

1931--C

2013-2014 Regular Sessions

I N S E N A T E

(PREFILED)

January 9, 2013

Introduced by Sens. ADDABBO, ESPAILLAT -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- 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 providing a personal income tax credit for the purchase of a new home

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, as
2 relettered by section 5 of part H of chapter 1 of the laws of 2003, are
3 relettered subsections (yyy) and (zzz) and a new subsection (xx) is
4 added to read as follows:
5 (XX) REAL PROPERTY PURCHASE CREDIT. (1) A TAXPAYER SHALL BE ALLOWED A
6 CREDIT AS PROVIDED IN THIS SUBSECTION AGAINST THE TAX IMPOSED BY THIS
7 ARTICLE FOR THE PURCHASE OF ELIGIBLE REAL PROPERTY. THE AMOUNT OF THE
8 CREDIT SHALL BE FIVE THOUSAND DOLLARS.
9 (2) IF BEFORE THE END OF A ONE YEAR PERIOD BEGINNING ON THE DATE OF
10 PURCHASE OF SUCH ELIGIBLE REAL PROPERTY BY THE TAXPAYER:
11 (I) THE TAXPAYER DISPOSES OF SUCH TAXPAYER'S INTEREST IN SUCH ELIGIBLE
12 REAL PROPERTY, OR
13 (II) SUCH ELIGIBLE REAL PROPERTY CEASES TO BE USED AS THE PRINCIPAL
14 RESIDENCE OF THE TAXPAYER,
15 THE TAXPAYER'S TAX IMPOSED BY THIS ARTICLE FOR THE TAXABLE YEAR IN WHICH
16 SUCH DISPOSITION OR CESSATION OCCURS SHALL BE INCREASED BY THE RECAPTURE

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

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1 PERCENTAGE OF THE CREDIT AS DETERMINED BY REGULATION ADOPTED BY THE
2 COMMISSIONER, FOR ALL PRIOR TAXABLE YEARS WITH RESPECT TO SUCH CREDIT.

3 (3) IN THE CASE OF A HUSBAND AND WIFE WHO FILE A JOINT FEDERAL RETURN,
4 BUT WHO ARE REQUIRED TO DETERMINE THEIR STATE TAXES SEPARATELY, THE
5 CREDIT ALLOWED PURSUANT TO THIS SUBSECTION MAY BE APPLIED AGAINST THE
6 TAX IMPOSED OF EITHER OR DIVIDED BETWEEN THEM AS THEY MAY ELECT.

7 (4) FOR THE PURPOSES OF THIS SUBSECTION, THE TERM "ELIGIBLE REAL PROP-
8 ERTY" SHALL MEAN A NEWLY CONSTRUCTED ONE OR TWO FAMILY RESIDENCE IN THIS
9 STATE, WHICH HAS NOT BEEN PREVIOUSLY OCCUPIED, PURCHASED FOR ONE MILLION
10 DOLLARS OR LESS AND THAT IS THE PRIMARY RESIDENCE OF THE TAXPAYER. TO
11 QUALIFY AS ELIGIBLE REAL PROPERTY, THE TAXPAYER MUST RESIDE IN THE PROP-
12 ERTY AS A PRINCIPAL RESIDENCE FOR AT LEAST ONE YEAR AFTER THE PURCHASE
13 OF SUCH ELIGIBLE REAL PROPERTY.

14 S 2. This act shall take effect on the thirtieth day after it shall
15 have become a law and shall apply to eligible real property purchased
16 pursuant to contracts of sale executed after the effective date of this
17 act.