

7417

I N   S E N A T E

May 14, 2014

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Introduced by Sen. SANDERS -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations

AN ACT to amend the tax law, in relation to establishing a renters' and small homeowners' tax credit

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

1     Section 1. Section 606 of the tax law is amended by adding a new  
2     subsection (b-1) to read as follows:  
3     (B-1) RENTERS' AND SMALL HOMEOWNERS' CREDIT IN A CITY WITH A POPU-  
4     LATION OF ONE MILLION OR MORE.  
5     (1) FOR THE PURPOSES OF THIS SUBSECTION:  
6     (A) "QUALIFIED TAXPAYER" MEANS A RESIDENT INDIVIDUAL WHO LIVES IN A  
7     CITY WITH A POPULATION OF ONE MILLION OR MORE WHO HAS OCCUPIED AND PAID  
8     RENT FOR HIS OR HER PRIMARY RESIDENCE IN SUCH CITY FOR SIX MONTHS OR  
9     MORE OF THE TAXABLE YEAR, IS REQUIRED OR CHOOSES TO FILE A RETURN UNDER  
10    THIS ARTICLE, AND (I) IS SIXTY-FIVE YEARS OF AGE OR OLDER, (II) IS  
11    FILING A JOINT RETURN WITH A SPOUSE WHO IS SIXTY-FIVE YEARS OF AGE OR  
12    OLDER, (III) IS A HEAD OF HOUSEHOLD, (IV) IS A MARRIED INDIVIDUAL FILING  
13    A JOINT RETURN WITH A SPOUSE AND HAS AT LEAST ONE DEPENDENT, (V) IS A  
14    MARRIED INDIVIDUAL FILING A SEPARATE RETURN AND HAS AT LEAST ONE DEPEND-  
15    ENT, OR (VI) IS A SURVIVING SPOUSE AND HAS AT LEAST ONE DEPENDENT. FOR  
16    PURPOSES OF THIS SUBSECTION "QUALIFIED TAXPAYER" SHALL ALSO INCLUDE THE  
17    OWNER OF ANY DWELLING WITH SIX UNITS OR LESS IN A CITY WITH A POPULATION  
18    OF ONE MILLION OR MORE WHO OCCUPIES SUCH DWELLING AS HIS OR HER PRIMARY  
19    RESIDENCE FOR SIX MONTHS OR MORE OF THE TAXABLE YEAR AND WHO IS REQUIRED  
20    OR CHOOSES TO FILE A RETURN UNDER THIS ARTICLE. AN INDIVIDUAL CANNOT BE  
21    A QUALIFIED TAXPAYER IF HE OR SHE IS AN INDIVIDUAL WITH RESPECT TO WHOM  
22    A DEDUCTION UNDER SUBSECTION (C) OF SECTION 151 OF THE INTERNAL REVENUE  
23    CODE IS ALLOWABLE TO ANOTHER TAXPAYER FOR THE TAXABLE YEAR OR PAYS RENT  
24    FOR HIS OR HER PRIMARY RESIDENCE TO A FAMILY MEMBER SHARING THE SAME  
25    PRIMARY RESIDENCE. A FAMILY MEMBER OF AN INDIVIDUAL IS THE INDIVIDUAL'S  
26    SPOUSE, BROTHER, SISTER, PARENT, GRANDPARENT, CHILD, GRANDCHILD, UNCLE,

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

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1 AUNT, NEPHEW, OR NIECE, RELATED TO THE INDIVIDUAL BY BLOOD, MARRIAGE OR  
2 ADOPTION.

3 (B) "RESIDENCE" MEANS A DWELLING IN A CITY WITH A POPULATION OF ONE  
4 MILLION OR MORE AND MAY CONSIST OF A PART OF A MULTI-DWELLING OR MULTI-  
5 PURPOSE BUILDING INCLUDING A COOPERATIVE OR CONDOMINIUM, ONE, TWO OR  
6 THREE FAMILY DWELLINGS AND RENTAL UNITS WITHIN A SINGLE DWELLING WHICH  
7 ARE EITHER OWNER-OCCUPIED OR RENTED BY A QUALIFIED TAXPAYER. RESIDENCE  
8 INCLUDES A TRAILER OR MOBILE HOME, USED EXCLUSIVELY FOR RESIDENTIAL  
9 PURPOSES AND DEFINED AS REAL PROPERTY PURSUANT TO PARAGRAPH (G) OF  
10 SUBDIVISION TWELVE OF SECTION ONE HUNDRED TWO OF THE REAL PROPERTY TAX  
11 LAW.

12 (2) (A) A QUALIFIED TAXPAYER SHALL BE ALLOWED A CREDIT AS PROVIDED IN  
13 THIS SUBSECTION AGAINST THE TAXES IMPOSED BY THIS ARTICLE REDUCED BY THE  
14 CREDITS PERMITTED BY THIS ARTICLE. IF THE CREDIT EXCEEDS THE TAX AS SO  
15 REDUCED FOR SUCH YEAR UNDER THIS ARTICLE, THE EXCESS SHALL BE TREATED AS  
16 AN OVERPAYMENT OF TAX TO BE CREDITED OR REFUNDED IN ACCORDANCE WITH THE  
17 PROVISIONS OF SECTION SIX HUNDRED EIGHTY-SIX OF THIS ARTICLE, PROVIDED,  
18 HOWEVER, THAT NO INTEREST SHALL BE PAID THEREON. IF A QUALIFIED TAXPAYER  
19 IS NOT REQUIRED TO FILE A RETURN PURSUANT TO SECTION SIX HUNDRED FIFTY-  
20 ONE OF THIS ARTICLE BUT OTHERWISE QUALIFIES FOR A CREDIT UNDER THIS  
21 SUBSECTION, A CLAIM FOR A CREDIT MAY BE TAKEN ON A RETURN FILED WITH THE  
22 COMMISSIONER WITHIN THREE YEARS FROM THE TIME THAT A RETURN WOULD HAVE  
23 BEEN REQUIRED TO BE FILED PURSUANT TO SUCH SECTION HAD SUCH QUALIFIED  
24 TAXPAYER HAD A TAXABLE YEAR ENDING ON DECEMBER THIRTY-FIRST. RETURNS  
25 SHALL BE IN SUCH FORM AS PRESCRIBED BY THE COMMISSIONER. A QUALIFIED  
26 TAXPAYER MUST PROVIDE ANY INFORMATION THE COMMISSIONER DEEMS NECESSARY  
27 TO DETERMINE THE CREDIT ALLOWED.

28 (B) IF MORE THAN ONE QUALIFIED TAXPAYER PAYS RENT FOR THE SAME PRIMARY  
29 RESIDENCE AND HAS A FEDERAL ADJUSTED GROSS INCOME FOR WHICH A CREDIT  
30 WOULD OTHERWISE BE DUE, EACH SUCH QUALIFIED TAXPAYER SHALL DIVIDE THE  
31 BASE AMOUNT OF THE CREDIT ALLOWED FOR HIS OR HER INCOME LEVEL BY THE  
32 TOTAL NUMBER OF INDIVIDUALS OR MARRIED COUPLES FILING A JOINT RETURN WHO  
33 ARE PAYING THE RENT, WHETHER OR NOT ELIGIBLE FOR A CREDIT, TO DETERMINE  
34 THE AMOUNT OF CREDIT ALLOWED TO THAT QUALIFIED TAXPAYER. ANY ADDITIONAL  
35 AMOUNT OF CREDIT DETERMINED BASED ON THE NUMBER OF EXEMPTIONS CLAIMED BY  
36 SUCH TAXPAYER SHALL NOT BE SO DIVIDED.

37 (C) A QUALIFIED TAXPAYER SHALL BE ALLOWED THE CREDIT UNDER THIS  
38 SUBSECTION OR THE CREDIT UNDER SUBSECTION (E) OF THIS SECTION, WHICHEVER  
39 IS THE HIGHER AMOUNT.

40 (3) (A) FOR ANY QUALIFIED TAXPAYER WHO IS SIXTY-FIVE YEARS OF AGE OR  
41 OLDER WITH A FILING STATUS OF SINGLE, THE AMOUNT OF THE CREDIT ALLOWED  
42 PURSUANT TO THIS PARAGRAPH SHALL BE DETERMINED IN ACCORDANCE WITH THE  
43 FOLLOWING TABLES:

|                                         |                      |
|-----------------------------------------|----------------------|
| 44 FOR TAXABLE YEARS BEGINNING IN 2014, |                      |
| 45 IF FEDERAL ADJUSTED GROSS INCOME IS: | THE CREDIT SHALL BE: |
| 46 \$25,000 OR LESS                     | \$110                |
| 47 OVER \$25,000 BUT NOT OVER \$40,000  | \$90                 |
| 48 OVER \$40,000 BUT NOT OVER \$50,000  | \$70                 |

|                                          |                      |
|------------------------------------------|----------------------|
| 49 FOR TAXABLE YEARS BEGINNING IN OR     |                      |
| 50 AFTER 2015, IF FEDERAL ADJUSTED GROSS |                      |
| 51 INCOME IS:                            | THE CREDIT SHALL BE: |
| 52 \$25,000 OR LESS                      | \$220                |
| 53 OVER \$25,000 BUT NOT OVER \$40,000   | \$180                |
| 54 OVER \$40,000 BUT NOT OVER \$50,000   | \$140                |

(B) FOR ANY OTHER QUALIFIED TAXPAYER, THE AMOUNT OF THE CREDIT ALLOWED PURSUANT TO THIS PARAGRAPH SHALL BE DETERMINED IN ACCORDANCE WITH THE FOLLOWING TABLES; PROVIDED, HOWEVER, THAT A QUALIFIED TAXPAYER WHO IS A MARRIED INDIVIDUAL FILING A SEPARATE NEW YORK INCOME TAX RETURN SHALL RECEIVE ONE-HALF OF THE BASE AMOUNT OF THE CREDIT PLUS ANY ADDITIONAL AMOUNT FOR WHICH SUCH TAXPAYER WOULD BE ELIGIBLE BASED ON THE INCOME AND NUMBER OF EXEMPTIONS CLAIMED BY SUCH TAXPAYER:

FOR TAXABLE YEARS BEGINNING IN 2014,  
IF FEDERAL ADJUSTED GROSS INCOME IS:  
\$25,000 OR LESS

THE CREDIT SHALL BE:  
\$80 PLUS AN AMOUNT  
EQUAL TO \$35  
MULTIPLIED BY A  
NUMBER WHICH IS ONE  
LESS THAN THE NUMBER  
OF EXEMPTIONS FOR  
WHICH THE TAXPAYER  
(OR IN THE CASE  
OF A MARRIED COUPLE  
FILING A JOINT RETURN,  
TAXPAYERS) IS ENTITLED  
TO A DEDUCTION FOR THE  
TAXABLE YEAR FOR FEDERAL  
INCOME TAX PURPOSES  
UNDER SUBSECTIONS (B)  
AND (C) OF SECTION 151  
OF THE INTERNAL REVENUE CODE

OVER \$25,000 BUT NOT OVER \$45,000

\$65 PLUS AN AMOUNT  
EQUAL TO \$24  
MULTIPLIED BY A NUMBER  
WHICH IS ONE LESS THAN  
THE NUMBER OF EXEMPTIONS  
FOR WHICH THE TAXPAYER  
(OR IN THE CASE OF  
A MARRIED COUPLE FILING A  
JOINT RETURN, TAXPAYERS)  
IS ENTITLED TO A  
DEDUCTION FOR THE TAXABLE  
YEAR FOR FEDERAL INCOME  
TAX PURPOSES UNDER  
SUBSECTIONS (B) AND (C)  
OF SECTION 151 OF THE  
INTERNAL REVENUE CODE

OVER \$45,000 BUT NOT OVER \$65,000

\$55 PLUS AN AMOUNT  
EQUAL TO \$12 MULTIPLIED  
BY A NUMBER WHICH IS ONE  
LESS THAN THE NUMBER  
OF EXEMPTIONS FOR  
WHICH THE TAXPAYER (OR  
IN THE CASE OF A MARRIED  
COUPLE FILING A JOINT RETURN,  
TAXPAYERS) IS ENTITLED  
TO A DEDUCTION FOR THE  
TAXABLE YEAR FOR FEDERAL

|    |                                       |                              |
|----|---------------------------------------|------------------------------|
| 1  |                                       | INCOME TAX PURPOSES UNDER    |
| 2  |                                       | SUBSECTIONS (B) AND (C)      |
| 3  |                                       | OF SECTION 151 OF THE        |
| 4  |                                       | INTERNAL REVENUE CODE        |
| 5  | OVER \$65,000 BUT NOT OVER \$100,000  | \$45 PLUS AN AMOUNT          |
| 6  |                                       | EQUAL TO \$12 MULTIPLIED     |
| 7  |                                       | BY A NUMBER WHICH IS ONE     |
| 8  |                                       | LESS THAN THE NUMBER         |
| 9  |                                       | OF EXEMPTIONS FOR WHICH      |
| 10 |                                       | THE TAXPAYER (OR IN THE      |
| 11 |                                       | CASE OF A MARRIED COUPLE     |
| 12 |                                       | FILING A JOINT RETURN,       |
| 13 |                                       | TAXPAYERS) IS ENTITLED TO    |
| 14 |                                       | A DEDUCTION FOR THE TAXABLE  |
| 15 |                                       | YEAR FOR FEDERAL INCOME TAX  |
| 16 |                                       | PURPOSES UNDER SUBSECTIONS   |
| 17 |                                       | (B) AND (C) OF SECTION 151   |
| 18 |                                       | OF THE INTERNAL REVENUE CODE |
| 19 | FOR TAXABLE YEARS BEGINNING IN OR     |                              |
| 20 | AFTER 2015, IF FEDERAL ADJUSTED GROSS |                              |
| 21 | INCOME IS:                            | THE CREDIT SHALL BE:         |
| 22 | \$25,000 OR LESS                      | \$160 PLUS AN                |
| 23 |                                       | AMOUNT EQUAL TO \$70         |
| 24 |                                       | MULTIPLIED BY A NUMBER WHICH |
| 25 |                                       | IS ONE LESS THAN THE         |
| 26 |                                       | NUMBER OF EXEMPTIONS         |
| 27 |                                       | FOR WHICH THE TAXPAYER       |
| 28 |                                       | (OR IN THE CASE OF A         |
| 29 |                                       | MARRIED COUPLE FILING A      |
| 30 |                                       | JOINT RETURN, TAXPAYERS)     |
| 31 |                                       | IS ENTITLED TO A DEDUCTION   |
| 32 |                                       | FOR THE TAXABLE YEAR FOR     |
| 33 |                                       | FEDERAL INCOME TAX PURPOSES  |
| 34 |                                       | UNDER SUBSECTIONS (B) AND    |
| 35 |                                       | (C) OF SECTION 151 OF THE    |
| 36 |                                       | INTERNAL REVENUE CODE        |
| 37 | OVER \$25,000 BUT NOT OVER \$45,000   | \$130 PLUS AN AMOUNT         |
| 38 |                                       | EQUAL TO \$48                |
| 39 |                                       | MULTIPLIED BY A NUMBER       |
| 40 |                                       | WHICH IS ONE LESS THAN       |
| 41 |                                       | THE NUMBER OF EXEMPTIONS     |
| 42 |                                       | FOR WHICH THE TAXPAYER       |
| 43 |                                       | (OR IN THE CASE OF           |
| 44 |                                       | A MARRIED COUPLE FILING      |
| 45 |                                       | A JOINT RETURN, TAXPAYERS)   |
| 46 |                                       | IS ENTITLED TO A DEDUCTION   |
| 47 |                                       | FOR THE TAXABLE YEAR FOR     |
| 48 |                                       | FEDERAL INCOME TAX PURPOSES  |
| 49 |                                       | UNDER SUBSECTIONS (B)        |
| 50 |                                       | AND (C) OF SECTION 151       |
| 51 |                                       | OF THE INTERNAL REVENUE CODE |
| 52 | OVER \$45,000 BUT NOT OVER \$65,000   | \$110 PLUS AN AMOUNT         |

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OVER \$65,000 BUT NOT OVER \$100,000

S 2. This act shall take effect immediately.

EQUAL TO \$24 MULTIPLIED  
BY A NUMBER WHICH IS ONE  
LESS THAN THE NUMBER  
OF EXEMPTIONS FOR  
WHICH THE TAXPAYER (OR  
IN THE CASE OF A MARRIED  
COUPLE FILING A JOINT RETURN,  
TAXPAYERS) IS ENTITLED TO A  
DEDUCTION FOR THE TAXABLE  
YEAR FOR FEDERAL INCOME TAX  
PURPOSES UNDER SUBSECTIONS  
(B) AND (C) OF SECTION 151  
OF THE INTERNAL REVENUE CODE

\$90 PLUS AN AMOUNT  
EQUAL TO \$24 MULTIPLIED  
BY A NUMBER WHICH IS ONE  
LESS THAN THE NUMBER  
OF EXEMPTIONS FOR  
WHICH THE TAXPAYER (OR  
IN THE CASE OF A MARRIED  
COUPLE FILING A JOINT RETURN,  
TAXPAYERS) IS  
ENTITLED TO A DEDUCTION  
FOR THE TAXABLE YEAR FOR  
FEDERAL INCOME TAX PURPOSES  
UNDER SUBSECTIONS (B) AND  
(C) OF SECTION 151 OF THE  
INTERNAL REVENUE CODE