

# STATE OF NEW YORK

3198

2021-2022 Regular Sessions

## IN SENATE

January 28, 2021

Introduced by Sen. ORTT -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law and the tax law, in relation to shoreline resiliency infrastructure regulations and tax credits

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

1 Section 1. The environmental conservation law is amended by adding a  
2 new section 3-0323 to read as follows:

3 § 3-0323. Shoreline resiliency infrastructure.

4 The department shall, no later than January first, two thousand twen-  
5 ty-two, develop, adopt and promulgate rules and regulations describing  
6 shoreline resiliency infrastructure projects approved for use by home  
7 owners, businesses, farmers and non-profits. These shoreline resiliency  
8 infrastructure projects shall be preventive measures that could be taken  
9 to mitigate the impact of future flooding. The department shall include  
10 descriptions of approved shoreline resiliency infrastructure projects on  
11 the department's website.

12 § 2. Section 210-B of the tax law is amended by adding a new subdivi-  
13 sion 55 to read as follows:

14 55. Shoreline resiliency infrastructure tax credit. (a) For taxable  
15 years beginning on or after January first, two thousand twenty-two, a  
16 taxpayer shall be allowed a credit as hereinafter provided, against the  
17 tax imposed by this article, in an amount equal to twenty-five percent  
18 of the costs of shoreline resiliency infrastructure improvements made.  
19 Provided, however, the credit shall not exceed ten thousand dollars in a  
20 given year.

21 (b) Tax credits allowed pursuant to this subdivision shall be allowed  
22 in the taxable year in which the expenditures were made.

23 (c) If the amount of the credit allowable under this subdivision for  
24 any taxable year shall exceed the taxpayer's tax for such year, the

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

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1 excess may be carried over to the following year or years, and may be  
2 applied against the taxpayer's tax for such year or years.

3 (d) The term "approved shoreline resiliency infrastructure improve-  
4 ments" shall refer to shoreline resiliency infrastructure improvements  
5 that have been approved by the department of environmental conservation  
6 pursuant to section 3-0323 of the environmental conservation law.

7 § 3. Section 606 of the tax law is amended by adding a new subsection  
8 (kkk) to read as follows:

9 (kkk) Shoreline resiliency infrastructure tax credit. (1) For taxable  
10 years beginning on or after January first, two thousand twenty-two, a  
11 taxpayer shall be allowed a credit as hereinafter provided, against the  
12 tax imposed by this article, in an amount equal to twenty-five percent  
13 of the costs of shoreline resiliency infrastructure improvements made.  
14 Provided, however, the credit shall not exceed ten thousand dollars in a  
15 given year.

16 (2) Tax credits allowed pursuant to this subsection shall be allowed  
17 in the taxable year in which the expenditures were made.

18 (3) If the amount of the credit allowable under this subsection for  
19 any taxable year shall exceed the taxpayer's tax for such year, the  
20 excess may be carried over to the following year or years, and may be  
21 applied against the taxpayer's tax for such year or years.

22 (4) The term "approved shoreline resiliency infrastructure improve-  
23 ments" shall refer to shoreline resiliency infrastructure improvements  
24 that have been approved by the department of environmental conservation  
25 pursuant to section 3-0323 of the environmental conservation law.

26 § 4. Subparagraph (B) of paragraph 1 of subsection (i) of section 606  
27 of the tax law is amended by adding a new clause (xlvi) to read as  
28 follows:

|                                       |                                  |
|---------------------------------------|----------------------------------|
| 29 <u>(xlvi) Shoreline resiliency</u> | <u>Amount of credit under</u>    |
| 30 <u>infrastructure tax credit</u>   | <u>subdivision fifty-five of</u> |
| 31 <u>under subsection (kkk)</u>      | <u>section two hundred ten-B</u> |

32 § 5. This act shall take effect immediately and sections two, three  
33 and four shall apply to taxable years beginning on or after January 1,  
34 2022.