

4660

2011-2012 Regular Sessions

I N A S S E M B L Y

February 4, 2011

Introduced by M. of A. V. LOPEZ, COLTON, PHEFFER, ROBINSON, BENEDETTO, SPANO, RAI, COOK, MOLINARO -- Multi-Sponsored by -- M. of A. BOYLAND, CASTRO, CROUCH, CYMBROWITZ, GIGLIO, HIKIND, HOOPER, JAFFEE, LENTOL, P. LOPEZ, MAISEL, MAYERSOHN, McKEVITT, MENG, ORTIZ, PEOPLES-STOKES, THIELE, TITONE, TOBACCO, WRIGHT -- read once and referred to the Committee on Ways and Means

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 (ss) to read as follows:

3 (SS) 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 SEVEN THOUSAND DOLLARS. THE CREDIT MAY ONLY BE TAKEN FOR
7 THE TAXPAYER'S FIRST THREE YEARS OF OWNERSHIP OF THE ELIGIBLE REAL PROP-
8 ERTY.

9 (2) IF THE AMOUNT OF THE CREDIT ALLOWED UNDER THIS SUBSECTION FOR ANY
10 TAXABLE YEAR SHALL EXCEED THE TAXPAYER'S TAX FOR SUCH YEAR, THE EXCESS
11 SHALL BE TREATED AS AN OVERPAYMENT OF TAX TO BE CREDITED OR REFUNDED IN
12 ACCORDANCE WITH THE PROVISIONS OF SECTION SIX HUNDRED EIGHTY-SIX OF THIS
13 ARTICLE, PROVIDED, HOWEVER, THAT NO INTEREST SHALL BE PAID THEREON.

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

18 (4) FOR THE PURPOSES OF THIS SUBSECTION, THE TERM "ELIGIBLE REAL PROP-
19 ERTY" SHALL MEAN A ONE OR TWO FAMILY RESIDENCE IN THIS STATE PURCHASED
20 FOR ONE MILLION DOLLARS OR LESS THAT IS THE PRIMARY RESIDENCE OF THE
21 TAXPAYER. TO QUALIFY AS ELIGIBLE REAL PROPERTY, THE TAXPAYER MUST RESIDE

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

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1 IN THE PROPERTY FOR AT LEAST SIX MONTHS OF EACH YEAR IN WHICH THE
2 TAXPAYER RECEIVES THE CREDIT PURSUANT TO THIS SUBSECTION.
3 S 2. This act shall take effect immediately and shall apply to taxable
4 years commencing on or after January 1, 2011.