S T A T E O F N E W Y O R K

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I N A S S E M B L Y

February 14, 2014

Introduced by M. of A. KIM, WEPRIN, MOSLEY, SIMOTAS, BRAUNSTEIN, MOYA, CRESPO, SEPULVEDA, ROSENTHAL, ROZIC, MILLER -- read once and referred to the Committee on Ways and Means

AN ACT to amend the tax law, in relation to establishing a business tax credit for businesses that provide their communities with social spaces that specifically allow persons age sixty-five or older to gather and stay for extended periods of time

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Section 210 of the tax law is amended by adding a new subdivision 48 to read as follows:

48. COMMUNITY CORNER CAFE TAX CREDIT. (A) GENERAL. FOR TAXABLE YEARS BEGINNING ON OR AFTER JANUARY FIRST, TWO THOUSAND FOURTEEN, A TAXPAYER WHO QUALIFIES AS A TRIPLE-C BUSINESS SHALL BE ALLOWED A CREDIT, TO BE COMPUTED AS PROVIDED IN THIS SUBDIVISION, AGAINST THE TAX IMPOSED BY THIS ARTICLE, FOR PROVIDING A QUALIFYING SOCIAL SETTING FOR EXTENDED PERIODS OF TIME TO PERSONS AGE SIXTY-FIVE OR OLDER. THE TAXPAYER MAY CLAIM THE CREDIT IN THE YEAR IN WHICH IT HAS PROVIDED SUCH SETTING FOR ONE YEAR. IF THE TAXPAYER CLAIMS THE CREDIT ALLOWED UNDER THIS SUBDIVISION, THE TAXPAYER MAY NOT USE THE PROVISION OF SUCH SOCIAL SETTING THAT IS THE BASIS FOR THIS CREDIT ON THE BASIS OF ANY OTHER CREDIT ALLOWED UNDER THIS ARTICLE.

(B) AMOUNT OF CREDIT. A CREDIT AUTHORIZED BY THIS SECTION SHALL BE AT LEAST FIVE THOUSAND DOLLARS BUT SHALL NOT EXCEED TWENTY-FIVE THOUSAND DOLLARS.

(C) AS USED IN THIS SUBDIVISION: (1) A TRIPLE-C BUSINESS MEANS A BUSINESS CERTIFIED BY THE DEPARTMENT AS A COMMUNITY CORNER CAFE BUSINESS. A TAXPAYER SHALL APPLY TO THE DEPARTMENT FOR CERTIFICATION AS A TRIPLE-C BUSINESS IN ACCORDANCE WITH RULES AND REGULATIONS PROMULGATED BY THE COMMISSIONER AND BY SUBMITTING TO THE DEPARTMENT, IN SUCH FORM AS THE DEPARTMENT MAY REQUIRE, PROOF OF PARTNERSHIP WITH AT LEAST ONE 501(C)3 COMMUNITY-BASED GROUP THAT SERVES SENIORS, AN OFFICIAL RECOMMENDATION FROM A LOCAL, STATE, OR FEDERAL ELECTED OFFICIAL AND A SIGNED AGREEMENT OF GUIDELINE TERMS.

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

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(2) A "QUALIFYING SOCIAL SETTING" MEANS AN AREA OF THE TAXPAYER'S CAFE, COFFEE SHOP, DINER OR RESTAURANT WHICH IS DESIGNATED FOR USE BY PERSONS SIXTY-FIVE YEARS OR OLDER FOR THE PURPOSE OF SOCIAL GATHERINGS FOR EXTENDED PERIODS OF TIME, WITHOUT THE REQUIREMENT THAT SUCH PERSONS MAKE A PURCHASE OF GOODS OR SERVICES FROM THE TAXPAYER'S FACILITY.

(D) CARRYOVERS. IN NO EVENT SHALL THE CREDIT ALLOWED UNDER THIS SUBDIVISION FOR ANY TAXABLE YEAR REDUCE THE TAX DUE FOR SUCH YEAR TO LESS THAN THE AMOUNT PRESCRIBED IN PARAGRAPH (D) OF SUBDIVISION ONE OF THIS SECTION. HOWEVER, IF THE AMOUNT OF CREDIT ALLOWED UNDER THIS SUBDIVISION FOR ANY TAXABLE YEAR REDUCES THE TAX TO SUCH AMOUNT, ANY AMOUNT OF CREDIT THUS NOT DEDUCTIBLE IN SUCH TAXABLE YEAR SHALL BE TREATED AS AN OVERPAYMENT OF TAX TO BE CREDITED OR REFUNDED IN ACCORDANCE WITH THE PROVISIONS OF SECTION ONE THOUSAND EIGHTY-SIX OF THIS CHAPTER. PROVIDED, HOWEVER, THE PROVISIONS OF SUBSECTION (C) OF SECTION ONE THOUSAND EIGHTY-EIGHT OF THIS CHAPTER NOTWITHSTANDING, NO INTEREST SHALL BE PAID THEREON.

S 2. Subparagraph (B) of paragraph 1 of subsection (i) of section 606 of the tax law is amended by adding a new clause (xxxvii) to read as follows:

(XXXVII) COMMUNITY CORNER CAFE TAX CREDIT UNDER SUBSECTION (YY)	AMOUNT OF THE CREDIT UNDER SUBDIVISION FORTY-EIGHT OF SECTION TWO HUNDRED TEN

S 3. Subsections (yy) and (zz) of section 606 of the tax law, as relettered by section 5 of part H of chapter 1 of the laws of 2003, are relettered subsections (yyy) and (zzz) and a new subsection (yy) is added to read as follows:

(YY) COMMUNITY CORNER CAFE CREDIT. A TAXPAYER SHALL BE ALLOWED A CREDIT, TO BE COMPUTED AS PROVIDED IN SUBDIVISION FORTY-EIGHT OF SECTION TWO HUNDRED TEN OF THIS CHAPTER, AGAINST THE TAX IMPOSED BY THIS ARTICLE. IF THE AMOUNT OF THE CREDIT ALLOWED UNDER THIS SUBSECTION FOR ANY TAXABLE YEAR SHALL EXCEED THE TAXPAYER'S TAX FOR SUCH YEAR, THE EXCESS SHALL BE TREATED AS AN OVERPAYMENT OF TAX TO BE CREDITED OR REFUNDED IN ACCORDANCE WITH THE PROVISIONS OF SECTION SIX HUNDRED EIGHTY-SIX OF THIS ARTICLE, PROVIDED, HOWEVER, THAT NO INTEREST SHALL BE PAID THEREON.

S 4. The commissioner of the department of taxation and finance is authorized to and shall take all measures he or she deems necessary to implement the provisions of this act on or before its effective date, including establishing all guidelines, criteria and procedures necessary to implement the Triple-C business certification process.

S 5. This act shall take effect immediately and shall apply to taxable years beginning on or after January 1, 2014.