

S T A T E   O F   N E W   Y O R K

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3900--C

2009-2010 Regular Sessions

I N   S E N A T E

April 3, 2009

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Introduced by Sens. ADDABBO, LANZA, THOMPSON -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations -- reported favorably from said committee and committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Investigations and Government Operations in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the tax law, in relation to providing a personal income tax credit for the purchase of a new home

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

1     Section 1. Section 606 of the tax law is amended by adding a new  
2     subsection (qq) to read as follows:  
3     (QQ) REAL PROPERTY PURCHASE CREDIT. (1) A TAXPAYER SHALL BE ALLOWED A  
4     CREDIT AS PROVIDED IN THIS SUBSECTION AGAINST THE TAX IMPOSED BY THIS  
5     ARTICLE FOR THE PURCHASE OF ELIGIBLE REAL PROPERTY. THE AMOUNT OF THE  
6     CREDIT SHALL BE FIVE THOUSAND DOLLARS. ANY AMOUNT OF THE TAX CREDIT NOT  
7     USED IN THE TAXABLE YEAR IN WHICH THE RESIDENCE WAS PURCHASED MAY BE  
8     CARRIED FORWARD FOR THREE YEARS UNTIL THE FULL AMOUNT OF THE CREDIT HAS  
9     BEEN ALLOWED AND ANY AMOUNT NOT USED SHALL LAPSE.  
10    (2) IF BEFORE THE END OF A THREE YEAR PERIOD BEGINNING ON THE DATE OF  
11    PURCHASE OF SUCH ELIGIBLE REAL PROPERTY BY THE TAXPAYER:  
12    (I) THE TAXPAYER DISPOSES OF SUCH TAXPAYER'S INTEREST IN SUCH ELIGIBLE  
13    REAL PROPERTY, OR  
14    (II) SUCH ELIGIBLE REAL PROPERTY CEASES TO BE USED AS THE PRINCIPAL  
15    RESIDENCE OF THE TAXPAYER,

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

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1 THE TAXPAYER'S TAX IMPOSED BY THIS ARTICLE FOR THE TAXABLE YEAR IN WHICH  
2 SUCH DISPOSITION OR CESSATION OCCURS SHALL BE INCREASED BY THE RECAPTURE  
3 PERCENTAGE OF THE CREDIT AS DETERMINED BY REGULATION ADOPTED BY THE  
4 COMMISSIONER, FOR ALL PRIOR TAXABLE YEARS WITH RESPECT TO SUCH CREDIT.

5 (3) IN THE CASE OF A HUSBAND AND WIFE WHO FILE A JOINT FEDERAL RETURN,  
6 BUT WHO ARE REQUIRED TO DETERMINE THEIR STATE TAXES SEPARATELY, THE  
7 CREDIT ALLOWED PURSUANT TO THIS SUBSECTION MAY BE APPLIED AGAINST THE  
8 TAX IMPOSED OF EITHER OR DIVIDED BETWEEN THEM AS THEY MAY ELECT.

9 (4) FOR THE PURPOSES OF THIS SUBSECTION, THE TERM "ELIGIBLE REAL PROP-  
10 ERTY" SHALL MEAN A NEWLY CONSTRUCTED ONE OR TWO FAMILY RESIDENCE IN THIS  
11 STATE, WHICH HAS NOT BEEN PREVIOUSLY OCCUPIED, PURCHASED FOR ONE MILLION  
12 DOLLARS OR LESS AND THAT IS THE PRIMARY RESIDENCE OF THE TAXPAYER. TO  
13 QUALIFY AS ELIGIBLE REAL PROPERTY, THE TAXPAYER MUST RESIDE IN THE PROP-  
14 ERTY AS A PRINCIPAL RESIDENCE FOR AT LEAST THREE YEARS AFTER THE  
15 PURCHASE OF SUCH ELIGIBLE REAL PROPERTY.

16 S 2. This act shall take effect on the thirtieth day after it shall  
17 have become a law and shall apply to eligible real property purchased  
18 pursuant to contracts of sale executed after the effective date of this  
19 act.