

7495--A

2015-2016 Regular Sessions

I N   A S S E M B L Y

May 13, 2015

---

Introduced by M. of A. CRESPO -- read once and referred to the Committee on Ways and Means -- 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 senior utility circuit breaker personal income 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 (ccc) to read as follows:  
3     (CCC) SENIOR UTILITY CIRCUIT BREAKER TAX CREDIT. (1) DEFINITIONS. FOR  
4     THE PURPOSES OF THIS SUBSECTION:  
5     (A) "QUALIFIED TAXPAYER" MEANS A RESIDENT INDIVIDUAL, MARRIED OR HEAD  
6     OF HOUSEHOLD TAXPAYER WHO IS OVER SIXTY-FIVE YEARS OF AGE, WITH A HOUSE-  
7     HOLD GROSS INCOME OF ONE HUNDRED FIFTY THOUSAND DOLLARS OR LESS.  
8     (B) "HOUSEHOLD" OR "MEMBERS OF THE HOUSEHOLD" MEANS A QUALIFIED  
9     TAXPAYER AND ALL OTHER PERSONS, NOT NECESSARILY RELATED, WHO HAVE THE  
10    SAME RESIDENCE AND SHARE ITS FURNISHINGS, FACILITIES AND ACCOMMODATIONS.  
11    SUCH TERMS SHALL NOT INCLUDE A TENANT, SUBTENANT, ROOMER OR BOARDER WHO  
12    IS NOT RELATED TO THE QUALIFIED TAXPAYER IN ANY DEGREE SPECIFIED IN  
13    PARAGRAPHS ONE THROUGH EIGHT OF SUBSECTION (A) OF SECTION ONE HUNDRED  
14    FIFTY-TWO OF THE INTERNAL REVENUE CODE. PROVIDED, HOWEVER, NO PERSON MAY  
15    BE A MEMBER OF MORE THAN ONE HOUSEHOLD AT ONE TIME.  
16    (C) "HOUSEHOLD GROSS INCOME" MEANS THE AGGREGATE ADJUSTED GROSS INCOME  
17    OF ALL MEMBERS OF THE HOUSEHOLD FOR THE TAXABLE YEAR AS REPORTED FOR  
18    FEDERAL INCOME TAX PURPOSES, OR WHICH WOULD BE REPORTED AS ADJUSTED  
19    GROSS INCOME IF A FEDERAL INCOME TAX RETURN WERE REQUIRED TO BE FILED,  
20    WITH THE MODIFICATIONS IN SUBSECTION (B) OF SECTION SIX HUNDRED TWELVE  
21    OF THIS ARTICLE BUT WITHOUT THE MODIFICATIONS IN SUBSECTION (C) OF SUCH  
22    SECTION, PLUS ANY PORTION OF THE GAIN FROM THE SALE OR EXCHANGE OF PROP-

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

LBD09183-03-6

1 ERTY OTHERWISE EXCLUDED FROM SUCH AMOUNT; EARNED INCOME FROM SOURCES  
2 WITHOUT THE UNITED STATES EXCLUDABLE FROM FEDERAL GROSS INCOME BY  
3 SECTION NINE HUNDRED ELEVEN OF THE INTERNAL REVENUE CODE; SUPPORT MONEY  
4 NOT INCLUDED IN ADJUSTED GROSS INCOME; NONTAXABLE STRIKE BENEFITS;  
5 SUPPLEMENTAL SECURITY INCOME PAYMENTS; THE GROSS AMOUNT OF ANY PENSION  
6 OR ANNUITY BENEFITS TO THE EXTENT NOT INCLUDED IN SUCH ADJUSTED GROSS  
7 INCOME (INCLUDING, BUT NOT LIMITED TO, RAILROAD RETIREMENT BENEFITS AND  
8 ALL PAYMENTS RECEIVED UNDER THE FEDERAL SOCIAL SECURITY ACT AND VETER-  
9 ANS' DISABILITY PENSIONS); NONTAXABLE INTEREST RECEIVED FROM THE STATE  
10 OF NEW YORK, ITS AGENCIES, INSTRUMENTALITIES, PUBLIC CORPORATIONS, OR  
11 POLITICAL SUBDIVISIONS (INCLUDING A PUBLIC CORPORATION CREATED PURSUANT  
12 TO AGREEMENT OR COMPACT WITH ANOTHER STATE OR CANADA); WORKERS' COMPEN-  
13 SATION; THE GROSS AMOUNT OF "LOSS-OF-TIME" INSURANCE; AND THE AMOUNT OF  
14 CASH PUBLIC ASSISTANCE AND RELIEF, OTHER THAN MEDICAL ASSISTANCE FOR THE  
15 NEEDY, PAID TO OR FOR THE BENEFIT OF THE QUALIFIED TAXPAYER OR MEMBERS  
16 OF HIS HOUSEHOLD. HOUSEHOLD GROSS INCOME SHALL NOT INCLUDE SURPLUS FOODS  
17 OR OTHER RELIEF IN KIND OR PAYMENTS MADE TO INDIVIDUALS BECAUSE OF THEIR  
18 STATUS AS VICTIMS OF NAZI PERSECUTION AS DEFINED IN P.L. 103-286.  
19 PROVIDED, FURTHER, HOUSEHOLD GROSS INCOME SHALL ONLY INCLUDE ALL SUCH  
20 INCOME RECEIVED BY ALL MEMBERS OF THE HOUSEHOLD WHILE MEMBERS OF SUCH  
21 HOUSEHOLD.

22 (D) "RESIDENCE" MEANS A DWELLING IN THIS STATE, WHETHER OWNED OR RENT-  
23 ED.

24 (E) "ELIGIBLE EXPENSES" MEANS PAYMENTS MADE BY A QUALIFIED TAXPAYER  
25 FOR THE FOLLOWING GOODS AND SERVICES DELIVERED AND USED AT HIS OR HER  
26 PRIMARY RESIDENCE:

27 (I) RESIDENTIAL GAS, ELECTRIC AND STEAM UTILITY SERVICE WHICH IS  
28 SUBJECT TO THE PROVISIONS OF ARTICLE TWO OF THE PUBLIC SERVICE LAW;

29 (II) RESIDENTIAL WATER AND SEWER SERVICE;

30 (III) HOME HEATING FUEL, WHICH SHALL INCLUDE FUEL OIL, COAL, WOOD,  
31 PROPANE, NATURAL GAS, ELECTRICITY, STEAM, KEROSENE AND ANY OTHER FUEL  
32 WHEN USED FOR RESIDENTIAL HEATING PURPOSES; AND

33 (IV) TELECOMMUNICATIONS SERVICES AS DEFINED IN PARAGRAPH (G) OF SUBDI-  
34 VISION ONE OF SECTION ONE HUNDRED EIGHTY-SIX-E OF THIS CHAPTER, AND  
35 SHALL NOT INCLUDE WIRELESS COMMUNICATIONS SERVICE, AS DEFINED BY SUBDI-  
36 VISION TEN OF SECTION THREE HUNDRED ONE OF THE COUNTY LAW, UNLESS SUCH  
37 WIRELESS SERVICE IS THE ONLY MEANS BY WHICH THE QUALIFIED TAXPAYER  
38 RECEIVES TELEPHONIC SERVICES.

39 (2) COMPUTATION OF CREDIT. FOR TAXABLE YEARS BEGINNING ON AND AFTER  
40 JANUARY FIRST, TWO THOUSAND SIXTEEN, A QUALIFIED TAXPAYER SHALL BE  
41 ALLOWED A CREDIT, TO BE CREDITED AGAINST THE TAX IMPOSED BY THIS ARTI-  
42 CLE. THE AMOUNT OF THE CREDIT SHALL BE ONE-HALF OF ALL ELIGIBLE EXPENSES  
43 PAID BY THE QUALIFIED TAXPAYER TO THE EXTENT SUCH EXPENSES EXCEED SEVEN  
44 PERCENT OF THE QUALIFIED TAXPAYER'S HOUSEHOLD GROSS INCOME. SUCH CREDIT  
45 SHALL BE REDUCED BY THE AMOUNT OF ANY MONEYS RECEIVED BY THE QUALIFIED  
46 TAXPAYER PURSUANT TO THE LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM  
47 ESTABLISHED PURSUANT TO SECTION NINETY-SEVEN OF THE SOCIAL SERVICES LAW.

48 (3) OVERPAYMENT. IF THE AMOUNT OF THE CREDIT ALLOWED UNDER THIS  
49 SUBSECTION FOR ANY TAXABLE YEAR SHALL EXCEED THE QUALIFIED TAXPAYER'S  
50 TAX FOR SUCH YEAR, THE EXCESS SHALL BE TREATED AS AN OVERPAYMENT OF TAX  
51 TO BE CREDITED OR REFUNDED IN ACCORDANCE WITH SECTION SIX HUNDRED EIGHT-  
52 Y-SIX OF THIS ARTICLE, PROVIDED, HOWEVER, THAT NO INTEREST SHALL BE PAID  
53 THEREON.

54 S 2. This act shall take effect immediately.