

# STATE OF NEW YORK

5950--A

2017-2018 Regular Sessions

## IN ASSEMBLY

February 17, 2017

Introduced by M. of A. LAVINE, BRINDISI, SEPULVEDA, McDONALD, OTIS --  
Multi-Sponsored by -- M. of A. ENGLEBRIGHT, GALEF -- read once and  
referred to the Committee on Ways and Means -- committee discharged,  
bill amended, ordered reprinted as amended and recommitted to said  
committee

AN ACT to amend the tax law, in relation to providing a tax credit for  
universal visitability; and providing for the repeal of such  
provisions upon expiration thereof

The People of the State of New York, represented in Senate and Assem-  
bly, 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) Universal visitability tax credit. (1) For taxable years begin-  
4 ning on or after January first, two thousand eighteen, until December  
5 thirty-first, two thousand twenty-two, a taxpayer shall be allowed a  
6 credit against the tax imposed by this article for a portion of the  
7 total purchase price paid by such taxpayer for a principal residence  
8 attributable to universal visitability or the total amount expended by a  
9 taxpayer to retrofit an existing principal residence to achieve  
10 universal visitability provided that the principal residence or the  
11 retrofitting of the existing principal residence is located within this  
12 state and designed to provide universal visitability as defined through  
13 the eligibility requirements established by guidelines developed by the  
14 division of code enforcement and administration within the department of  
15 state. For the purpose of this subsection, principal residence shall  
16 mean such residence pursuant to section one hundred twenty-one of the  
17 internal revenue code.

18 (2) The credit shall be allowed for the taxable year in which the  
19 principal residence has been purchased or constructed, or the retrofit-  
20 ting or renovation of the residence or residential unit has been  
21 completed, or the year of allocation to the taxpayer as provided in

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

LBD08043-03-7

1 paragraph seven of this subsection. The credit allowed under this  
2 subsection shall not exceed (A) twenty-seven hundred fifty dollars for  
3 the purchase of a new residence, or (B) fifty percent of the total  
4 amount expended, but not to exceed twenty-seven hundred fifty dollars  
5 for the retrofitting or renovation of each existing residence or unit.

6 (3) No credit shall be allowed under this subsection for the purchase,  
7 retrofitting or renovation of residential rental property.

8 (4) The credit shall be allowed under this subsection only for  
9 universal visitability improvements made by or at the direction of the  
10 taxpayer.

11 (5) If the amount of the credit allowable under this subsection shall  
12 exceed the taxpayer's tax for such year, the excess may be carried over  
13 to the following year or years and may be deducted from the taxpayer's  
14 tax for such year or years.

15 (6) Eligible taxpayers shall apply for the credit through the division  
16 of code enforcement and administration within the department of state.  
17 The division of code enforcement and administration within the depart-  
18 ment of state shall issue a certification for an approved application to  
19 the taxpayer that states the amount of the credit allocated to the  
20 taxpayer and the allocation year.

21 (7) (A) The aggregate amount of tax credits allowed pursuant to the  
22 authority of this subsection shall be one million dollars each year  
23 during the period two thousand eighteen through two thousand twenty-two.  
24 Such aggregate amounts of credits shall be allocated by the department  
25 of state among taxpayers in order of priority based upon the date of  
26 filing an application for allocation of credit with the division of code  
27 enforcement and administration. If the total amount of allocated credits  
28 applied for in any particular year exceeds the aggregate amount of tax  
29 credits allowed for such year under this subsection, such excess shall  
30 be treated as having been applied for on the first day of the subsequent  
31 year.

32 (B) The secretary of state, after consulting with the commissioner,  
33 shall promulgate regulations by October thirty-first, two thousand  
34 seventeen to establish procedures for the allocation of tax credits as  
35 required by this subparagraph. Such rules and regulations shall include  
36 provisions describing the application process, the due dates for such  
37 applications, the standards which shall be used to evaluate the applica-  
38 tions, the documentation that will be provided to taxpayers to substan-  
39 tiate to the department the amount of tax credits allocated to such  
40 taxpayers, and such other provisions as deemed necessary and appropri-  
41 ate. Notwithstanding any other provisions to the contrary in the state  
42 administrative procedure act, such rules and regulations may be adopted  
43 on an emergency basis if necessary to meet such October thirty-first,  
44 two thousand seventeen deadline.

45 (8) The department of state shall submit to the governor, the tempo-  
46 rary president of the senate, and the speaker of the assembly, an annual  
47 report to be submitted by February first of each year evaluating the  
48 effectiveness of the universal visitability tax credit provided by this  
49 subsection. Such report shall be based on data available from the appli-  
50 cation filed with the division of code enforcement and administration  
51 for universal visitability credits. Notwithstanding any provision of law  
52 to the contrary, the information contained in the report shall be public  
53 information. The report may also include any recommendations of changes  
54 in the calculation or administration of the credit, and any other recom-  
55 mendation of the commissioner of the department of state or the division  
56 of code enforcement and administration regarding continuing modifica-

1 tion, repeal of such act, and such other information regarding the act  
2 as the division may feel useful and appropriate.

3 § 2. This act shall take effect immediately and shall apply to taxable  
4 years commencing on and after January 1, 2018 and shall expire and be  
5 deemed repealed December 31, 2022.