

1787--A

2013-2014 Regular Sessions

I N   S E N A T E

(PREFILED)

January 9, 2013

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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 -- recommitted to the Committee on Investigations and Government Operations in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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.     Subsections (yy) and (zz) of section 606 of the tax law,  
2     as relettered by section 5 of part H of chapter 1 of the laws of 2003,  
3     are relettered subsections (yyy) and (zzz) and a new subsection (xx) is  
4     added to read as follows:  
5     (XX) CREDIT FOR HOMEOWNERS AND BUSINESSES TO BUILD PERMEABLE SURFACES.  
6     (1)(A) HOMEOWNERS WHO CONSTRUCT A PERMEABLE SURFACE AS PART OF THEIR  
7     REAL PROPERTY, DURING THE TAXABLE YEAR, SHALL BE ELIGIBLE TO RECEIVE A  
8     TAX CREDIT FOR UP TO FIFTY PERCENT OF THE COST OF CONSTRUCTION, NOT  
9     EXCEEDING FIVE THOUSAND DOLLARS.  
10    (B) FOR PURPOSES OF THIS SUBSECTION THE FOLLOWING DEFINITIONS SHALL  
11    APPLY:  
12    (I) HOMEOWNER IS DEFINED AS A NEW YORK RESIDENT FOR THE PAST  
13    TWENTY-FOUR MONTHS AND WHO OWNS A SINGLE FAMILY OR MULTI-FAMILY DWELLING  
14    FOR RESIDENTIAL PURPOSES WITHIN NEW YORK STATE.  
15    (II) PERMEABLE SURFACE, SHALL MEAN ANY PERMEABLE PAVING THAT ALLOWS  
16    THE MOVEMENT OF WATER AND AIR AROUND THE PAVING MATERIALS. A PERMEABLE  
17    SURFACE SHALL INCLUDE BUT NOT BE LIMITED TO: SIDEWALKS, DRIVEWAYS AND  
18    PARKING LOTS.  
19    (2)(A) BUSINESSES WHO CONSTRUCT A PERMEABLE SURFACE ADJACENT TO OR  
20    WITHIN ONE THOUSAND FEET OF THE PROPERTY, DURING THE TAXABLE YEAR, SHALL

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

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1 BE ELIGIBLE TO RECEIVE A TAX CREDIT FOR UP TO FIFTY PERCENT OF THE COST  
2 OF CONSTRUCTION, NOT EXCEEDING FIVE THOUSAND DOLLARS.

3 (B) FOR PURPOSES OF THIS SUBSECTION THE FOLLOWING DEFINITIONS SHALL  
4 APPLY:

5 (I) BUSINESS SHALL MEAN ANY BUSINESS WHOSE PRINCIPAL PLACE OF BUSINESS  
6 IS LOCATED IN NEW YORK STATE, AND HAS BEEN LOCATED IN THE STATE FOR THE  
7 PREVIOUS THIRTY-SIX MONTHS.

8 (II) PERMEABLE SURFACE, SHALL MEAN ANY PERMEABLE PAVING THAT ALLOWS  
9 THE MOVEMENT OF WATER AND AIR AROUND THE PAVING MATERIALS. A PERMEABLE  
10 SURFACE SHALL INCLUDE BUT NOT BE LIMITED TO: SIDEWALKS, DRIVEWAYS AND  
11 PARKING LOTS.

12 S 2. This act shall take effect immediately and shall apply to taxable  
13 years commencing on and after such date.