

Project Nominations Under the Brownfields Demonstration Program for Qualified Green Building and Sustainable Design Projects

Notice 2005-28

This notice extends the deadline by which State and local governments may nominate projects for designation by the Secretary as qualified green building and sustainable design projects under § 142(l) of the Internal Revenue Code (the “Code”).

Section 701 of the American Jobs Creation Act of 2004, Pub. L. No. 108-357 (the “Act”), enacted on October 22, 2004, added §§ 142(a)(14) and 142(l) to the Code. In general, §§ 142(a)(14) and 142(l) authorize up to \$2,000,000,000 of tax-exempt private activity bonds to be issued by State or local governments for qualified green building and sustainable design projects. Section 142(l)(1) defines a “qualified green building and sustainable design project” as any project that is designated by the Secretary, after consultation with the Administrator of the Environmental Protection Agency, as a qualified green building and sustainable design project and that meets certain other requirements.

Under § 142(l)(3), to be eligible for designation as a qualified green building and sustainable design project, a project must be nominated by a State or local government within 180 days of the enactment of the Act. In consultation with the Environmental Protection Agency, the Service is preparing guidance for State and local governments on the application procedures and requirements for designation of projects as qualified green building and sustainable design projects under § 142(l) of the Code and § 701 of the Act. Under the guidance, the deadline for State and local governments to nominate projects for designation by the Secretary as qualified green building and sustainable design projects will be 120 days after the date of publication of the guidance in the Internal Revenue Bulletin. The Service will treat a project as nominated within the statutorily prescribed time period if an application for the project that otherwise satisfies the applicable requirements is filed by the

deadline set forth in the forthcoming guidance.

DRAFTING INFORMATION

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