

5036

2013-2014 Regular Sessions

I N A S S E M B L Y

February 14, 2013

Introduced by M. of A. ENGLEBRIGHT, SCHIMMINGER, SWEENEY -- read once
and referred to the Committee on Ways and Means

AN ACT to amend the tax law, in relation to increasing the personal
income tax 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. Paragraph 2 and the paragraph heading of paragraph 3 of
2 subsection (e) of section 606 of the tax law, as amended by chapter 28
3 of the laws of 1987, are amended to read as follows:

4 (2) A qualified taxpayer shall be allowed a credit as provided in
5 paragraph three hereof FOR TAXABLE YEARS BEGINNING BEFORE JANUARY FIRST,
6 TWO THOUSAND FOURTEEN AND IN PARAGRAPH THREE-A OF THIS SUBSECTION FOR
7 TAXABLE YEARS BEGINNING ON OR AFTER JANUARY FIRST, TWO THOUSAND FOURTEEN
8 against the taxes imposed by this article reduced by the credits permit-
9 ted by this article. If the credit exceeds the tax as so reduced for
10 such year under this article the qualified taxpayer may receive, and the
11 comptroller, subject to a certificate of the [state tax commission]
12 COMMISSIONER, shall pay as an overpayment, without interest, any excess
13 between such tax as so reduced and the amount of the credit. If a quali-
14 fied taxpayer is not required to file a return pursuant to section six
15 hundred fifty-one OF THIS ARTICLE, a qualified taxpayer may nevertheless
16 receive and the comptroller, subject to a certificate of the [state tax
17 commission] COMMISSIONER, shall pay as an overpayment the full amount of
18 the credit, without interest.

19 Determination of credit FOR TAXABLE YEARS BEGINNING BEFORE JANUARY
20 FIRST, TWO THOUSAND FOURTEEN.

21 S 2. Subsection (e) of section 606 of the tax law is amended by adding
22 a new paragraph 3-a to read as follows:

23 (3-A) DETERMINATION OF CREDIT FOR TAXABLE YEARS BEGINNING ON OR AFTER
24 JANUARY FIRST, TWO THOUSAND FOURTEEN. (A) FOR QUALIFIED TAXPAYERS WHO
25 HAVE ATTAINED THE AGE OF SIXTY-FIVE YEARS BEFORE THE BEGINNING OF OR

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

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DURING THE TAXABLE YEAR THE AMOUNT OF THE CREDIT ALLOWABLE UNDER THIS SUBSECTION SHALL BE FIFTY PERCENT, OR IN THE CASE OF A QUALIFIED TAXPAYER WHO HAS ELECTED TO INCLUDE AN ADDITIONAL AMOUNT PURSUANT TO SUBPARAGRAPH (E) OF PARAGRAPH ONE OF THIS SUBSECTION, TWENTY-FIVE PERCENT, OF THE EXCESS OF REAL PROPERTY TAXES OR THE EXCESS OF REAL PROPERTY TAX EQUIVALENT DETERMINED AS FOLLOWS:

EXCESS REAL PROPERTY TAXES ARE THE EXCESS OF REAL PROPERTY TAX EQUIVALENT OR THE EXCESS OF QUALIFYING REAL PROPERTY TAXES OVER THE FOLLOWING BASE AMOUNT:

IF HOUSEHOLD GROSS INCOME
FOR THE TAXABLE YEAR IS:

\$5,000 OR LESS	\$ 0
OVER \$5,000 BUT NOT OVER \$9,000	\$100
OVER \$9,000 BUT NOT OVER \$13,000	\$270
OVER \$13,000 BUT NOT OVER \$17,000	\$520
OVER \$17,000 BUT NOT OVER \$21,000	\$850
OVER \$21,000 BUT NOT OVER \$25,000	\$1260

NOTWITHSTANDING THE FOREGOING PROVISIONS, THE MAXIMUM CREDIT DETERMINED UNDER THIS SUBPARAGRAPH MAY NOT EXCEED THE AMOUNT DETERMINED IN ACCORDANCE WITH THE FOLLOWING TABLE:

IF HOUSEHOLD GROSS INCOME
FOR THE TAXABLE YEAR IS:

THE MAXIMUM CREDIT IS:

\$5,000 OR LESS	\$650
OVER \$5,000 BUT NOT OVER \$9,000	\$550
OVER \$9,000 BUT NOT OVER \$13,000	\$450
OVER \$13,000 BUT NOT OVER \$17,000	\$350
OVER \$17,000 BUT NOT OVER \$21,000	\$250
OVER \$21,000 BUT NOT OVER \$25,000	\$150

(B) FOR ALL OTHER QUALIFIED TAXPAYERS THE AMOUNT OF THE CREDIT ALLOWABLE UNDER THIS SUBSECTION SHALL BE FIFTY PERCENT OF EXCESS REAL PROPERTY TAXES OR THE EXCESS OF THE REAL PROPERTY TAX EQUIVALENT DETERMINED AS FOLLOWS:

EXCESS REAL PROPERTY TAXES ARE THE EXCESS OF REAL PROPERTY TAX EQUIVALENT OR THE EXCESS OF QUALIFYING REAL PROPERTY TAXES OVER THE FOLLOWING BASE AMOUNT:

IF HOUSEHOLD GROSS
INCOME FOR THE
TAXABLE YEAR IS:

\$5,000 OR LESS	\$ 0
OVER \$5,000 BUT NOT OVER \$9,000	\$100
OVER \$9,000 BUT NOT OVER \$13,000	\$270
OVER \$13,000 BUT NOT OVER \$17,000	\$520
OVER \$17,000 BUT NOT OVER \$21,000	\$850
OVER \$21,000 BUT NOT OVER \$25,000	\$1260

NOTWITHSTANDING THE FOREGOING PROVISIONS, THE MAXIMUM CREDIT DETERMINED UNDER THIS SUBPARAGRAPH MAY NOT EXCEED THE AMOUNT DETERMINED IN ACCORDANCE WITH THE FOLLOWING TABLE:

IF HOUSEHOLD GROSS INCOME
FOR THE TAXABLE YEAR IS:

THE MAXIMUM CREDIT IS:

\$5,000 OR LESS	\$260
OVER \$5,000 BUT NOT OVER \$9,000	\$225
OVER \$9,000 BUT NOT OVER \$13,000	\$180
OVER \$13,000 BUT NOT OVER \$17,000	\$145

1 OVER \$17,000 BUT NOT OVER \$21,000 \$110
2 OVER \$21,000 BUT NOT OVER \$25,000 \$ 75

3 S 3. Paragraph 7 of subsection (e) of section 606 of the tax law, as
4 amended by chapter 28 of the laws of 1987, is amended to read as
5 follows:

6 (7) No credit shall be granted under this subsection:

7 (A) If household gross income for the taxable year exceeds [eighteen]
8 TWENTY-FIVE thousand dollars.

9 (B) To a property owner unless: (i) the property is used for residen-
10 tial purposes, (ii) not more than twenty percent of the rental income,
11 if any, from the property is from rental for nonresidential purposes and
12 (iii) the property is occupied as a residence in whole or in part by one
13 or more of the owners of the property.

14 (C) To a property owner who owns real property, the [full] value of
15 which exceeds: (I) eighty-five thousand dollars; OR (II) AN AMOUNT WHICH
16 EQUALS SEVENTY-FIVE PERCENT OF THE AVERAGE HOME VALUE IN THE COUNTY OF
17 RESIDENCE, WHICHEVER IS MORE.

18 (D) [To a tenant if the adjusted rent for the residence exceeds four
19 hundred fifty dollars per month on average.

20 (E)] To an individual with respect to whom a deduction under
21 subsection (c) of section one hundred fifty-one of the internal revenue
22 code is allowable to another taxpayer for the taxable year.

23 [(F)] (E) With respect to a residence that is wholly exempted from
24 real property taxation.

25 [(G)] (F) To an individual who is not a resident individual of the
26 state for the entire taxable year.

27 S 4. Paragraph 13 of subsection (e) of section 606 of the tax law, as
28 amended by chapter 28 of the laws of 1987, is amended to read as
29 follows:

30 (13) THE CREDIT ALLOWED UNDER THIS SUBSECTION SHALL BE MADE AVAILABLE
31 ON ALL RETURNS PRESCRIBED BY THE COMMISSIONER FOR THE ADMINISTRATION OF
32 THE TAXES IMPOSED UNDER THIS ARTICLE. Notwithstanding any other
33 provision of this article, the credit allowed under this subsection
34 shall be determined after the determination and application of any other
35 credits permitted under the provisions of this article.

36 S 5. This act shall take effect immediately.