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

230--A

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. LATIMER, JAFFEE, SCHIMEL -- Multi-Sponsored by -- M. of A. WEISENBERG -- read once and referred to the Committee on Ways and Means -- recommitted to the Committee on Ways and Means in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the tax law, in relation to providing tax credits for certain individuals

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 (qq) to read as follows:

(QQ) CREDIT FOR INDIVIDUALS NOT ELIGIBLE FOR STAR BENEFITS. (1) A TAXPAYER WHO HAS NOT ATTAINED THE AGE OF SIXTY-FIVE, WHO RESIDES OUTSIDE THE CITY OF NEW YORK, AND WHO (I) IS NOT ELIGIBLE TO RECEIVE STAR BENEFITS PURSUANT TO SECTION FOUR HUNDRED TWENTY-FIVE OF THE REAL PROPERTY TAX LAW, OR (II) DOES NOT RESIDE WITH A PERSON WHO IS ELIGIBLE TO RECEIVE STAR BENEFITS PURSUANT TO SECTION FOUR HUNDRED TWENTY-FIVE OF THE REAL PROPERTY TAX LAW, SHALL BE ALLOWED A CREDIT AGAINST THE TAX IMPOSED BY THIS ARTICLE. IN ORDER TO RECEIVE THE CREDIT PURSUANT TO THIS SECTION, THE TAXPAYER MUST BE A RESIDENT OF NEW YORK FOR THE ENTIRE YEAR IN WHICH THE TAXPAYER IS CLAIMING THE CREDIT. THE AMOUNT OF THE CREDIT SHALL BE DETERMINED AS FOLLOWS:

(A) MARRIED INDIVIDUALS FILING JOINT RETURNS AND SURVIVING SPOUSES. IN THE CASE OF A HUSBAND AND WIFE WHO MAKE A SINGLE RETURN JOINTLY AND OF A SURVIVING SPOUSE:

FOR TAXABLE YEARS BEGINNING IN:	THE AMOUNT OF THE CREDIT SHALL BE:
2010	$690
2011 AND THEREAFTER	$920

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

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(B) ALL OTHERS. IN THE CASE OF AN UNMARRIED INDIVIDUAL, A HEAD OF A HOUSEHOLD, OR A MARRIED INDIVIDUAL FILING A SEPARATE RETURN:

FOR TAXABLE YEARS BEGINNING IN:	THE AMOUNT OF THE CREDIT SHALL BE:
2010	$345
2011 AND THEREAFTER	$460

(2) A TAXPAYER WHO HAS ATTAINED THE AGE OF SIXTY-FIVE, WHO RESIDES OUTSIDE THE CITY OF NEW YORK, AND WHO (I) IS NOT ELIGIBLE TO RECEIVE STAR BENEFITS PURSUANT TO SECTION FOUR HUNDRED TWENTY-FIVE OF THE REAL PROPERTY TAX LAW, OR (II) DOES NOT RESIDE WITH A PERSON WHO IS ELIGIBLE TO RECEIVE STAR BENEFITS PURSUANT TO SECTION FOUR HUNDRED TWENTY-FIVE OF THE REAL PROPERTY TAX LAW, SHALL BE ALLOWED A CREDIT AGAINST THE TAX IMPOSED BY THIS ARTICLE. IN ORDER TO RECEIVE THE CREDIT PURSUANT TO THIS SECTION, THE TAXPAYER MUST BE A RESIDENT OF NEW YORK FOR THE ENTIRE YEAR IN WHICH THE TAXPAYER IS CLAIMING THE CREDIT. THE AMOUNT OF THE CREDIT SHALL BE DETERMINED AS FOLLOWS:

(A) MARRIED INDIVIDUALS FILING JOINT RETURNS AND SURVIVING SPOUSES. IN THE CASE OF A HUSBAND AND WIFE WHO MAKE A SINGLE RETURN JOINTLY AND OF A SURVIVING SPOUSE, THE AMOUNT OF THE CREDIT SHALL BE SIX HUNDRED NINETY DOLLARS.

(B) ALL OTHERS. IN THE CASE OF AN UNMARRIED INDIVIDUAL, A HEAD OF A HOUSEHOLD, OR A MARRIED INDIVIDUAL FILING A SEPARATE RETURN, THE AMOUNT OF THE CREDIT SHALL BE THREE HUNDRED FORTY-FIVE DOLLARS.

S 2. This act shall take effect immediately and shall apply to tax years beginning on or after January 1, 2010.