

Section 179D Memo - Designer

Who is a designer?

A designer is a person that creates the technical specifications for installation of energy efficient commercial building property (or partially qualifying commercial building property for which a deduction is allowed under §179D).

A designer may include, for example, an architect, engineer, contractor, environmental consultant or energy services provider who creates the technical specifications for a new building or an addition to an existing building that incorporates energy efficient commercial building property (or partially qualifying commercial building property for which a deduction is allowed under §179D). A person that merely installs, repairs, or maintains the property is not a designer.

What if more than one designer is involved in a project?

If more than one designer is responsible for creating the technical specifications for installation of energy efficient commercial building property (or partially qualifying commercial building property for which a deduction is allowed under §179D) on or in a government-owned building, the owner of the building shall:

- 1) determine which designer is primarily responsible and allocate the full deduction to that designer, or
- 2) At the owner's discretion, allocate the deduction among several designers.

An allocation of the § 179D deduction to the designer of a government-owned building must be in writing and will be treated as satisfying the requirements if the allocation contains all of the following:

- 1) The name, address, and telephone number of an authorized representative of the owner of the government-owned building;
- 2) The name, address, and telephone number of an authorized representative of the designer receiving the allocation of the § 179D deduction;
- 3) The address of the government-owned building on or in which the property is installed;
- 4) The cost of the property;
- 5) The date the property is placed in service;
- 6) The amount of the § 179D deduction allocated to the designer;
- 7) The signatures of the authorized representatives of both the owner of the government-owned building and the designer or the designer's authorized representative; and
- 8) A declaration, applicable to the allocation and any accompanying documents, signed by the authorized representative of the owner of the government-owned building, in the following form:

“Under penalties of perjury, I declare that I have examined this allocation, including accompanying documents, and to the best of my knowledge and belief, the facts presented in support of this allocation are true, correct, and complete.”