

6770--B

2015-2016 Regular Sessions

I N A S S E M B L Y

April 2, 2015

Introduced by M. of A. ROSENTHAL, SKOUFIS, TITONE, FAHY, WEPRIN, BICHOTTE, RAIA -- Multi-Sponsored by -- M. of A. SIMON -- read once and referred to the Committee on Ways and Means -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Ways and Means in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the tax law, in relation to establishing a tax credit for the adoption of household pets

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 (eee) to read as follows:
3 (EEE) CREDIT FOR THE ADOPTION OF HOUSEHOLD PETS. (1) GENERAL. AN INDI-
4 VIDUAL TAXPAYER SHALL BE ALLOWED A CREDIT FOR TAXABLE YEARS BEGINNING ON
5 OR AFTER JANUARY FIRST, TWO THOUSAND SIXTEEN AGAINST THE TAX IMPOSED BY
6 THIS ARTICLE FOR THE COST OF ADOPTING A MAXIMUM OF THREE HOUSEHOLD PETS
7 PER TAXABLE YEAR FROM A QUALIFYING ANIMAL SHELTER. THE AMOUNT OF THE
8 CREDIT SHALL BE ONE HUNDRED DOLLARS PER ANIMAL OR THE ACTUAL COST OF
9 SUCH ADOPTION, WHICHEVER IS LESS BUT SHALL NOT EXCEED THE MAXIMUM CREDIT
10 OF THREE HUNDRED DOLLARS PER HOUSEHOLD PET, FOR A MAXIMUM OF THREE PETS
11 PER TAXABLE YEAR.
12 (2) DEFINITIONS. FOR THE PURPOSES OF THIS SUBSECTION:
13 (A) THE TERM "HOUSEHOLD PET" SHALL MEAN ANY DOG, CAT OR OTHER DOMESTI-
14 CATED ANIMAL KEPT FOR THE PRIMARY PURPOSE OF COMPANIONSHIP THAT IS
15 NORMALLY MAINTAINED IN OR NEAR THE HOUSEHOLD OF THE OWNER OR PERSON WHO
16 CARES FOR SUCH DOMESTICATED ANIMAL, PROVIDED THAT KEEPING SUCH ANIMAL IS
17 NOT IN VIOLATION OF ANY APPLICABLE PROVISIONS OF FEDERAL, STATE OR LOCAL
18 LAW.
19 (B) THE TERM "QUALIFYING ANIMAL SHELTER" SHALL MEAN THE FOLLOWING:

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

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1 (I) ANY MUNICIPAL POUND OR SHELTER HARBORING ANIMALS PURSUANT TO
2 SUBDIVISION ONE OF SECTION ONE HUNDRED FOURTEEN OF THE AGRICULTURE AND
3 MARKETS LAW;

4 (II) ANY POUND, SHELTER, DULY INCORPORATED SOCIETY FOR THE PREVENTION
5 OF CRUELTY TO ANIMALS, DULY INCORPORATED HUMAN SOCIETY OR DULY INCORPO-
6 RATED ANIMAL PROTECTIVE ASSOCIATION THAT OPERATES PHYSICAL ANIMAL SHEL-
7 TERING FACILITIES AND OFFERS HOUSEHOLD PETS TO THE PUBLIC FOR ADOPTION
8 BY WAY OF AN ESTABLISHED ADOPTION PROGRAM. SUCH FACILITIES SHALL NOT BE
9 CO-LOCATED ON A RESIDENTIAL PREMISES; OR

10 (III) ANY POUND, SHELTER, DULY INCORPORATED SOCIETY FOR THE PREVENTION
11 OF CRUELTY TO ANIMALS, DULY INCORPORATED HUMANE SOCIETY OR DULY INCORPO-
12 RATED ANIMAL PROTECTIVE ASSOCIATION LOCATED IN A CITY WITH A POPULATION
13 OF TWO MILLION OR MORE THAT OPERATES PHYSICAL ANIMAL SHELTERING FACILI-
14 TIES AND OFFERS HOUSEHOLD PETS TO THE PUBLIC FOR ADOPTION BY WAY OF AN
15 ESTABLISHED ADOPTION PROGRAM. SUCH FACILITIES SHALL NOT BE CO-LOCATED ON
16 A RESIDENTIAL PREMISES.

17 (3) ELIGIBILITY. TO QUALIFY FOR THE CREDIT PRESCRIBED IN THE
18 SUBSECTION, AN INDIVIDUAL TAXPAYER MUST PROVIDE PROOF OF ANIMAL OWNER-
19 SHIP IN THE FORM OF AN ADOPTION AGREEMENT FROM A QUALIFYING ANIMAL SHEL-
20 TER AS DEFINED IN THIS SUBSECTION, AND WRITTEN PROOF THAT SUCH ANIMAL
21 WAS SPAYED OR NEUTERED IN ACCORDANCE WITH SECTION THREE HUNDRED SEVEN-
22 TY-SEVEN-A OF THE AGRICULTURE AND MARKETS LAW.

23 (4) WHEN CREDIT ALLOWED. THE CREDIT PROVIDED FOR IN THIS SUBSECTION
24 SHALL BE ALLOWED WITH RESPECT TO THE TAXABLE YEAR, COMMENCING AFTER
25 JANUARY FIRST, TWO THOUSAND SIXTEEN, IN WHICH THE PET IS ADOPTED.

26 S 2. This act shall take effect immediately and shall apply to pet
27 adoptions in taxable years beginning on and after the first of January
28 next succeeding the date on which it shall have become a law.