

STATE OF NEW YORK

4773--A

2021-2022 Regular Sessions

IN SENATE

February 11, 2021

Introduced by Sen. HINCHEY -- read twice and ordered printed, and when printed to be committed to the Committee on Budget and Revenue -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the tax law, in relation to the definition of eligible farmer for purposes of the agricultural property tax credit

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

1 Section 1. Paragraph (b) of subdivision 11 of section 210-B of the
2 tax law, as added by section 17 of part A of chapter 59 of the laws of
3 2014, is amended to read as follows:
4 (b) Eligible farmer. For purposes of this subdivision, the term
5 "eligible farmer" means a taxpayer whose federal gross income from farm-
6 ing for the taxable year is at least two-thirds of excess federal gross
7 income. The term "eligible farmer" also includes a corporation other
8 than the taxpayer of record for qualified agricultural land which has
9 paid the school district property taxes on such land pursuant to a
10 contract for the future purchase of such land; provided that such corpo-
11 ration has a federal gross income from farming for the taxable year
12 which is at least two-thirds of excess federal gross income; and
13 provided further that, in determining such income eligibility, a taxpay-
14 er may, for any taxable year, use the average of such federal gross
15 income from farming for that taxable year and such income for the two
16 consecutive taxable years immediately preceding such taxable year.
17 Excess federal gross income means the amount of federal gross income
18 from all sources for the taxable year in excess of [~~thirty~~] **fifty** thou-
19 sand dollars. For the purposes of this paragraph, payments from the
20 state's farmland protection program, administered by the department of
21 agriculture and markets, shall be included as federal gross income from
22 farming for otherwise eligible farmers.

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

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1 § 2. Paragraph 2 of subsection (n) of section 606 of the tax law, as
2 amended by chapter 297 of the laws of 2010, is amended to read as
3 follows:

4 (2) Eligible farmer. For purposes of this subsection, the term "eligi-
5 ble farmer" means a taxpayer whose federal gross income from farming for
6 the taxable year is at least two-thirds of excess federal gross income.
7 The term "eligible farmer" also includes an individual other than the
8 taxpayer of record for qualified agricultural land who has paid the
9 school district property taxes on such land pursuant to a contract for
10 the future purchase of such land; provided that such individual has a
11 federal gross income from farming for the taxable year which is at least
12 two-thirds of excess federal gross income; and provided further that, in
13 determining such income eligibility, a taxpayer may, for any taxable
14 year, use the average of such federal gross income from farming for that
15 taxable year and such income for the two consecutive taxable years imme-
16 diately preceding such taxable year. Excess federal gross income means
17 the amount of federal gross income from all sources for the taxable year
18 reduced by the sum (not to exceed [~~thirty~~ **fifty** thousand dollars) of
19 those items included in federal gross income which consist of (i) earned
20 income, (ii) pension payments, including social security payments, (iii)
21 interest, and (iv) dividends. For purposes of this paragraph, the term
22 "earned income" shall mean wages, salaries, tips and other employee
23 compensation, and those items of gross income which are includible in
24 the computation of net earnings from self-employment. For the purposes
25 of this paragraph, payments from the state's farmland protection
26 program, administered by the department of agriculture and markets,
27 shall be included as federal gross income from farming for otherwise
28 eligible farmers.

29 § 3. This act shall take effect immediately.