

5058

2011-2012 Regular Sessions

I N   S E N A T E

May 3, 2011

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Introduced by Sen. DUANE -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations

AN ACT to amend the tax law, in relation to creating a disabled person retrofit tax credit

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 (aaa) to read as follows:  
3     (AAA) DISABLED PERSON RETROFIT TAX CREDIT. (1) FOR TAXABLE YEARS  
4     BEGINNING ON OR AFTER JANUARY FIRST, TWO THOUSAND ELEVEN, A TAXPAYER  
5     SHALL BE ALLOWED A CREDIT, TO BE COMPUTED AS HEREINAFTER PROVIDED,  
6     AGAINST THE TAX IMPOSED BY THIS ARTICLE. THE AMOUNT OF THE CREDIT SHALL  
7     BE EQUAL TO THIRTY PERCENT OF THE COST OF THE EXPENDITURES MADE BY THE  
8     TAXPAYER WITH RESPECT TO THE INSTALLATION OF QUALIFIED IMPROVEMENTS AT A  
9     DWELLING OCCUPIED BY THE TAXPAYER AS HIS OR HER PRIMARY RESIDENCE AND  
10    MAY BE ALLOWED IN THE TAXABLE YEAR IN WHICH THE EXPENDITURE IS INCURRED;  
11    PROVIDED THAT THE LIFETIME CREDIT ALLOWABLE WITH REGARD TO EXPENDITURES  
12    FOR THE INSTALLATION OF QUALIFIED IMPROVEMENTS AT A PARTICULAR DWELLING  
13    BY ANY TAXPAYER SHALL NOT EXCEED FIVE THOUSAND DOLLARS IN THE AGGREGATE  
14    FOR IMPROVEMENTS MADE TO THAT DWELLING. SUBJECT TO THE PROVISIONS OF  
15    THIS SUBSECTION, A TAXPAYER SHALL BE ALLOWED A CREDIT, NOT TO EXCEED  
16    FIVE THOUSAND DOLLARS IN THE AGGREGATE, FOR EACH DWELLING THAT THE  
17    TAXPAYER OCCUPIES AS HIS OR HER PRIMARY RESIDENCE AND AT WHICH THE  
18    TAXPAYER INSTALLS QUALIFIED IMPROVEMENTS.  
19    (2) AS USED IN THIS SUBSECTION "QUALIFIED IMPROVEMENTS" MEANS THE  
20    INSTALLATION OF:  
21    (A) A NO-STEP ENTRANCE OR ENTRANCES ALLOWING ACCESS INTO THE RESI-  
22    DENCE;  
23    (B) INTERIOR PASSAGE DOORS PROVIDING AT LEAST A THIRTY-TWO INCH WIDE  
24    OPENING;

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

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1 (C) REINFORCEMENTS IN BATHROOM WALLS ALLOWING INSTALLATION OF GRAB  
2 BARS AROUND THE TOILET, TUB AND SHOWER; AND

3 (D) LIGHT SWITCHES AND OUTLETS PLACED IN LOCATIONS ACCESSIBLE TO DISA-  
4 BLED PERSONS.

5 (3) IF THE AMOUNT OF CREDIT ALLOWABLE UNDER THIS SUBSECTION SHALL  
6 EXCEED THE TAXPAYER'S TAX FOR SUCH YEAR, THE EXCESS MAY BE CARRIED OVER  
7 TO THE FOLLOWING YEAR OR YEARS AND MAY BE DEDUCTED FROM THE TAXPAYER'S  
8 TAX FOR SUCH YEAR OR YEARS.

9 (4) (A) THE PROVISIONS OF THIS SUBSECTION SHALL NOT APPLY TO ANY  
10 DWELLING OWNED SOLELY FOR COMMERCIAL PURPOSES. IN THE CASE OF A BUILDING  
11 WHERE LESS THAN THE ENTIRE BUILDING IS USED AS A RESIDENCE OF THE  
12 TAXPAYER, ONLY THE PORTION OF THE TOTAL EXPENDITURES MADE IN THE BUILD-  
13 ING THAT IS ATTRIBUTABLE TO THE RESIDENCE OF THE TAXPAYER SHALL BE  
14 TREATED AS QUALIFIED EXPENDITURES FOR THE PURPOSES OF THIS SUBSECTION.

15 (B) IF THE TAXPAYER OCCUPIES THE DWELLING AS HIS OR HER PRIMARY RESI-  
16 DENCE FOR ONLY A PORTION OF A TAX YEAR IN WHICH A CREDIT UNDER THIS  
17 SUBSECTION IS CLAIMED, THE AMOUNT OF THE ALLOWABLE CREDIT SHALL BE  
18 REDUCED IN PROPORTION TO THE AMOUNT OF TIME THE TAXPAYER DID NOT OCCUPY  
19 THE DWELLING AS HIS OR HER PRIMARY RESIDENCE.

20 (C) IN THE CASE OF A DWELLING THAT IS OWNED BY AND IS A RESIDENCE OF  
21 TWO OR MORE PERSONS, OTHER THAN A HUSBAND AND WIFE, THE PORTION OF THE  
22 TOTAL EXPENDITURES MADE IN THE REHABILITATION OF THE BUILDING THAT IS  
23 ATTRIBUTABLE TO EACH TAXPAYER SHALL BE EQUAL TO THE TAXPAYER'S SHARE OF  
24 OWNERSHIP IN SUCH BUILDING.

25 (5) THE TAXPAYER SHALL FURNISH SUCH INFORMATION AS THE COMMISSIONER  
26 DETERMINES IS NECESSARY TO DETERMINE ANY CREDIT UNDER THIS SUBSECTION.

27 S 2. This act shall take effect immediately and shall be deemed to  
28 have been in full force and effect on and after January 1, 2011;  
29 provided further, this act shall apply to all tax years commencing on or  
30 after January 1, 2011.