STATE OF NEW YORK

3409--A

Cal. No. 125

2021-2022 Regular Sessions

IN ASSEMBLY

January 26, 2021

Introduced by M. of A. LAVINE, SEAWRIGHT, SANTABARBARA, BUTTENSCHON, OTIS, WEPRIN, JACOBSON, MEEKS -- read once and referred to the Committee on Ways and Means -- ordered to a third reading, amended and ordered reprinted, retaining its place on the order of third reading

AN ACT to amend the tax law, in relation to providing a tax credit for universal visitability; and providing for the repeal of such provisions upon expiration thereof

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

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

(nnn) Universal visitability tax credit. (1) For taxable years beginning on or after January first, two thousand twenty-three, until December thirty-first, two thousand twenty-seven, a taxpayer shall be allowed a credit against the tax imposed by this article for a portion of the total purchase price paid by such taxpayer for a principal residence attributable to universal visitability or the total amount expended by a taxpayer to retrofit an existing principal residence to achieve universal visitability provided that the principal residence or the retrofitting of the existing principal residence is located within this state and designed to provide universal visitability as defined through the eligibility requirements established by guidelines developed by the division of code enforcement and administration within the department of state. For the purpose of this subsection, principal residence shall mean such residence pursuant to section one hundred twenty-one of the internal revenue code.

(2) The credit shall be allowed for the taxable year in which the principal residence has been purchased or constructed, or the retrofitting or renovation of the residence or residential unit has been completed, or the year of allocation to the taxpayer as provided in paragraph seven of this subsection. The credit allowed under this

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

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subsection shall not exceed (A) twenty-seven hundred fifty dollars for the purchase of a new residence, or (B) fifty percent of the total amount expended, but not to exceed twenty-seven hundred fifty dollars for the retrofitting or renovation of each existing residence or unit.

(3) No credit shall be allowed under this subsection for the purchase, retrofitting or renovation of residential rental property.

(4) The credit shall be allowed under this subsection only for universal visitability improvements made by or at the direction of the taxpayer.

(5) If the amount of the credit allowable under this subsection shall exceed the taxpayer's tax for such year, the excess may be carried over to the following year or years and may be deducted from the taxpayer's tax for such year or years.

(6) Eligible taxpayers shall apply for the credit through the division of code enforcement and administration within the department of state. The division of code enforcement and administration within the department of state shall issue a certification for an approved application to the taxpayer that states the amount of the credit allocated to the taxpayer and the allocation year.

(7) (A) The aggregate amount of tax credits allowed pursuant to the authority of this subsection shall be one million dollars each year during the period two thousand twenty-three through two thousand twenty-seven. Such aggregate amounts of credits shall be allocated by the department of state among taxpayers in order of priority based upon the date of filing an application for allocation of credit with the division of code enforcement and administration. If the total amount of allocated credits applied for in any particular year exceeds the aggregate amount of tax credits allowed for such year under this subsection, such excess shall be treated as having been applied for on the first day of the subsequent year.

(B) The secretary of state, after consulting with the commissioner, shall promulgate regulations by October thirty-first, two thousand twenty-two to establish procedures for the allocation of tax credits as required by this subparagraph. Such rules and regulations shall include provisions describing the application process, the due dates for such applications, the standards which shall be used to evaluate the applications, the documentation that will be provided to taxpayers to substantiate to the department the amount of tax credits allocated to such taxpayers, and such other provisions as deemed necessary and appropriate. Notwithstanding any other provisions to the contrary in the state administrative procedure act, such rules and regulations may be adopted on an emergency basis if necessary to meet such October thirty-first, two thousand twenty-two deadline.

(8) The department of state shall submit to the governor, the temporary president of the senate, and the speaker of the assembly, an annual report to be submitted by February first of each year evaluating the effectiveness of the universal visitability tax credit provided by this subsection. Such report shall be based on data available from the application filed with the division of code enforcement and administration for universal visitability credits. Notwithstanding any provision of law to the contrary, the information contained in the report shall be public information. The report may also include any recommendations of changes in the calculation or administration of the credit, and any other recommendation of the commissioner of the department of state or the division of code enforcement and administration regarding continuing modifica-

tion, repeal of such act, and such other information regarding the act as the division may feel useful and appropriate.

§ 2. This act shall take effect immediately and shall apply to taxable years commencing on and after January 1, 2023 and shall expire and be deemed repealed December 31, 2027.