

New Mexico Taxation and Revenue Department
2021 Sustainable Building Tax Credit
Notice of Transfer

Purpose of This Form. Form TRD-41253, *2021 Sustainable Building Tax Credit Notice of Transfer*, must be used to report to the Taxation and Revenue Department (Tax & Rev) a transfer of a 2021 Sustainable Building Tax Credit. Before using this notice to report a transfer, the current holder must have a *Certificate of Eligibility* from the Energy, Minerals and Natural Resources Department (EMNRD) or a Tax & Rev approved Form TRD-41253, *2021 Sustainable Building Tax Credit Notice of Transfer*.

This signed notice must be mailed within 10 days of a sale, exchange, or other transfer to: New Mexico Taxation and Revenue Department, Business Credit Claim Unit, PO Box 5418, Santa Fe NM 87502-5418. For help, see TRD-41251 instructions for this credit or call (505) 827-0792 or email: BusinessCredit.Mgr@state.nm.us.

Section I: 2021 Sustainable Building Tax Credit Details			
Credit Number of Holder	First Eligible Tax Year	Date of Transfer	Amount to be Transferred
Section II: Transferred From			
Name of Holder		SSN or FEIN	
Name of Contact (If Applicable)		Phone Number	Email Address
If the holder is a partnership or other business association passing the tax credit to its owner(s), enter the new holders percentage.			%
REQUIRED: Under penalty of perjury I certify that I have examined this form and attachments, and to the best of my knowledge and belief it is true, correct, and complete.			
Signature of holder authorizing the transfer of the credit		Date	
Section III: Transferred To			
Name of New Holder		SSN or FEIN	
Mailing Address		City, State, and ZIP Code	
REQUIRED: Under penalty of perjury I certify that I have examined this form and attachments, and to the best of my knowledge and belief it is true, correct, and complete.			
Signature of the holder to whom the credit is transferred		Date	
Department Use			
New Credit Number	First Eligible Tax Year	Approved Amount	
☐ 2021 Sustainable Building Tax Credit is approved as submitted. ☐ 2021 Sustainable Building Tax Credit is not approved. See the attached explanation. ☐ 2021 Sustainable Building Tax Credit is approved as submitted, but the amount of the credit has been adjusted. See the attached explanation.			
Signature of Secretary or Authorized Delegate		Name (Print)	Title
			Date

New Mexico Taxation and Revenue Department
2021 Sustainable Building Tax Credit
Notice of Transfer
Instructions

PURPOSE OF THIS FORM

Form TRD-41253, *2021 Sustainable Building Tax Credit Notice of Transfer*, must be used to report to the Taxation and Revenue Department (Tax & Rev) a transfer of an approved 2021 Sustainable Building Tax Credit. Before using this notice to report a transfer, the current holder must have a *Certificate of Eligibility* issued to them by the Energy, Minerals and Natural Resources Department (EMNRD).

Form TRD-41253 may be used by a holder who sells, exchanges or transfers their credit to another taxpayer, or by a holder, other than the original building owner, who is a partnership or other business association passing the credit to its members, partners, shareholders, or beneficiaries.

In order for Tax & Rev to approve the notice of transfer the credit must be transferred in full. Once the credit has been used it cannot be transferred. Please, see the *B-300.15, Guidance Related to the Sustainable Building Tax Credit* for more information.

Both the holder and the new holder, or their authorized representatives must sign and date the Notice of Transfer.

Form TRD-41253 may be used by:

1. an approved holder who sells, exchanges or transfers their credit to another taxpayer, or
2. holder, other than the original building owner, who is a partnership or other business association passing the credit to its members, partners, shareholders, or beneficiaries (owners).

The amount of the credit allowed to a holder who sells, exchanges or transfers their credit to another taxpayer, may not be split or divided between taxpayers. The total amount of credit allowed, as shown on the *Certificate of Eligibility* provided to the holder, must either be claimed or transferred by the holder. The *Certificate of Eligibility* must be submitted along with Form TRD-41253, *2021 Sustainable Building Tax Credit Notice of Transfer*.

If, however, the holder is a partnership or other business association that passes the credit to its owners, each owner may claim a credit only in proportion to that owner's interest in the partnership or other business association. The total credit claimed by all owners may not exceed the amount of the credit that could have been claimed by the holder.

Note: Once a credit is claimed by a holder or owner, the carryforward may not be further sold, exchanged or transferred.

An original building owner that is a partnership or other business association may pass the credit to its owners, by

completing Form TRD-41253, *2021 Sustainable Building Tax Credit Notice of Transfer* and submitting a *Certificate of Eligibility*.

OBTAINING THE CERTIFICATE OF ELIGIBILITY

The building owner may apply for a *Certificate of Eligibility* for the 2021 Sustainable Building Tax Credit from EMNRD after the construction, installation, or renovation of sustainable building or installation of energy-conserving products in an existing building is complete. EMNRD determines whether the building meets the requirements as a sustainable residential or sustainable commercial building and verifies the certification level awarded for the building.

If approved, EMNRD issues the building owner a *Certificate of Eligibility*. The *Certificate of Eligibility* includes the rating system certification level awarded to the building, the amount of qualified occupied square footage in the building, and a calculation of the maximum amount of sustainable building tax credit for which the building owner is eligible. The certificate should also include the taxpayer identification number, date of issuance, and the first taxable year that the credit shall be claimed.

If the certification level for a sustainable residential building is awarded on or after January 1, 2022, EMNRD may issue a *Certificate of Eligibility* to a building owner who is:

- the owner of the sustainable residential building at the time the certification level for the building is awarded, **or**
- the subsequent purchaser of a sustainable residential building with respect to which no tax credit has been previously claimed.

To apply for a certificate of eligibility, contact the EMNRD at (505) 476-3372, email emrnd.taxcredits@state.nm.us, visit their website: <http://www.emnrd.state.nm.us/ECMD/>, or write to:

Energy, Minerals and Natural Resources Department
1220 South St. Francis Drive
Santa Fe, New Mexico 87505

CLAIMING THE CREDIT

Holders or owners can claim the 2021 Sustainable Building Tax Credit against their tax liability for tax programs under the *Personal Income Tax Act* and the *Corporate Income and Franchise Tax Act* by filing Form TRD-41252, *2021 Sustainable Building Tax Credit Claim Form* along with the correct *Tax Credit Schedule (CR)*.

Note: Each tax program has a *Tax Credit Schedule* which provides a list of business-related tax credits which can be claimed against the tax programs liability and/or refunded if allowed by law.

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COMPLETING THE NOTICE OF TRANSFER

INSTRUCTIONS

Follow these instructions to complete each section of TRD-41253, *2021 Sustainable Building Tax Credit Notice of Transfer*. For assistance completing this form, call the Business Credit Claim Unit at (505) 827-0792 or email: BusinessCredit.Mgr@state.nm.us.

Section I. 2021 Sustainable Building Tax Credit Details

Enter the credit number and the first eligible tax year from the *Certificate of Eligibility* issued by the Energy, Minerals and Natural Resources Department (EMNRD). You can find the credit number on the *Certificate of Eligibility* or on TRD-41253, *2021 Sustainable Building Tax Credit Notice of Transfer*, depending on how the current holder received the credit. Enter the date of the transfer and the amount of the tax credit transferred.

Section II. Transferred From

Complete this section to identify the owner or holder who transferred the 2021 Sustainable Building Tax Credit. Sign and date to authorize the transfer. If the holder is a partnership or other business association passing credit to its owner(s), enter the new holders percentage of ownership interest.

IMPORTANT: Signature is required.

Section III: Transferred To

Complete this section to identify the new holder of the 2021 Sustainable Building Tax Credit. The new holder or their authorized representative must sign and date to receive the transfer.

IMPORTANT: Signature is required.

EMNRD Certificate of Eligibility

You must attach a copy of the *Certificate of Eligibility* issued by the Energy, Minerals and Natural Resources Department (EMNRD) when submitting Form TRD-41253.

SUBMITTING THE FORM

Mail transfer form and documentation to:

New Mexico Taxation and Revenue Department
Business Credit Claim Unit
P.O. Box 5418
Santa Fe, New Mexico 87502-5418

IMPORTANT: You must mail the notice to Tax & Rev within 10 days of a sale, exchange, or other transfer.

OTHER SUSTAINABLE BUILDING TAX CREDITS

Sustainable Building Tax Credit

If you have been approved for a sustainable building tax credit you must use RPD-41342, *Notice of Transfer of Sustainable Building Tax Credit*, to transfer the credit.

2015 Sustainable Building Tax Credit

If you have been approved for a 2015 sustainable building tax credit you must use RPD-41384, *Notice of Transfer of 2015 Sustainable Building Tax Credit*, to transfer the credit.

Note: The 2015 Sustainable Building Tax Credit was formally referred to as the New Sustainable Building Tax Credit.