

6710

2011-2012 Regular Sessions

I N   A S S E M B L Y

March 25, 2011

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

AN ACT to amend the tax law, in relation to the real property tax  
circuit breaker credit

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

1     Section 1. Subparagraph (E) of paragraph 1 of subsection (e) of  
2     section 606 of the tax law, as amended by chapter 105 of the laws of  
3     2006, is amended to read as follows:  
4     (E) "Qualifying real property taxes" means all real property taxes,  
5     special ad valorem levies and special assessments, AND MUNICIPAL USER  
6     FEES, exclusive of penalties and interest, levied on the residence of a  
7     qualified taxpayer and paid during the taxable year [less the credit  
8     claimed under subsection (n-1) of this section]. In addition, for taxa-  
9     ble years beginning after December thirty-first, nineteen hundred eight-  
10    y-four, a qualified taxpayer may elect to include any additional amount  
11    that would have been levied in the absence of an exemption from real  
12    property taxation pursuant to section four hundred sixty-seven of the  
13    real property tax law. If tenant-stockholders in a cooperative housing  
14    corporation have met the requirements of section two hundred sixteen of  
15    the internal revenue code by which they are allowed a deduction for real  
16    estate taxes, the amount of taxes so allowable, or which would be allow-  
17    able if the taxpayer had filed returns on a cash basis, shall be quali-  
18    fying real property taxes. If a residence is owned by two or more indi-  
19    viduals as joint tenants or tenants in common, and one or more than one  
20    individual is not a member of the household, qualifying real property  
21    taxes is that part of such taxes on the residence which reflects the  
22    ownership percentage of the qualified taxpayer and members of his house-  
23    hold. If a residence is an integral part of a larger unit, qualifying  
24    real property taxes shall be limited to that amount of such taxes paid  
25    as may be reasonably apportioned to such residence. If a household owns

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

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1 and occupies two or more residences during different periods in the same  
2 taxable year, qualifying real property taxes shall be the sum of the  
3 prorated qualifying real property taxes attributable to the household  
4 during the periods such household occupies each of such residences. If  
5 the household owns and occupies a residence for part of the taxable year  
6 and rents a residence for part of the same taxable year, it may include  
7 both the proration of qualifying real property taxes on the residence  
8 owned and the real property tax equivalent with respect to the months  
9 the residence is rented. Provided, however, for purposes of the credit  
10 allowed under this subsection, qualifying real property taxes may be  
11 included by a qualified taxpayer only to the extent that such taxpayer  
12 or the spouse of such taxpayer occupying such residence for six months  
13 or more of the taxable year owns or has owned the residence and paid  
14 such taxes.

15 S 2. Paragraph 1 of subsection (e) of section 606 of the tax law is  
16 amended by adding a new subparagraph (H) to read as follows:

17 (H) "MUNICIPAL USER FEES" MEANS ANY MUNICIPAL FEE CHARGED TO A QUALI-  
18 FIED TAXPAYER FOR SERVICES PROVIDED BY A MUNICIPALITY INCLUDING, BUT NOT  
19 LIMITED TO FEES CHARGED FOR LIBRARY SERVICES, GARBAGE, FIRE PROTECTION,  
20 WATER AND SEWER. "MUNICIPAL USER FEES" SHALL NOT INCLUDE ANY RECREATION-  
21 AL FEES CHARGED BY A MUNICIPALITY, INCLUDING BUT NOT LIMITED TO FEES FOR  
22 THE USE OF A MUNICIPAL GOLF COURSE OR SWIMMING POOL THAT ARE IN ADDITION  
23 TO THE REAL PROPERTY TAX LEVY.

24 S 3. This act shall take effect immediately.