

2221--A

2013-2014 Regular Sessions

I N   S E N A T E

January 14, 2013

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Introduced by Sen. GALLIVAN -- 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 for certain rehabilitation projects; and providing for the repeal of such provisions upon expiration thereof

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

1     Section 1. Subsection (oo) of section 606 of the tax law is amended by  
2     adding a new paragraph 6 to read as follows:  
3     (6) TAX CREDITS ALLOWED PURSUANT TO THIS SUBSECTION SHALL BE ALLOWED  
4     TO A PARTNERSHIP, LIMITED LIABILITY COMPANY, "SUBCHAPTER S" CORPORATION  
5     OR OTHER BUSINESS ENTITY AND SHALL BE PASSED THROUGH TO THE PARTNERS,  
6     MEMBERS, OR SHAREHOLDERS RESPECTIVELY. CREDITS ALLOWED TO THESE ENTITIES  
7     SHALL BE ALLOCATED AMONG ALL PARTNERS, MEMBERS, OR SHAREHOLDERS RESPEC-  
8     TIVELY, EITHER IN PROPORTION TO THEIR OWNERSHIP INTEREST IN THE ENTITY,  
9     OR AS THE PARTNERS, MEMBERS, OR SHAREHOLDERS MUTUALLY AGREE AS PROVIDED  
10    IN AN EXECUTED DOCUMENT WITHOUT REGARD TO THEIR SHARING OF OTHER TAX OR  
11    ECONOMIC ATTRIBUTES OF THE ENTITY.  
12    S 2. Subdivision 40 of section 210 of the tax law is amended by adding  
13    a new paragraph 6 to read as follows:  
14    (6) TAX CREDITS ALLOWED PURSUANT TO THIS SUBDIVISION SHALL BE ALLOWED  
15    TO A PARTNERSHIP, LIMITED LIABILITY COMPANY, "SUBCHAPTER S" CORPORATION  
16    OR OTHER BUSINESS ENTITY AND SHALL BE PASSED THROUGH TO THE PARTNERS,  
17    MEMBERS, OR SHAREHOLDERS RESPECTIVELY. CREDITS ALLOWED TO THESE ENTITIES  
18    SHALL BE ALLOCATED AMONG ALL PARTNERS, MEMBERS, OR SHAREHOLDERS RESPEC-  
19    TIVELY, EITHER IN PROPORTION TO THEIR OWNERSHIP INTEREST IN THE ENTITY,  
20    OR AS THE PARTNERS, MEMBERS, OR SHAREHOLDERS MUTUALLY AGREE AS PROVIDED

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

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1 IN AN EXECUTED DOCUMENT WITHOUT REGARD TO THEIR SHARING OF OTHER TAX OR  
2 ECONOMIC ATTRIBUTES OF THE ENTITY.

3 S 3. Subsection (u) of section 1456 of the tax law, as added by chap-  
4 ter 472 of the laws of 2010, is amended by adding a new paragraph 6 to  
5 read as follows:

6 (6) TAX CREDITS ALLOWED PURSUANT TO THIS SUBSECTION SHALL BE ALLOWED  
7 TO A PARTNERSHIP, LIMITED LIABILITY COMPANY, "SUBCHAPTER S" CORPORATION  
8 OR OTHER BUSINESS ENTITY SHALL BE PASSED THROUGH TO THE PARTNERS,  
9 MEMBERS, OR SHAREHOLDERS RESPECTIVELY. CREDITS ALLOWED TO THESE ENTITIES  
10 SHALL BE ALLOCATED AMONG ALL PARTNERS, MEMBERS, OR SHAREHOLDERS RESPEC-  
11 TIVELY, EITHER IN PROPORTION TO THEIR OWNERSHIP INTEREST IN THE ENTITY,  
12 OR AS THE PARTNERS, MEMBERS, OR SHAREHOLDERS MUTUALLY AGREE AS PROVIDED  
13 IN AN EXECUTED DOCUMENT WITHOUT REGARD TO THEIR SHARING OF OTHER TAX OR  
14 ECONOMIC ATTRIBUTES OF THE ENTITY.

15 S 4. Subdivision (y) of section 1511 of the tax law, as added by chap-  
16 ter 472 of the laws of 2010, is amended by adding a new paragraph 6 to  
17 read as follows:

18 (6) TAX CREDITS ALLOWED PURSUANT TO THIS SUBDIVISION SHALL BE ALLOWED  
19 TO A PARTNERSHIP, LIMITED LIABILITY COMPANY, "SUBCHAPTER S" CORPORATION  
20 OR OTHER BUSINESS ENTITY AND SHALL BE PASSED THROUGH TO THE PARTNERS,  
21 MEMBERS, OR SHAREHOLDERS RESPECTIVELY. CREDITS ALLOWED TO THESE ENTITIES  
22 SHALL BE ALLOCATED AMONG ALL PARTNERS, MEMBERS, OR SHAREHOLDERS RESPEC-  
23 TIVELY, EITHER IN PROPORTION TO THEIR OWNERSHIP INTEREST IN THE ENTITY,  
24 OR AS THE PARTNERS, MEMBERS, OR SHAREHOLDERS MUTUALLY AGREE AS PROVIDED  
25 IN AN EXECUTED DOCUMENT WITHOUT REGARD TO THEIR SHARING OF OTHER TAX OR  
26 ECONOMIC ATTRIBUTES OF THE ENTITY.

27 S 5. This act shall take effect immediately and shall apply to taxable  
28 years beginning on and after January 1, 2015; provided, however, this  
29 act shall expire and be deemed repealed December 31, 2019; and provided,  
30 further however, that the credit shall be applied to any rehabilitation  
31 project commenced on or before December 31, 2019.