

Services Certificate for New Construction

General Purpose: Charges for that portion of the services to real property directly connected with construction of a new building or a new addition that expands the cubic footage of an existing building, or with making site improvements that put the property affected to a new use are not subject to sales and use taxes. An owner or general contractor uses this certificate to establish that services to real property being rendered by a general contractor or subcontractor are directly connected with:

- Construction of a new building or a new addition that expands the cubic footage of an existing building; **or**
- Making site improvements that put the property affected to a new use.

Site improvements are improvements made to real property. Certain site improvements put the property to a new use, such as the construction of roadways, walkways (concrete or asphalt), driveways (concrete or asphalt), parking lots, patios (concrete or asphalt), in ground swimming pools, tennis courts, or decks. These services are considered new construction work whether or not these improvements are connected with the construction of a new building.

Other site improvements merely enhance an existing use of the property, such as installation of wells, septic systems, utility lines, storm water drainage systems, or outdoor lighting systems. These services are **not** considered new construction unless the construction of the improvements is directly connected with the construction of a new building or a new addition that expands the cubic footage of an existing building.

Services to real property include: management, electrical, plumbing, paving, painting, staining, carpentry, roofing, siding, plastering, heating, air conditioning, ventilation, exterior sheet metal work, flooring, sandblasting, carpeting, masonry, wallpapering, and refuse removal services. However, services to real property **do not** include: locksmith, landscaping and horticultural, window cleaning, maintenance, janitorial, exterminating, or swimming pool cleaning and maintenance services. Charges for these services are fully subject to sales and use taxes. See Conn. Agencies Regs. §12-407(2)(i)(I)-1(g)(2).

Contractors are consumers of tangible personal property physically incorporated into buildings being constructed or renovated by them. Sales of such property to contractors are retail sales subject to sales and use taxes.

Statutory Authority: Conn. Agencies Regs. §12-407(2)(i)(I)-1.

Instructions for the Service Recipient (Owner or General Contractor): An owner can sign and issue this certificate to advise its general contractor that sales and use taxes do not apply to all or a portion of the charges made by the general contractor for services rendered to the owner's industrial, commercial, or income-producing property. The general contractor, in turn, should sign and issue this certificate to its subcontractors to advise each subcontractor that sales and use taxes do not apply to all or a portion of the charges made by the subcontractor for services rendered to the general contractor. The owner or general contractor must attach a copy of the building permit issued by the municipality where the property is located to support the percentage of the project that is new construction. This certificate is issued only where the services rendered are "services to industrial, commercial, or income-producing real property," as defined in Conn. Agencies Regs. §12-407(2)(i)(I)-1(g)(2). Keep a copy of the certificate and records that substantiate the information entered on this certificate for at least six years from the date it is issued.

Instructions for the Service Provider: Acceptance of this certificate, when properly completed, relieves the service provider from the burden of proving that the services were rendered in the construction of new real property. The certificate is valid only if taken in good faith from the owner or general contractor. The good faith of the service provider will be questioned if the provider knows of facts that suggest the certificate is inaccurate. Keep this certificate and bills or invoices to the owner or general contractor for at least six years from the date the services were rendered. The bills, invoices, or records covering all charges made under this certificate must be marked to indicate that the services were partially or totally exempted from sales and use taxes. The words "Exempt under CERT-104" satisfy the requirement.

For More Information: Call the Department of Revenue Services (DRS) at 1-800-382-9463 (in-state) or 860-297-5962 (from anywhere). **TTY, TDD, and Text Telephone users** only may transmit inquiries anytime by calling 860-297-4911. Preview and download forms and publications from the DRS website at www.ct.gov/DRS

