

DEPARTMENT OF THE TREASURY
WASHINGTON, D.C. 20220



TO: Shuman, Associate Administrator, Office of Information and Affairs

FROM: Ryan Law, Deputy Assistant Secretary for Privacy, Transparency, and Records

SUBJECT: Justification for Emergency Processing: Energy Efficient Home Credit

The Department of the Treasury and the Internal Revenue Service (IRS) are requesting a revision to OMB Control Number 1545-1979 (Energy Efficient Home Credit) under emergency procedures in connection with provisions of Congress passed Public Law 117-169, Section 13304, the Inflation Reduction Act of 2022, on August 16, 2022, which extended, modified, and increased energy efficient home credit. The Energy Policy Act of 2005, enacted the initial legislation on August 8, 2005, which enacted the legislation providing a tax credit for contractors producing new energy efficient homes.

The IRS created Form 8908 to reflect new code section 45L which allows qualified contractors to claim a credit for each qualified energy-efficient home sold. Eligible contractors use Form 8908 to claim a credit for each qualified energy efficient home sold or leased to another person during the tax year for use as a residence. The credit is based on the energy saving requirements of the home. The credit is part of the general business credit.

Section 13304 of the Inflation Reduction Act of 2022 extended, increased, and modified the energy efficient home credit. The extension generally covers homes sold or leased after December 31, 2021, and the increase and modifications are generally effective for homes sold or leased after December 31, 2022. [P.L. 117-169, sec. 13304(f)]. We are planning on implementing a December 2022 revision because the credit has been extended through 2032. The form revisions include adding lines 3a, 3b, 4a, and 4b to reflect increased credit amounts; and adding lines 5a, 5b, 6a, and 6b to reflect new credit amounts.

Therefore, due to the extraordinary circumstances and statutory deadlines for implementing the Section 13304 of the Inflation Reduction Act of 2022, the Treasury and IRS request emergency processing of this information collection request by December 28th. Given the inability to seek public comment during such a short timeframe, IRS also respectfully requests a waiver from the requirement to publish a notice in the Federal Register seeking public comment during the period of Office of Management and Budget review. However, public comment will be solicited in conjunction with the subsequent extension of the approval to collect this information.