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I N   S E N A T E

March 16, 2012

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Introduced by Sen. CARLUCCI -- 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 credits against tax for homeowners and businesses to build permeable surfaces

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 (uu) to read as follows:  
3     (UU) CREDIT FOR HOMEOWNERS AND BUSINESSES TO BUILD PERMEABLE SURFACES.  
4     (1)(A) HOMEOWNERS WHO CONSTRUCT A PERMEABLE SURFACE AS PART OF THEIR  
5     REAL PROPERTY, DURING THE TAXABLE YEAR, SHALL BE ELIGIBLE TO RECEIVE A  
6     TAX CREDIT FOR UP TO FIFTY PERCENT OF THE COST OF CONSTRUCTION, NOT  
7     EXCEEDING FIVE THOUSAND DOLLARS.  
8     (B) FOR PURPOSES OF THIS SUBSECTION THE FOLLOWING DEFINITIONS SHALL  
9     APPLY:  
10    (I) HOMEOWNER IS DEFINED AS A NEW YORK RESIDENT FOR THE PAST  
11    TWENTY-FOUR MONTHS AND WHO OWNS A SINGLE FAMILY OR MULTI-FAMILY DWELLING  
12    FOR RESIDENTIAL PURPOSES WITHIN NEW YORK STATE.  
13    (II) PERMEABLE SURFACE, SHALL MEAN ANY PERMEABLE PAVING THAT ALLOWS  
14    THE MOVEMENT OF WATER AND AIR AROUND THE PAVING MATERIALS. A PERMEABLE  
15    SURFACE SHALL INCLUDE BUT NOT BE LIMITED TO: SIDEWALKS, DRIVEWAYS AND  
16    PARKING LOTS.  
17    (2)(A) BUSINESSES WHO CONSTRUCT A PERMEABLE SURFACE ADJACENT TO OR  
18    WITHIN ONE THOUSAND FEET OF THE PROPERTY, DURING THE TAXABLE YEAR, SHALL  
19    BE ELIGIBLE TO RECEIVE A TAX CREDIT FOR UP TO FIFTY PERCENT OF THE COST  
20    OF CONSTRUCTION, NOT EXCEEDING FIVE THOUSAND DOLLARS.  
21    (B) FOR PURPOSES OF THIS SUBSECTION THE FOLLOWING DEFINITIONS SHALL  
22    APPLY:  
23    (I) BUSINESS SHALL MEAN ANY BUSINESS WHOSE PRINCIPAL PLACE OF BUSINESS  
24    IS LOCATED IN NEW YORK STATE, AND HAS BEEN LOCATED IN THE STATE FOR THE  
25    PREVIOUS THIRTY-SIX MONTHS.  
26    (II) PERMEABLE SURFACE, SHALL MEAN ANY PERMEABLE PAVING THAT ALLOWS  
27    THE MOVEMENT OF WATER AND AIR AROUND THE PAVING MATERIALS. A PERMEABLE

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

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1 SURFACE SHALL INCLUDE BUT NOT BE LIMITED TO: SIDEWALKS, DRIVEWAYS AND  
2 PARKING LOTS.  
3 S 2. This act shall take effect immediately and shall apply to taxable  
4 years commencing on and after such date.