AN ACT to amend the tax law, in relation to credits against tax for homeowners and businesses who invest in green infrastructure

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section 606 of the tax law is amended by adding a new subsection (jjj) to read as follows:

(jjj) Credit for homeowners and businesses to invest in green infrastructure. (1) Homeowners who construct green infrastructure as part of their real property, during the taxable year, shall be eligible to receive a tax credit for up to fifty percent of the cost of construction, not exceeding five thousand dollars.

(2) Businesses who construct green infrastructure as part of their real property, during the taxable year, shall be eligible to receive a tax credit for up to fifty percent of the cost of construction, not exceeding five thousand dollars.

(3) For purposes of this subsection, the following definitions shall apply:

(a) “Homeowner” is defined as a New York resident for the past twenty-four months and who owns a single family or multi-family dwelling for residential purposes within New York state.

(b) “Business” shall mean any business whose principal place of business is located in New York state, and has been located in the state for the previous thirty-six months.

(c) “Green infrastructure” shall mean any cost-effective, resilient approach to managing wet weather impacts that provides many community benefits. For example, while single-purpose gray stormwater infrastructure, conventional piped drainage and water treatment systems are designed to move urban stormwater away from the built environment, green infrastructure reduces and treats stormwater at its source while delivering environmental, social and economic benefits. Green infrastructure shall include but not be limited to downspout disconnection, rainwater...
harvesting, rain gardens, planter boxes, permeable pavements, and green
roofs.
(d) "Downspout disconnection" shall mean a practice which reroutes
rooftop drainage pipes from draining rainwater into the storm sewer to
draining it into rain barrels, cisterns, or permeable areas.
(e) "Rainwater harvesting" shall mean a system which collects and
stores rainfall for later use. When designed appropriately, they slow
and reduce runoff and provide a source of water.
(f) "Rain gardens" shall mean versatile features that can be installed
in almost any unpaved space. Also known as bioretention or bioinfra-
tion cells, rain gardens are shallow, vegetated basins that collect and
absorb runoff from rooftops, sidewalks, and streets. This practice
mimics natural hydrology by infiltrating, and evaporating and transpir-
ing, or "evapotranspiring," stormwater runoff.
(g) "Planter boxes" shall mean urban rain gardens with vertical walls
and either open or closed bottoms. They collect and absorb runoff from
sidewalks, parking lots and streets and are ideal for space-limited
sites in dense urban areas and as a streetscaping element.
(h) "Permeable pavements" shall mean pavements which infiltrate, treat
and/or store rainwater where it falls. Such pavements can be made of
pervious concrete, porous asphalt, or permeable interlocking pavers.
This practice could be particularly cost effective where land values are
high and flooding or icing is a problem.
(i) "Green roofs" shall mean roofs covered with growing media and
vegetation that enable rainfall infiltration and evapotranspiration of
stored water. Such roofs are particularly cost-effective in dense urban
areas where land values are high and on large industrial or office
buildings where stormwater management costs are likely to be high.
§ 2. Section 210-B of the tax law is amended by adding a new subdivi-
sion 53 to read as follows:
53. Green infrastructure tax credit. (a) A qualified business as
defined by subsection (jjj) of section six hundred six of this chapter
shall be entitled to a credit against tax imposed by this article. The
amount of the credit shall be up to fifty percent of the cost of
construction, not exceeding five thousand dollars.
(b) Carryover. The credit allowed under this subdivision for any taxa-
ble year shall not reduce the tax due for that year to less than the
amount prescribed in paragraph (d) of subdivision one of section two
hundred ten of this article. However, if the amount of credit allowed
under this subdivision for any taxable year reduces the tax to such
amount, or if the taxpayer otherwise pays tax based on the fixed dollar
minimum amount, any amount of credit thus not deductible in that taxable
year will be treated as an overpayment of tax to be credited or refunded
in accordance with the provisions of section one thousand eighty-six of
this chapter. Provided, however, the provisions of subsection (c) of
section one thousand eighty-eight of this chapter notwithstanding, no
interest will be paid thereon.
§ 3. This act shall take effect immediately and shall apply to taxable
years commencing on and after such date.