-Family New Homes Oregon and Washington Version 3.2	OR/WA v3.2	WAv3.2
SFNH	Single-Family New Homes Pacific Version 3	Pacific v3	GHPv3.0
SFNH	Single-Family New Homes Pacific Version 3.2	Pacific v3.2	GHPv3.2
MFNC	Multifamily New Construction National Version 1.1	MFNC v1.1	MFUSv1.1
MFNC	Multifamily New Construction National Version 1.2	MFNC v1.2	MFUSv1.2
MFNC	Multifamily New Construction California Version 1.3	CA MFNC v1.3	MFCAv1.3
MFNC	Multifamily New Construction California Version 1.4	CA MFNC v1.4	MFCAv1.4
MFNC	Multifamily New Construction Oregon and Washington Version 1.2	OR/WA MFNC v1.2	MFWAv1.2
МН	Manufactured Homes Version 2	MH v2	-
МН	Manufactured Homes Version 3	MH v3	-

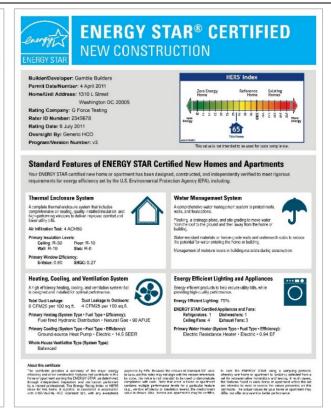
For reference, samples of each document are provided below. EPA will continue to evaluate partner needs and may consider creating or recognizing additional types of eligible documentation in the future.

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Sample: ENERGY STAR Certificate (National Variants)

This document is available for single-family and multifamily dwelling units. There are three national variants of the certificate applicable to homes built in all states except California, one with an "Energy Rating Index" graphic, one with a "HERS Index" graphic, and one with no graphic.







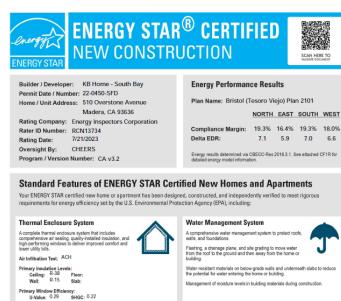
Sample: ENERGY STAR Certificate (California Variants)

This document is available for single-family and multifamily dwelling units. There are two variants of the certificate for homes built in California, as shown below.



Learn more at www.energystar.gov/homefeatures

Registration Date/Time: 06-07-2023 15:53:58



Heating, Cooling, and Ventilation System

A high-efficiency heating, cooling, and ventilation system that is designed and installed for optimal performance.

Total Duct Leakage: Duct Leakage to Outdoorn 8 CFM25 per 100 sq. ft. 4 CFM25 per 100 sq. ft.

Primary Cooling (System Type • Fuel Type • Efficiency)
Central SplitAC - Electric - 16 SEER

Whole-House Ventilation Type (System Type): BalancedHRV

Energy Efficient Lighting and Appliances

Energy efficient products to help reduce utility bills, while providing high-quality performance. Energy Efficient Lighting: 100 %

ENERGY STAR Certified Appliances and Fans:
Refrigerators: 1 Dishwashers: 1
Ceiling Fans: 0 Exhaust Fans: 3

Primary Water Heater (System Type • Fuel Type • Effici DHW - NaturalGas - 0.93 UniformEnergyFactor

NORTH EAST SOUTH WEST

7.1 5.9 7.0 6.6

NOTICE: This document has been generated by California Home Energy Efficiency Rating Services (CHEERS) using information uploaded by third parties not affiliated challenges in the Energy Efficiency of the information conducted by third parties not affiliated challenges in the information conducted by the California and California and

Sample: RESNET Rated Home Label

This document is available for single-family as well as multifamily dwelling units using MFNC's ERI path. The document may be obtained at www.hersindex.com/hers-rated-home-search for homes certified through RESNET's certification program, which is operated under its authority as an EPA-recognized home Certification Organization (HCO).



Sample: BSI 45L ENERGY STAR Report

This document is available for single-family and multifamily dwelling units using MFNC's ERI path and may be obtained from Building Science Institute, Ltd. (BSI) for homes certified through BSI's certification program, which is operated under its authority as an EPA-recognized Home Certification Organization (HCO).

Building Science Institute, Ltd. Co. 45L ENERGY STAR® Report



					(ENERGY STAR SFNC	ENERGY STA
House ID	Address (Full)	Builder	НСО	Verification Company	v3/3.1)	version
	13840 Paseo Alegre Ave, Horizon City, TX 79928	BIC Homes LLC	Building Science Institute, Ltd. Co.		2/8/23	
	13844 Paseo Alegre Ave, Horizon City, TX 79928	BIC Homes LLC	Building Science Institute, Ltd. Co.		2/8/23	
211670	13828 Paseo Alegre Ave, Horizon City, TX 79928	BIC Homes LLC	Building Science Institute, Ltd. Co.	Energreen	2/8/23	v3.1
214149	269 Adamtowne Dr, Horizon City, TX 79928	BIC Homes LLC	Building Science Institute, Ltd. Co.	Energreen	1/11/23	v3.1
214152	13832 Paseo Alegre Ave, Horizon City, TX 79928	BIC Homes LLC	Building Science Institute, Ltd. Co.	Energreen	1/11/23	v3.1
214461	909 Desert Verbena Cir., Socorro, TX 79927	BIC Homes LLC	Building Science Institute, Ltd. Co.	Energreen	2/10/23	v3.1
214466	905 Desert Verbena Cir., Socorro, TX 79927	BIC Homes LLC	Building Science Institute, Ltd. Co.	Energreen	2/6/23	v3.1
214471	901 Desert Verbena Cir., Socorro, TX 79927	BIC Homes LLC	Building Science Institute, Ltd. Co.	Energreen	2/6/23	v3.1
214867	549 Paseo Modesto Dr., Horizon City, TX 79928	BIC Homes LLC	Building Science Institute, Ltd. Co.	Energreen	1/26/23	v3.1
214869	913 Desert Verbena Cir., Socorro, TX 79927	BIC Homes LLC	Building Science Institute, Ltd. Co.	Energreen	1/26/23	v3.1
214980	14709 Charles Foster Ave, El Paso, TX 79938	BIC Homes LLC	Building Science Institute, Ltd. Co.	Energreen	1/26/23	v3.1
214984	14717 Charles Foster Ave, El Paso, TX 79938	BIC Homes LLC	Building Science Institute, Ltd. Co.	Energreen	1/26/23	v3.1
214986	14725 Charles Foster Ave, El Paso, TX 79938	BIC Homes LLC	Building Science Institute, Ltd. Co.	Energreen	1/26/23	v3.1
214988	14729 Charles Foster Ave, El Paso, TX 79938	BIC Homes LLC	Building Science Institute, Ltd. Co.	Energreen	1/26/23	v3.1
214991	545 Paseo Modesto Dr, Horizon City, TX 79928	BIC Homes LLC	Building Science Institute, Ltd. Co.	Energreen	1/26/23	v3.1
214994	553 Paseo Modesto Dr, Horizon City, TX 79928	BIC Homes LLC	Building Science Institute, Ltd. Co.	Energreen	1/25/23	v3.1
215413	540 Cedarwood Ave, Horizon City, TX 79928	BIC Homes LLC	Building Science Institute, Ltd. Co.	Energreen	2/10/23	v3.1
215608	537 Paseo Modesto Dr, Horizon City, TX 79928	BIC Homes LLC	Building Science Institute, Ltd. Co.	Energreen	2/10/23	v3.1
215613	548 Cedarwood Ave, Horizon City, TX 79928	BIC Homes LLC	Building Science Institute, Ltd. Co.	Energreen	2/10/23	v3.1
215618	921 Desert Verbena Cir, Socorro, TX 79927	BIC Homes LLC	Building Science Institute, Ltd. Co.	Energreen	2/10/23	v3.1
215634	13812 Paseo Alegre Ave, Horizon City, TX 79928	BIC Homes LLC	Building Science Institute, Ltd. Co.	Energreen	2/10/23	v3.1
215638	13142 Castleford Ln, Horizon City, TX 79928	BIC Homes LLC	Building Science Institute, Ltd. Co.	Energreen	2/10/23	
215641	13138 Castleford Ln, Horizon City, TX 79928	BIC Homes LLC	Building Science Institute, Ltd. Co.	Energreen	2/10/23	v3.1
215643	13134 Castleford Ln, Horizon City, TX 79928	BIC Homes LLC	Building Science Institute, Ltd. Co.	Energreen	2/10/23	v3.1
215645	541 Paseo Modesto Dr, Horizon City, TX 79928	BIC Homes LLC	Building Science Institute, Ltd. Co.	Energreen	2/10/23	v3.1
215646	537 Paseo Dulce Ave, Horizon City, TX 79928	BIC Homes LLC	Building Science Institute, Ltd. Co.	Energreen	2/10/23	v3.1
216153	14600 Tierra Nectar Ave, El Paso, TX 79938	BIC Homes LLC	Building Science Institute, Ltd. Co.	Energreen	2/27/23	v3.1
216157	14604 Tierra Nectar Ave, El Paso, TX 79938	BIC Homes LLC	Building Science Institute, Ltd. Co.	Energreen	2/27/23	v3.1
216160	14701 Charles Foster Ave, El Paso, TX 79938	BIC Homes LLC	Building Science Institute, Ltd. Co.	Energreen	2/27/23	v3.1
216163	14705 Charles Foster Ave, El Paso, TX 79938	BIC Homes LLC	Building Science Institute, Ltd. Co.	Energreen	2/27/23	v3.1
216630	3613 Surmise St, El Paso, TX 79938	BIC Homes LLC	Building Science Institute, Ltd. Co.	Energreen	3/24/23	v3.1
216632	3617 Surmise St, El Paso, TX 79938	BIC Homes LLC	Building Science Institute, Ltd. Co.	Energreen	3/24/23	v3.1
216635	3621 Surmise St, El Paso, TX 79938	BIC Homes LLC	Building Science Institute, Ltd. Co.	Energreen	3/24/23	v3.1
217096	917 Desert Verbena Circle, Socorro, TX 79927	BIC Homes LLC	Building Science Institute, Ltd. Co.	Energreen	3/21/23	v3.1
217443	301 Adamtowne Dr, Horizon City, TX 79928	BIC Homes LLC	Building Science Institute, Ltd. Co.		3/13/23	
217448	289 Adamtowne Dr, Horizon City, TX 79928	BIC Homes LLC	Building Science Institute, Ltd. Co.	Energreen	3/13/23	
217455	293 Adamtowne Dr, Horizon City, TX 79928	BIC Homes LLC	Building Science Institute, Ltd. Co.	_	3/13/23	
	297 Adamtowne Dr, Horizon City, TX 79928	BIC Homes LLC	Building Science Institute, Ltd. Co.		3/13/23	
	925 Desert Verbena Cir., Socorro, TX 79927	BIC Homes LLC	Building Science Institute, Ltd. Co.		3/21/23	
217737	13074 Grantham Lane, Horizon City, TX 79928	BIC Homes LLC	Building Science Institute, Ltd. Co.		3/24/23	

Sample: ENERGY STAR Multifamily Whole Building Certificate

This document is available for multifamily buildings certified using the MFNC ASHRAE path. Note there are two variants of the certificate, as shown below, with slightly different statements at the bottom.



The U.S. Environmental Protection Agency awards the ENERGY STAR to

L Street Building

1310 L Street, Washington, DC, 20005



Certification Date:

January 1, 2023



ENERGY STAR certified multifamily buildings are designed, constructed, and independently verified to meet rigorous requirements for energy efficiency set by the U.S. Environmental Protection Agency.

Built by:

Verified by: G Force Testing

Units: 100

Version: MFNC v1.1

Oversight by: Generic HCO



The U.S. Environmental Protection Agency awards the ENERGY STAR to the units in

L Street Building

1310 L Street, Washington, DC, 20005



Certification Date:

January 1, 2023



The units in this building are designed, constructed, and independently verified to meet rigorous requirements for energy efficiency set by the U.S. Environmental Protection Agency.

Verified by: G Force Testing

Oversight by: Generic HCO

Sample: SBRA ENERGY STAR Manufactured Home Certificate

This document is available for manufactured homes and may be obtained from <u>Systems Building Research Alliance (SBRA)</u> for manufactured homes certified through its certification program, which is operated under its authority as an EPA-recognized <u>Quality</u> Assurance Provider (QAP).

Note that, if the ENERGY STAR Manufactured Homes program requirement is not indicated (as in the sample document below), the certificate indicates compliance with MH v2. Certificates indicating compliance with MH v3 will include the version number.



An ENERGY STAR® Certified Home

This certifies that the home manufactured by

(Demo Manufacturer)

with Manufacturer's Serial #

SAMPLE123456

at Plant

Demo Plant

on

March 19, 2022

meets ENERGY STAR guidelines for energy efficiency as established by the U.S. Environmental Protection Agency.

ENERGY STAR qualified homes protect the environment by using less energy.

www.energystar.gov

Sample: NEEM Certificate of Compliance

This document is available for manufactured homes and may be obtained from Northwest Energy Works for manufactured homes certified through its certification program, which is operated under its authority as an EPA-recognized Quality Assurance Provider (QAP).

	Northwest Energy-Effic		
energy ?	Manufactured Housing Pr	rogram neem	
ENERGY STAR	Certificate of Complia		•
NEEM Certificate Number: MF	R#SN#####	Date Entered: 8/15/20)23
Homeowner:			
Home Owner Name			
123 Street Address			
City, ST 12345			
Retailer: Business Name, 123	Street Address, City, ST 12345, 111-555-1212		
Manufacturer: Business Name	e, 123 Street Address, City, ST 12345, 111-555-121	12	
	Manufactured Home		
Serial #:	123456	Model #: 123456	
Home Type: NEEM v1.1 - ENERG	GY STAR Qualified Home		
Primary Heating System: Elect	ric Furnace		
window Class 0.3, Glazing 100%		r PV designated location is other than the home's roo	٠,
	on by the Northwest Energy-Efficient Manufacture ation is on file at Northwest Energy Works, NEEM	ed Housing (NEEM) Program as meeting NEEM v1.1 Program administrator.	
CMH Manufacturing West certifies Program specifications.	s that this home has been built in accordance with	h Northwest Energy-Efficient Manufactured Housing	
Manufacturer:		Date:	
	Keep this document as Record of	of Proof	