

STATE OF NEW YORK

4635

2019-2020 Regular Sessions

IN SENATE

March 18, 2019

Introduced by Sen. KENNEDY -- read twice and ordered printed, and when printed to be committed to the Committee on Budget and Revenue

AN ACT to amend the tax law, in relation to providing a residential lead remediation tax credit

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section 606 of the tax law is amended by adding a new
2 subsection (jjj) to read as follows:

3 (jjj) Residential lead abatement tax credit. (1) General. A qualified
4 taxpayer shall be allowed a credit for taxable years beginning on or
5 after January first, two thousand twenty against the tax imposed by this
6 article for the costs of abatement of lead contamination in an owner
7 occupied domicile, when such removal is recommended by a lead profes-
8 sional certified or licensed by the United States environmental
9 protection agency.

10 (2) Credit limitation. The amount of the credit shall be the lesser of
11 ten thousand dollars or thirty percent of the total cost.

12 (3) Lead abatement costs. The term "costs of abatement" includes the
13 cost of an inspection or assessment from a certified specialist, any
14 initial appraisals of lead, municipal or otherwise, labor costs of
15 removal, any disposal fees, and any cleanup fees; except any state or
16 local sales tax applicable to the services performed.

17 (4) Amount of credit. The aggregate amount of tax credits allowed
18 under this subsection in any calendar year statewide shall be twenty-
19 five million dollars.

20 (5) Removal and abatement for qualified taxpayers. A property owner
21 who incurs costs for removing or remediating lead as in this section,
22 only applies to an owner-occupied domicile which is:

23 (A) located in this state;

24 (B) owned by the taxpayer;

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 (C) used by the taxpayer as his or her principal residence, secondary
2 residence, or rental property; and

3 (D) is located in a city or municipality with one million residents or
4 less.

5 (6) When credit allowed. The credit provided for in this subsection
6 shall be allowed with respect to the taxable year, commencing after
7 January first after its passage in which the removal work is completed
8 and paid for.

9 (7) Carryover of credit. If the amount of the credit, and carryovers
10 of such credit, allowable under this subsection for any taxable year
11 shall exceed the taxpayer's tax for such year, such excess amount may be
12 carried over to the five taxable years next following the taxable year
13 with respect to which the credit is allowed and may be deducted from the
14 taxpayer's tax for such year or years.

15 (8) Allocation of credit. The commissioner shall promulgate regu-
16 lations by January first, two thousand twenty to establish procedures
17 for the allocation of tax credits allowed under this subsection. Such
18 rules and regulations shall include provisions describing the applica-
19 tion process for the credit allowed under this subsection, the due dates
20 for such applications, the standards which shall be used to evaluate the
21 applications, the documentation that will be provided to taxpayers to
22 substantiate to the department the amount of tax credits allocated to
23 such taxpayers, and such other provisions as deemed necessary and appro-
24 priate. Notwithstanding any other provisions to the contrary in the
25 state administrative procedure act, such rules and regulations may be
26 adopted on an emergency basis if necessary to meet such January first,
27 two thousand twenty deadline.

28 § 2. This act shall take effect on the one hundred eightieth day after
29 it shall have become a law. Effective immediately, the addition, amend-
30 ment and/or repeal of any rule or regulation necessary for the implemen-
31 tation of this act on its effective date are authorized and directed to
32 be made and completed on or before such effective date.