

2. A FUEL CELL, WIND TURBINE, OR PHOTOVOLTAIC MODULE CONSTITUTES A QUALIFYING ALTERNATE ENERGY SOURCE AND IS FULLY OPERATIONAL; OR

(II) ~~THE FIRST EARLIEST~~ TAXABLE YEAR FOR WHICH THE CREDIT MAY BE CLAIMED UNDER THE INITIAL CREDIT ~~COMPONENT~~ CERTIFICATE ISSUED UNDER SUBSECTION ~~(J) (L)~~ (K) OF THIS SECTION.

(8) "ELIGIBLE BUILDING" MEANS A BUILDING LOCATED IN THE STATE THAT IS:

(I) 1. IS A BUILDING USED PRIMARILY FOR NONRESIDENTIAL PURPOSES IF THE BUILDING CONTAINS AT LEAST 20,000 SQUARE FEET OF INTERIOR SPACE;

~~(II)~~ 2. IS A RESIDENTIAL MULTI-FAMILY BUILDING WITH AT LEAST 12 DWELLING UNITS THAT CONTAINS AT LEAST 20,000 SQUARE FEET OF INTERIOR SPACE; OR

~~(III) ONE OR MORE RESIDENTIAL MULTI-FAMILY BUILDINGS WITH AT LEAST TWO DWELLING UNITS THAT ARE PART OF A SINGLE OR PHASED CONSTRUCTION PROJECT THAT CONTAINS, IN THE AGGREGATE, AT LEAST 20,000 SQUARE FEET OF INTERIOR SPACE IF IN ANY SINGLE PHASE OF THE PROJECT AT LEAST 10,000 SQUARE FEET OF INTERIOR SPACE IS UNDER CONSTRUCTION OR REHABILITATION; OR~~

~~(IV) 3. IS ANY COMBINATION OF BUILDINGS DESCRIBED IN ITEM (I), (II), OR (III) OF THIS PARAGRAPH 1 OR 2 OF THIS ITEM; AND~~

(II) IN THE CASE OF A NEWLY CONSTRUCTED BUILDING FOR WHICH A CERTIFICATE OF OCCUPANCY WAS NOT ISSUED BEFORE JULY 1, 2001:

1. IS LOCATED ON A QUALIFIED BROWNFIELDS SITE, AS DEFINED UNDER ARTICLE 83A, § 5-1401 OF THE CODE; OR

2. A. IS LOCATED IN A PRIORITY FUNDING AREA UNDER § 5-7B-02 OF THE STATE FINANCE AND PROCUREMENT ARTICLE; AND

B. IS NOT LOCATED ON WETLANDS, THE CONSTRUCTION ALTERATION OF WHICH REQUIRES A PERMIT UNDER § 404 OF THE FEDERAL CLEAN WATER ACT, 33 U.S.C. § 1344. U.S.C. § 1344; AND

(III) IN THE CASE OF A REHABILITATION OF A BUILDING:

1. IS LOCATED IN A PRIORITY FUNDING AREA UNDER § 5-7B-02 OF THE STATE FINANCE AND PROCUREMENT ARTICLE OR ON A QUALIFIED BROWNFIELDS SITE AS DEFINED UNDER ARTICLE 83A, § 5-1401 OF THE CODE; OR

2. IS NOT AN INCREASE OF MORE THAN 25% IN THE SQUARE FOOTAGE OF THE BUILDING.