

S T A T E O F N E W Y O R K

1901

2009-2010 Regular Sessions

I N A S S E M B L Y

January 14, 2009

Introduced by M. of A. THIELE -- read once and referred to the Committee
on Ways and Means

AN ACT to amend the tax law, in relation to creating a tax credit for
disabled persons; qualification

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-
BLY, DO ENACT AS FOLLOWS:

1 Section 1. Section 606 of the tax law is amended by adding a new
2 subsection (c-2) to read as follows:
3 (C-2) DISABLED PERSONS REAL PROPERTY TAX CREDIT. (1) FOR THE PURPOSES
4 OF THIS SECTION:
5 (I) AS USED IN THIS SECTION, "DISABLED" MEANS A PHYSICAL, MENTAL OR
6 MEDICAL IMPAIRMENT, RESULTING FROM ANATOMICAL, PHYSIOLOGICAL OR NEURO-
7 LOGICAL CONDITIONS, WHICH PREVENTS THE EXERCISE OF A NORMAL BODILY FUNC-
8 TION OR IS DEMONSTRABLE BY MEDICALLY ACCEPTED CLINICAL LABORATORY DIAG-
9 NOSTIC TECHNIQUES AND IS OF A NATURE SUFFICIENT TO QUALIFY ANY SUCH
10 PERSON OR PERSONS AS ELIGIBLE FOR FEDERAL SOCIAL SECURITY DISABILITY
11 BENEFITS.
12 (II) "HOUSEHOLD" OR "MEMBERS OF THE HOUSEHOLD" MEANS A DISABLED
13 TAXPAYER AND ALL OTHER PERSONS, NOT NECESSARILY RELATED, WHO HAVE THE
14 SAME RESIDENCE AND SHARE ITS FURNISHINGS, FACILITIES AND ACCOMMODATIONS.
15 SUCH TERMS SHALL NOT INCLUDE A TENANT, SUBTENANT, ROOMER OR BOARDER WHO
16 IS NOT RELATED TO THE DISABLED TAXPAYER IN ANY DEGREE SPECIFIED IN PARA-
17 GRAPHS ONE THROUGH EIGHT OF SUBSECTION (A) OF SECTION ONE HUNDRED
18 FIFTY-TWO OF THE INTERNAL REVENUE CODE. PROVIDED, HOWEVER, NO PERSON
19 MAY BE A MEMBER OF MORE THAN ONE HOUSEHOLD AT ONE TIME.
20 (III) "HOUSEHOLD GROSS INCOME" MEANS THE AGGREGATE ADJUSTED GROSS
21 INCOME OF ALL MEMBERS OF THE HOUSEHOLD FOR THE TAXABLE YEAR AS REPORTED
22 FOR FEDERAL INCOME TAX PURPOSES, OR WHICH WOULD BE REPORTED AS ADJUSTED
23 GROSS INCOME IF A FEDERAL INCOME TAX RETURN WERE REQUIRED TO BE FILED,
24 WITH THE MODIFICATIONS IN SUBSECTION (B) OF SECTION SIX HUNDRED TWELVE
25 OF THIS ARTICLE BUT WITHOUT THE MODIFICATIONS IN SUBSECTION (C) OF SUCH

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

LBD03261-01-9

1 SECTION, PLUS ANY PORTION OF THE GAIN FROM THE SALE OR EXCHANGE OF PROP-
2 ERTY OTHERWISE EXCLUDED FROM SUCH AMOUNT; EARNED INCOME FROM SOURCES
3 WITHOUT THE UNITED STATES EXCLUDABLE FROM FEDERAL GROSS INCOME BY
4 SECTION NINE HUNDRED ELEVEN OF THE INTERNAL REVENUE CODE; SUPPORT MONEY
5 NOT INCLUDED IN ADJUSTED GROSS INCOME; NONTAXABLE STRIKE BENEFITS;
6 SUPPLEMENTAL SECURITY INCOME PAYMENTS; THE GROSS AMOUNT OF ANY PENSION
7 OR ANNUITY BENEFITS TO THE EXTENT NOT INCLUDED IN SUCH ADJUSTED GROSS
8 INCOME (INCLUDING, BUT NOT LIMITED TO, RAILROAD RETIREMENT BENEFITS AND
9 ALL PAYMENTS RECEIVED UNDER THE FEDERAL SOCIAL SECURITY ACT AND VETER-
10 ANS' DISABILITY PENSIONS); DISABILITY BENEFITS EXCLUDABLE FROM SUCH
11 ADJUSTED GROSS INCOME BY SUBSECTION (D) OF SECTION ONE HUNDRED FIVE OF
12 THE INTERNAL REVENUE CODE; ALL PAYMENTS RECEIVED UNDER THE STATE UNEM-
13 PLOYMENT INSURANCE LAWS; NONTAXABLE INTEREST RECEIVED FROM THE STATE OF
14 NEW YORK, ITS AGENCIES, INSTRUMENTALITIES, PUBLIC CORPORATIONS OR POLI-
15 TICAL SUBDIVISIONS (INCLUDING A PUBLIC CORPORATION CREATED PURSUANT TO
16 AGREEMENT OR COMPACT WITH ANOTHER STATE OR CANADA); WORKERS' COMPEN-
17 SATION; THE GROSS AMOUNT OF "LOSS-OF-TIME" INSURANCE; AND THE AMOUNT OF
18 CASH PUBLIC ASSISTANCE AND RELIEF, OTHER THAN MEDICAL ASSISTANCE FOR THE
19 NEEDY, PAID TO OR FOR THE BENEFIT OF THE DISABLED TAXPAYER OR MEMBERS OF
20 HIS OR HER HOUSEHOLD. HOUSEHOLD GROSS INCOME SHALL NOT INCLUDE SURPLUS
21 FOODS OR OTHER RELIEF IN KIND. PROVIDED, FURTHER, HOUSEHOLD GROSS
22 INCOME SHALL ONLY INCLUDE ALL SUCH INCOME RECEIVED BY ALL MEMBERS OF THE
23 HOUSEHOLD WHILE MEMBERS OF SUCH HOUSEHOLD.

24 (IV) "RESIDENCE" MEANS A DWELLING IN THIS STATE, WHETHER OWNED OR
25 RENTED, AND SO MUCH OF THE LAND ABUTTING IT, NOT EXCEEDING ONE ACRE, AS
26 IS REASONABLY NECESSARY FOR USE OF THE DWELLING AS A HOME, AND MAY
27 CONSIST OF A PART OF A MULTI-DWELLING OR MULTI-PURPOSE BUILDING INCLUD-
28 ING A COOPERATIVE OR CONDOMINIUM, AND RENTAL UNITS WITHIN A SINGLE
29 DWELLING. RESIDENCE INCLUDES A TRAILER OR MOBILE HOME, USED EXCLUSIVELY
30 FOR RESIDENTIAL PURPOSES AND DEFINED AS REAL PROPERTY PURSUANT TO PARA-
31 GRAPH (G) OF SUBDIVISION TWELVE OF SECTION ONE HUNDRED TWO OF THE REAL
32 PROPERTY TAX LAW.

33 (V) "QUALIFYING REAL PROPERTY TAXES" MEANS ALL REAL PROPERTY TAXES,
34 SPECIAL AD VALOREM LEVIES AND SPECIAL ASSESSMENTS, EXCLUSIVE OF PENAL-
35 TIES AND INTEREST, LEVIED ON THE RESIDENCE OF A DISABLED TAXPAYER AND
36 PAID DURING THE TAXABLE YEAR, AS WELL AS ANY ADDITIONAL AMOUNT THAT
37 WOULD HAVE BEEN LEVIED IN THE ABSENCE OF AN EXEMPTION FROM REAL PROPERTY
38 TAXATION PURSUANT TO SECTION FOUR HUNDRED SIXTY-SEVEN OF THE REAL PROP-
39 ERTY TAX LAW. IF TENANT-STOCKHOLDERS IN A COOPERATIVE HOUSING CORPO-
40 RATION HAVE MET THE REQUIREMENTS OF SECTION TWO HUNDRED SIXTEEN OF THE
41 INTERNAL REVENUE CODE BY WHICH THEY ARE ALLOWED A DEDUCTION FOR REAL
42 ESTATE TAXES, THE AMOUNT OF TAXES SO ALLOWABLE, OR WHICH WOULD BE ALLOW-
43 ABLE IF THE TAXPAYER HAD FILED RETURNS ON A CASH BASIS, SHALL BE QUALI-
44 FYING REAL PROPERTY TAXES. IF A RESIDENCE IS OWNED BY TWO OR MORE INDI-
45 VIDUALS AS JOINT TENANTS OR TENANTS IN COMMON, AND ONE OR MORE THAN ONE
46 INDIVIDUAL IS NOT A MEMBER OF THE HOUSEHOLD, QUALIFYING REAL PROPERTY
47 TAXES IS THAT PART OF SUCH TAXES ON THE RESIDENCE WHICH REFLECTS THE
48 OWNERSHIP PERCENTAGE OF THE DISABLED TAXPAYER AND MEMBERS OF HIS OR HER
49 HOUSEHOLD. IF A RESIDENCE IS AN INTEGRAL PART OF A LARGER UNIT, QUALI-
50 FYING REAL PROPERTY TAXES SHALL BE LIMITED TO THAT AMOUNT OF SUCH TAXES
51 PAID AS MAY BE REASONABLY APPORTIONED TO SUCH RESIDENCE. IF A HOUSEHOLD
52 OWNS AND OCCUPIES TWO OR MORE RESIDENCES DURING DIFFERENT PERIODS IN
53 THE SAME TAXABLE YEAR, QUALIFYING REAL PROPERTY TAXES SHALL BE THE SUM
54 OF THE PRORATED QUALIFYING REAL PROPERTY TAXES ATTRIBUTABLE TO THE
55 HOUSEHOLD DURING THE PERIODS SUCH HOUSEHOLD OCCUPIES EACH OF SUCH RESI-
56 DENCES. IF THE HOUSEHOLD OWNS AND OCCUPIES A RESIDENCE FOR PART OF THE

1 TAXABLE YEAR AND RENTS A RESIDENCE FOR PART OF THE SAME TAXABLE YEAR,
2 IT MAY INCLUDE BOTH THE PRORATION OF QUALIFYING REAL PROPERTY TAXES ON
3 THE RESIDENCE OWNED AND THE REAL PROPERTY TAX EQUIVALENT WITH RESPECT TO
4 THE MONTHS THE RESIDENCE IS RENTED. PROVIDED, HOWEVER, FOR PURPOSES OF
5 THE CREDIT ALLOWED UNDER THIS SUBSECTION, QUALIFYING REAL PROPERTY TAXES
6 MAY BE INCLUDED BY A DISABLED TAXPAYER ONLY TO THE EXTENT THAT SUCH
7 TAXPAYER OR THE SPOUSE OF SUCH TAXPAYER OCCUPYING SUCH RESIDENCE FOR SIX
8 MONTHS OR MORE OF THE TAXABLE YEAR OWNS OR HAS OWNED THE RESIDENCE AND
9 PAID SUCH TAXES.

10 (VI) "REAL PROPERTY TAX EQUIVALENT" MEANS TWENTY-FIVE PERCENT OF THE
11 ADJUSTED RENT ACTUALLY PAID IN THE TAXABLE YEAR BY A HOUSEHOLD SOLELY
12 FOR THE RIGHT OF OCCUPANCY OF ITS NEW YORK RESIDENCE FOR THE TAXABLE
13 YEAR.

14 IF (A) A RESIDENCE IS RENTED TO TWO OR MORE INDIVIDUALS AS CO-TENANTS,
15 OR SUCH INDIVIDUALS SHARE IN THE PAYMENT OF A SINGLE RENT FOR THE RIGHT
16 OF OCCUPANCY OF SUCH RESIDENCE, AND (B) EACH OF SUCH INDIVIDUALS IS A
17 MEMBER OF A DIFFERENT HOUSEHOLD, ONE OR MORE OF WHICH INDIVIDUALS SHARES
18 SUCH RESIDENCE, REAL PROPERTY TAX EQUIVALENT IS THAT PORTION OF TWENTY-
19 FIVE PERCENT OF THE ADJUSTED RENT PAID IN THE TAXABLE YEAR WHICH
20 REFLECTS THAT PORTION OF THE RENT ATTRIBUTABLE TO THE DISABLED TAXPAYER
21 AND THE MEMBERS OF HIS OR HER HOUSEHOLD.

22 (VII) "ADJUSTED RENT" MEANS RENTAL PAID FOR THE RIGHT OF OCCUPANCY OF
23 A RESIDENCE, EXCLUDING CHARGES FOR HEAT, GAS, ELECTRICITY, FURNISHINGS
24 AND BOARD. WHERE CHARGES FOR HEAT, GAS, ELECTRICITY, FURNISHINGS OR
25 BOARD ARE INCLUDED IN RENTAL BUT WHERE SUCH CHARGES AND THE AMOUNT THERE-
26 OF ARE NOT SEPARATELY SET FORTH IN A WRITTEN RENTAL AGREEMENT, FOR
27 PURPOSES OF DETERMINING ADJUSTED RENT THE DISABLED TAXPAYER SHALL REDUCE
28 RENTAL PAID AS FOLLOWS:

29 (A) FOR HEAT, OR HEAT AND GAS, DEDUCT FIFTEEN PERCENT OF RENTAL PAID.

30 (B) FOR HEAT, GAS AND ELECTRICITY, DEDUCT TWENTY PERCENT OF RENTAL
31 PAID.

32 (C) FOR HEAT, GAS, ELECTRICITY AND FURNISHINGS, DEDUCT TWENTY-FIVE
33 PERCENT OF RENTAL PAID.

34 (D) FOR HEAT, GAS, ELECTRICITY, FURNISHINGS AND BOARD, DEDUCT FIFTY
35 PERCENT OF RENTAL PAID.

36 IF THE COMMISSIONER DETERMINES THAT THE ADJUSTED RENT SHOWN ON THE
37 RETURN IS EXCESSIVE, THE COMMISSIONER MAY REDUCE SUCH RENT, FOR PURPOSES
38 OF THE COMPUTATION OF THE CREDIT, TO AN AMOUNT SUBSTANTIALLY EQUIVALENT
39 TO RENT FOR A COMPARABLE ACCOMMODATION.

40 (2) FOR TAXABLE YEARS BEGINNING IN TWO THOUSAND SEVEN AND THEREAFTER,
41 A DISABLED TAXPAYER SHALL BE ALLOWED A CREDIT, AS HEREINAFTER PROVIDED
42 IN PARAGRAPH THREE OF THIS SUBSECTION AGAINST THE TAXES IMPOSED BY THIS
43 ARTICLE REDUCED BY THE CREDITS PERMITTED BY THIS ARTICLE. IF THE CREDIT
44 EXCEEDS THE TAX, AS SO REDUCED, FOR SUCH YEAR UNDER THIS ARTICLE, THE
45 DISABLED TAXPAYER MAY RECEIVE, AND THE COMPTROLLER, SUBJECT TO A CERTIFI-
46 CATE FROM THE COMMISSIONER, SHALL PAY AS AN OVERPAYMENT, WITHOUT INTER-
47 EST, ANY EXCESS BETWEEN SUCH TAX, AS SO REDUCED, AND THE AMOUNT OF THE
48 CREDIT. IF A DISABLED TAXPAYER IS NOT REQUIRED TO FILE A RETURN PURSUANT
49 TO SECTION SIX HUNDRED FIFTY-ONE OF THIS ARTICLE, A DISABLED TAXPAYER
50 MAY, NEVERTHELESS, RECEIVE AND THE COMPTROLLER, SUBJECT TO A CERTIFICATE
51 OF THE COMMISSIONER, SHALL PAY AS AN OVERPAYMENT THE FULL AMOUNT OF THE
52 CREDIT, WITHOUT INTEREST.

53 (3) FOR TAXABLE YEARS BEGINNING IN TWO THOUSAND NINE AND THEREAFTER,
54 FOR DISABLED TAXPAYERS THE AMOUNT OF THE CREDIT ALLOWABLE UNDER THIS
55 SUBSECTION SHALL BE FIFTY PERCENT OR IN THE CASE OF A DISABLED TAXPAYER
56 WHO HAS ELECTED TO INCLUDE AN ADDITIONAL AMOUNT PURSUANT TO SUBPARAGRAPH

(V) OF PARAGRAPH ONE OF THIS SUBSECTION, TWENTY-FIVE PERCENT, OF THE EXCESS OF REAL PROPERTY TAXES OR OF THE EXCESS OF REAL PROPERTY TAX EQUIVALENT DETERMINED AS FOLLOWS:

		EXCESS REAL PROPERTY TAXES ARE THE EXCESS OF THE REAL PROPERTY TAX EQUIVALENT OR THE EXCESS OF QUALIFYING REAL PROPERTY TAXES OVER THE FOLLOWING PERCENTAGE OF HOUSEHOLD GROSS INCOME:
IF HOUSEHOLD GROSS INCOME FOR THE TAX- ABLE YEAR IS:		
\$ 0 TO \$ 3,000	3 1/2	
\$3,001 TO \$ 5,000	4	
\$5,001 TO \$ 7,000	4 1/2	
\$7,001 TO \$ 9,000	5	
\$9,001 TO \$11,000	5 1/2	
\$11,001 TO \$14,000	6	
\$14,001 TO \$18,000	6 1/2	

NOTWITHSTANDING THE FOREGOING PROVISIONS, THE MAXIMUM CREDIT DETERMINED UNDER THIS PARAGRAPH WITH RESPECT TO ANY TAXPAYER SHALL NOT EXCEED AN AMOUNT SHOWN IN COLUMN TWO BELOW.

COLUMN 1	COLUMN 2
IF HOUSEHOLD GROSS INCOME FOR THE TAXABLE YEAR IS:	THE MAXIMUM CREDIT FOR DISABLED TAXPAYERS SHALL BE:
\$ 0 TO \$ 1,000	\$375
\$1,001 TO \$ 2,000	\$358
\$2,001 TO \$ 3,000	\$341
\$3,001 TO \$ 4,000	\$324
\$4,001 TO \$ 5,000	\$307
\$5,001 TO \$ 6,000	\$290
\$6,001 TO \$ 7,000	\$273
\$7,001 TO \$ 8,000	\$256
\$8,001 TO \$ 9,000	\$239
\$9,001 TO \$10,000	\$222
\$10,001 TO \$11,000	\$205
\$11,001 TO \$12,000	\$188
\$12,001 TO \$13,000	\$171
\$13,001 TO \$14,000	\$154
\$14,001 TO \$15,000	\$137
\$15,001 TO \$16,000	\$120
\$16,001 TO \$17,000	\$103
\$17,001 TO \$18,000	\$ 86

(4) IF A DISABLED TAXPAYER OCCUPIES A RESIDENCE FOR A PERIOD OF LESS THAN TWELVE MONTHS DURING THE TAXABLE YEAR OR OCCUPIES TWO OR MORE RESIDENCES DURING DIFFERENT PERIODS IN SUCH TAXABLE YEAR, THE CREDIT ALLOWED PURSUANT TO THIS SUBSECTION SHALL BE COMPUTED IN SUCH MANNER AS THE COMMISSIONER MAY, BY REGULATION, PRESCRIBE IN ORDER TO PROPERLY REFLECT THE CREDIT OR PORTION THEREOF ATTRIBUTABLE TO SUCH RESIDENCE OR RESIDENCES AND SUCH PERIOD OR PERIODS.

(5) THE COMMISSIONER MAY PRESCRIBE THAT THE CREDIT UNDER THIS SUBSECTION SHALL BE DETERMINED IN WHOLE OR IN PART BY THE USE OF TABLES PRESCRIBED BY SUCH COMMISSIONER. SUCH TABLES SHALL SET FORTH THE CREDIT TO THE NEAREST DOLLAR.

(6) ONLY ONE CREDIT PER HOUSEHOLD AND PER A DISABLED TAXPAYER SHALL BE ALLOWED PER TAXABLE YEAR UNDER THIS SUBSECTION. WHEN TWO OR MORE

1 MEMBERS OF A HOUSEHOLD ARE ABLE TO MEET THE QUALIFICATIONS FOR A DISA-
2 BLED TAXPAYER, THE CREDIT SHALL BE EQUALLY DIVIDED BETWEEN OR AMONG SUCH
3 INDIVIDUALS UNLESS SUCH INDIVIDUALS FILE WITH THE COMMISSIONER A WRIT-
4 TEN AGREEMENT AMONG SUCH INDIVIDUALS SETTING FORTH A DIFFERENT DIVISION.
5 (I) PROVIDED, HOWEVER, WHERE A JOINT INCOME TAX RETURN HAS BEEN FILED
6 PURSUANT TO THE PROVISIONS OF SECTION SIX HUNDRED FIFTY-ONE OF THIS
7 ARTICLE BY A DISABLED TAXPAYER AND HIS OR HER SPOUSE (OR WHERE BOTH
8 SPOUSES ARE DISABLED TAXPAYERS AND HAVE FILED SUCH JOINT RETURN), THE
9 CREDIT, OR THE PORTION OF THE CREDIT IF DIVIDED, TO WHICH THE HUSBAND
10 AND WIFE ARE ENTITLED SHALL BE APPLIED AGAINST THE TAX OF BOTH SPOUSES
11 AND ANY OVERPAYMENT SHALL BE MADE TO BOTH SPOUSES.

12 (II) WHERE A DISABLED TAXPAYER AND HIS OR HER SPOUSE (OR WHERE BOTH
13 SPOUSES ARE DISABLED TAXPAYERS) FILE THEIR SEPARATE RETURNS ON A SINGLE
14 FORM UNDER SECTION SIX HUNDRED FIFTY-ONE OF THIS ARTICLE, THE CREDIT, OR
15 THE PORTION OF THE CREDIT IF DIVIDED, ALLOWED TO THE DISABLED TAXPAYER
16 MAY BE OFFSET BY THE COMMISSIONER AGAINST THE TAX LIABILITY OF THE OTHER
17 SPOUSE PROVIDED, HOWEVER, IF THE RETURN OF EITHER SPOUSE INCLUDES A
18 DEMAND THAT ANY OVERPAYMENT OF TAXES MADE BY HIM OR HER SHALL BE APPLIED
19 ONLY ON ACCOUNT OF HIS OR HER SEPARATE LIABILITY, THE CREDIT, OR THE
20 PORTION OF THE CREDIT IF DIVIDED, SHALL ALSO BE SO APPLIED.

21 (III) WHERE ANY RETURN REQUIRED TO BE FILED PURSUANT TO THE PROVISIONS
22 OF SECTION SIX HUNDRED FIFTY-ONE OF THIS ARTICLE IS COMBINED WITH THE
23 RETURN OF TAX IMPOSED BY A LOCAL LAW OF THE CITY OF NEW YORK PURSUANT TO
24 THE AUTHORITY OF ARTICLE THIRTY OF THIS CHAPTER OR FORMER ARTICLE TWO-E
25 OF THE GENERAL CITY LAW, THE CREDIT OR THE PORTION OF THE CREDIT IF
26 DIVIDED, ALLOWED TO THE DISABLED TAXPAYER MAY BE APPLIED BY THE COMMIS-
27 SIONER TOWARD ANY LIABILITY FOR THE STATE TAXES IMPOSED UNDER THIS CHAP-
28 TER AND THE AFOREMENTIONED LOCAL TAXES.

29 (7) NO CREDIT SHALL BE GRANTED UNDER THIS SUBSECTION:

30 (I) FOR THE TAXABLE YEARS BEGINNING IN TWO THOUSAND SEVEN AND THERE-
31 AFTER IF HOUSEHOLD GROSS INCOME FOR THE TAXABLE YEAR EXCEEDS EIGHTEEN
32 THOUSAND DOLLARS.

33 (II) TO A PROPERTY OWNER UNLESS: (A) THE PROPERTY IS USED FOR RESIDEN-
34 TIAL PURPOSES; AND (B) NOT MORE THAN TWENTY PERCENT OF THE RENTAL
35 INCOME, IF ANY, FROM THE PROPERTY IS FROM RENTAL FOR NONRESIDENTIAL
36 PURPOSES; AND (C) THE PROPERTY IS OCCUPIED AS A RESIDENCE IN WHOLE OR IN
37 PART BY ONE OR MORE OF THE OWNERS OF THE PROPERTY.

38 (III) TO AN INDIVIDUAL WITH RESPECT TO WHOM A DEDUCTION UNDER SECTION
39 ONE HUNDRED FIFTY-ONE (E) OF THE INTERNAL REVENUE CODE IS ALLOWABLE TO
40 ANOTHER TAXPAYER FOR THE TAXABLE YEAR.

41 (IV) TO A TENANT IF ADJUSTED RENT FOR THE RESIDENCE EXCEEDS THREE
42 HUNDRED DOLLARS PER MONTH AND FOR TAXABLE YEARS BEGINNING IN TWO THOU-
43 SAND SEVEN AND THEREAFTER, IF THE ADJUSTED RENT EXCEEDS FOUR HUNDRED
44 FIFTY DOLLARS PER MONTH ON AVERAGE.

45 (V) TO AN INDIVIDUAL WITH RESPECT TO WHOM A DEDUCTION UNDER SECTION
46 ONE HUNDRED FIFTY-ONE (E) OF THE INTERNAL REVENUE CODE IS ALLOWABLE TO
47 ANOTHER TAXPAYER FOR THE TAXABLE YEAR.

48 (VI) WITH RESPECT TO A RESIDENCE THAT IS WHOLLY EXEMPTED FROM REAL
49 PROPERTY TAXATION.

50 (VII) TO AN INDIVIDUAL WHO IS NOT A RESIDENT INDIVIDUAL OF THE STATE
51 FOR THE ENTIRE TAXABLE YEAR.

52 (8) THE RIGHT TO CLAIM A CREDIT WHERE SUCH CREDIT HAS BEEN DIVIDED
53 UNDER THIS SUBSECTION, SHALL BE PERSONAL TO THE DISABLED TAXPAYER AND
54 SHALL NOT SURVIVE HIS OR HER DEATH, BUT SUCH RIGHT MAY BE EXERCISED ON
55 BEHALF OF A CLAIMANT BY HIS OR HER LEGAL GUARDIAN OR ATTORNEY IN FACT
56 DURING HIS OR HER LIFETIME.

(9) IF A DISABLED TAXPAYER IS NOT REQUIRED TO FILE A RETURN PURSUANT TO SECTION SIX HUNDRED FIFTY-ONE OF THIS ARTICLE, A CLAIM FOR A CREDIT MAY BE TAKEN ON A RETURN FILED WITH THE COMMISSIONER WITHIN THREE YEARS FROM THE TIME IT WOULD HAVE BEEN REQUIRED THAT A RETURN BE FILED PURSUANT TO SUCH SECTION HAD THE DISABLED TAXPAYER HAD A TAXABLE YEAR ENDING ON DECEMBER THIRTY-FIRST. RETURNS UNDER THIS PARAGRAPH SHALL BE IN SUCH FORM AS SHALL BE PRESCRIBED BY THE COMMISSIONER, WHO SHALL MAKE AVAILABLE SUCH FORMS AND INSTRUCTIONS FOR FILING SUCH RETURNS.

(10) THE COMMISSIONER MAY REQUIRE A DISABLED TAXPAYER TO FURNISH THE FOLLOWING INFORMATION IN SUPPORT OF HIS OR HER CLAIM FOR CREDIT UNDER THIS SUBSECTION: HOUSEHOLD GROSS INCOME, RENT PAID, NAME AND ADDRESS OF OWNER OR MANAGING AGENT OF THE PROPERTY RENTED, REAL PROPERTY TAXES LEVIED OR THAT WOULD HAVE BEEN LEVIED IN THE ABSENCE OF AN EXEMPTION FROM REAL PROPERTY TAX PURSUANT TO SECTION FOUR HUNDRED SIXTY-SEVEN OF THE REAL PROPERTY TAX LAW, THE NAMES OF MEMBERS OF THE HOUSEHOLD AND OTHER DISABLED TAXPAYERS OCCUPYING THE SAME RESIDENCE AND THEIR IDENTIFYING NUMBERS INCLUDING SOCIAL SECURITY NUMBERS, HOUSEHOLD GROSS INCOME, SIZE AND NATURE OF PROPERTY CLAIMED AS RESIDENCE AND ALL OTHER INFORMATION WHICH MAY BE REQUIRED BY THE COMMISSIONER TO DETERMINE THE CREDIT.

(11) THE PROVISIONS OF THIS ARTICLE, INCLUDING THE PROVISIONS OF SECTIONS SIX HUNDRED FIFTY-THREE, SIX HUNDRED FIFTY-EIGHT, AND SIX HUNDRED FIFTY-NINE AND THE PROVISIONS OF PART SIX OF THIS ARTICLE RELATING TO PROCEDURE AND ADMINISTRATION, INCLUDING THE JUDICIAL REVIEW OF THE DECISIONS OF THE TAX APPEALS TRIBUNAL, EXCEPT SO MUCH OF SECTION SIX HUNDRED EIGHTY-SEVEN OF THIS ARTICLE WHICH PERMITS A CLAIM FOR CREDIT OR REFUND TO BE FILED AFTER THE PERIOD PROVIDED FOR IN PARAGRAPH NINE OF THIS SUBSECTION AND EXCEPT SECTIONS SIX HUNDRED FIFTY-SEVEN, SIX HUNDRED EIGHTY-EIGHT AND SIX HUNDRED NINETY-SIX OF THIS ARTICLE, SHALL APPLY TO THE PROVISIONS OF THIS SUBSECTION IN THE SAME MANNER AND WITH THE SAME FORCE AND EFFECT AS IF THE LANGUAGE OF THOSE PROVISIONS HAD BEEN INCORPORATED IN FULL INTO THIS SUBSECTION AND HAD EXPRESSLY REFERRED TO THE CREDIT ALLOWED OR RETURNS FILED UNDER THIS SUBSECTION, EXCEPT TO THE EXTENT THAT ANY SUCH PROVISION IS EITHER INCONSISTENT WITH A PROVISION OF THIS SUBSECTION OR IS NOT RELEVANT TO THIS SUBSECTION. AS USED IN SUCH SECTIONS AND SUCH PART, THE TERM "TAXPAYER" SHALL INCLUDE A DISABLED TAXPAYER UNDER THIS SUBSECTION AND, NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (E) OF SECTION SIX HUNDRED NINETY-SEVEN OF THIS ARTICLE, WHERE A DISABLED TAXPAYER HAS PROTESTED THE DENIAL OF A CLAIM FOR CREDIT UNDER THIS SUBSECTION AND THE TIME TO FILE A PETITION FOR REDETERMINATION OF A DEFICIENCY OR FOR A REFUND HAS NOT EXPIRED, HE OR SHE SHALL, SUBJECT TO SUCH CONDITIONS AS MAY BE SET BY THE COMMISSIONER, RECEIVE SUCH INFORMATION: (I) WHICH IS CONTAINED IN ANY RETURN FILED UNDER THIS ARTICLE BY A MEMBER OF HIS OR HER HOUSEHOLD FOR THE TAXABLE YEAR FOR WHICH THE CREDIT IS CLAIMED; AND (II) WHICH THE COMMISSIONER FINDS IS RELEVANT AND MATERIAL TO THE ISSUE OF WHETHER SUCH CLAIM WAS PROPERLY DENIED. THE COMMISSIONER SHALL HAVE THE AUTHORITY TO PROMULGATE SUCH RULES AND REGULATIONS AS MAY BE NECESSARY FOR THE PROCESSING, DETERMINATION AND GRANTING OF CREDITS AND REFUNDS UNDER THIS SUBSECTION.

(12) THE COMMISSIONER MAY REQUEST THE COOPERATION OF THE STATE BOARD OF REAL PROPERTY SERVICES IN CARRYING OUT THE PROVISIONS OF THIS SUBSECTION. SUCH BOARD MAY PROMULGATE SUCH RULES AND REGULATIONS, SUBJECT TO PRIOR CONSULTATION WITH THE COMMISSIONER, AS MAY BE NECESSARY TO PROVIDE SUCH ASSISTANCE WITH RESPECT TO THE DETERMINATION OF FULL VALUE OF REAL PROPERTY FOR PURPOSES OF THE CREDIT ALLOWED UNDER THIS SUBSECTION.

1 (13) NOTWITHSTANDING ANY OTHER PROVISIONS OF THIS ARTICLE, THE CREDIT
2 ALLOWED UNDER THIS SUBSECTION SHALL BE DETERMINED AFTER THE DETERMI-
3 NATION AND APPLICATION OF ANY OTHER CREDITS PERMITTED UNDER THE
4 PROVISIONS OF THIS ARTICLE.

5 S 2. This act shall take effect immediately and shall apply to all
6 taxable years commencing after December 31, 2009.