

STATE OF NEW YORK

9258

IN ASSEMBLY

February 22, 2024

Introduced by M. of A. RA, JENSEN, GANDOLFO, MAHER, SLATER -- read once
and referred to the Committee on Ways and Means

AN ACT to amend the tax law, in relation to increasing the earned income
tax credit

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

1 Section 1. Paragraph 1 of subsection (d) of section 606 of the tax
2 law, as amended by section 1 of part Q of chapter 63 of the laws of
3 2000, is amended to read as follows:

4 (1) General. A taxpayer shall be allowed a credit as provided herein
5 equal to (i) the applicable percentage of the earned income credit
6 allowed under section thirty-two of the internal revenue code for the
7 same taxable year, (ii) reduced by the credit permitted under subsection
8 (b) of this section.

9 The applicable percentage shall be (i) seven and one-half percent for
10 taxable years beginning in nineteen hundred ninety-four, (ii) ten
11 percent for taxable years beginning in nineteen hundred ninety-five,
12 (iii) twenty percent for taxable years beginning after nineteen hundred
13 ninety-five and before two thousand, (iv) twenty-two and one-half
14 percent for taxable years beginning in two thousand, (v) twenty-five
15 percent for taxable years beginning in two thousand one, (vi) twenty-
16 seven and one-half percent for taxable years beginning in two thousand
17 two, [~~and~~] (vii) thirty percent for taxable years beginning in two thou-
18 sand three, and (viii) forty-five percent for taxable years beginning in
19 two thousand twenty-four and thereafter. Provided, however, that if the
20 reversion event, as defined in this paragraph, occurs, the applicable
21 percentage shall be twenty percent for taxable years ending on or after
22 the date on which the reversion event occurred. The reversion event
23 shall be deemed to have occurred on the date on which federal action,
24 including but not limited to, administrative, statutory or regulatory
25 changes, materially reduces or eliminates New York state's allocation of
26 the federal temporary assistance for needy families block grant, or
27 materially reduces the ability of the state to spend federal temporary
28 assistance for needy families block grant funds for the earned income

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

LBD13719-01-3

1 credit or to apply state general fund spending on the earned income
2 credit toward the temporary assistance for needy families block grant
3 maintenance of effort requirement, and the commissioner of the office of
4 temporary and disability assistance shall certify the date of such event
5 to the commissioner of taxation and finance, the director of the divi-
6 sion of the budget, the speaker of the assembly and the temporary presi-
7 dent of the senate.

8 § 2. Subsection (d) of section 606 of the tax law is amended by adding
9 a new paragraph 9 to read as follows:

10 (9) For taxable years beginning on or after January first, two thou-
11 sand twenty-four, an earned income tax credit pursuant to this section
12 or an enhanced earned income tax credit pursuant to subsection (d-1) of
13 this section may, at the election of the taxpayer made via a form to be
14 prescribed by the commissioner, be paid to the taxpayer as follows: (i)
15 for amounts equal to or less than two hundred dollars, the payment or
16 refund shall be made in a lump sum, (ii) for amounts in excess of two
17 hundred dollars and less than two thousand four hundred dollars, the
18 payment or refund shall equal three quarterly checks each equal to twen-
19 ty five percent of the taxpayer's anticipated credit amount, and the
20 remaining balance of such payment or refund shall be included in any
21 final refund owed to the taxpayer following the completion of the
22 taxpayer's tax return, and (iii) for amounts equal to or greater than
23 two thousand four hundred dollars, the payment or refund shall be paid
24 in equal monthly payments equal to the total amount thereof divided by
25 twelve.

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