

STATE OF NEW YORK

S. 1601--A

A. 939--A

2017-2018 Regular Sessions

SENATE - ASSEMBLY

January 10, 2017

IN SENATE -- Introduced by Sen. LAVALLE -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations -- recommitted to the Committee on Investigations and Government Operations in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

IN ASSEMBLY -- Introduced by M. of A. THIELE -- 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 the real property tax circuit breaker credit

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

1 Section 1. Subsection (e) of section 606 of the tax law, as amended by
2 chapter 28 of the laws of 1987, subparagraph (B) of paragraph 1 as
3 amended by section 6 of part I of chapter 59 of the laws of 2015,
4 subparagraph (c) of paragraph 1 as amended by chapter 713 of the laws of
5 1996, subparagraph (E) of paragraph 1 as amended by chapter 105 of the
6 laws of 2006, and paragraph 14 as amended by chapter 23 of the laws of
7 1990, is amended to read as follows:

8 (e) Real property tax circuit breaker credit. (1) For purposes of
9 this subsection:

10 (A) "Qualified taxpayer" means a resident individual of the state who
11 has occupied the same residence for six months or more of the taxable
12 year, and is required or chooses to file a return under this article.

13 (B) "Household" or "members of the household" means a qualified
14 taxpayer and all other persons, not necessarily related, who have the
15 same residence and share its furnishings, facilities and accommodations.

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

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1 Such terms shall not include a tenant, subtenant, roomer or boarder who
2 is not related to the qualified taxpayer in any degree specified in
3 [~~subparagraphs (A)~~] paragraphs one through [~~(G)~~] eight of [~~paragraph two~~
4 ~~of~~] subsection [~~(d)~~] (a) of section one hundred fifty-two of the inter-
5 nal revenue code. Provided, however, no person may be a member of more
6 than one household at one time.

7 [~~(e)~~] (C) "Household gross income" means the aggregate adjusted gross
8 income of all members of the household for the taxable year as reported
9 for federal income tax purposes, or which would be reported as adjusted
10 gross income if a federal income tax return were required to be filed,
11 with the modifications in subsection (b) of section six hundred twelve
12 but without the modifications in subsection (c) of such section, plus
13 any portion of the gain from the sale or exchange of property otherwise
14 excluded from such amount; earned income from sources without the United
15 States excludable from federal gross income by section nine hundred
16 eleven of the internal revenue code; support money not included in
17 adjusted gross income; nontaxable strike benefits; supplemental security
18 income payments; the gross amount of any pension or annuity benefits to
19 the extent not included in such adjusted gross income (including, but
20 not limited to, railroad retirement benefits and all payments received
21 under the federal social security act and veterans' disability
22 pensions); nontaxable interest received from the state of New York, its
23 agencies, instrumentalities, public corporations, or political subdivi-
24 sions (including a public corporation created pursuant to agreement or
25 compact with another state or Canada); workers' compensation; the gross
26 amount of "loss-of-time" insurance; and the amount of cash public
27 assistance and relief, other than medical assistance for the needy, paid
28 to or for the benefit of the qualified taxpayer or members of his house-
29 hold. Household gross income shall not include surplus foods or other
30 relief in kind or payments made to individuals because of their status
31 as victims of Nazi persecution as defined in P.L. 103-286. Provided,
32 further, household gross income shall only include all such income
33 received by all members of the household while members of such house-
34 hold.

35 (D) "Residence" means a dwelling in this state, whether owned or
36 rented, and so much of the land abutting it, not exceeding one acre, as
37 is reasonably necessary for use of the dwelling as a home, and may
38 consist of a part of a multi-dwelling or multi-purpose building includ-
39 ing a cooperative or condominium, and rental units within a single
40 dwelling. Residence includes a trailer or mobile home, used exclusively
41 for residential purposes and defined as real property pursuant to para-
42 graph (g) of subdivision twelve of section one hundred two of the real
43 property tax law.

44 (E) "Qualifying real property taxes" means all real property taxes,
45 special ad valorem levies and special assessments, exclusive of penal-
46 ties and interest, levied on the residence of a qualified taxpayer and
47 paid during the taxable year less the credit claimed under the former
48 subsection (n-1) of this section. In addition, for taxable years begin-
49 ning after December thirty-first, nineteen hundred eighty-four, a quali-
50 fied taxpayer may elect to include any additional amount that would have
51 been levied in the absence of an exemption from real property taxation
52 pursuant to section four hundred sixty-seven of the real property tax
53 law. If tenant-stockholders in a cooperative housing corporation have
54 met the requirements of section two hundred sixteen of the internal
55 revenue code by which they are allowed a deduction for real estate
56 taxes, the amount of taxes so allowable, or which would be allowable if

1 the taxpayer had filed returns on a cash basis, shall be qualifying real
2 property taxes. If a residence is owned by two or more individuals as
3 joint tenants or tenants in common, and one or more than one individual
4 is not a member of the household, qualifying real property taxes is that
5 part of such taxes on the residence which reflects the ownership
6 percentage of the qualified taxpayer and members of his household. If a
7 residence is an integral part of a larger unit, qualifying real property
8 taxes shall be limited to that amount of such taxes paid as may be
9 reasonably apportioned to such residence. If a household owns and occu-
10 pies two or more residences during different periods in the same taxable
11 year, qualifying real property taxes shall be the sum of the prorated
12 qualifying real property taxes attributable to the household during the
13 periods such household occupies each of such residences. If the house-
14 hold owns and occupies a residence for part of the taxable year and
15 rents a residence for part of the same taxable year, it may include both
16 the proration of qualifying real property taxes on the residence owned
17 and the real property tax equivalent with respect to the months the
18 residence is rented. Provided, however, for purposes of the credit
19 allowed under this subsection, qualifying real property taxes may be
20 included by a qualified taxpayer only to the extent that such taxpayer
21 or the spouse of such taxpayer occupying such residence for six months
22 or more of the taxable year owns or has owned the residence and paid
23 such taxes.

24 (F) "Real property tax equivalent" means twenty-five percent of the
25 adjusted rent actually paid in the taxable year by a household solely
26 for the right of occupancy of its New York residence for the taxable
27 year. If (i) a residence is rented to two or more individuals as coten-
28 ants, or such individuals share in the payment of a single rent for the
29 right of occupancy of such residence, and (ii) each of such individuals
30 is a member of a different household, one or more of which individuals
31 shares such residence, real property tax equivalent is that portion of
32 twenty-five percent of the adjusted rent paid in the taxable year which
33 reflects that portion of the rent attributable to the qualified taxpayer
34 and the members of his household.

35 (G) "Adjusted rent" means rental paid for the right of occupancy of a
36 residence, excluding charges for heat, gas, electricity, furnishings and
37 board. Where charges for heat, gas, electricity, furnishing or board
38 are included in rental but where such charges and the amount thereof are
39 not separately set forth in a written rental agreement, for purposes of
40 determining adjusted rent the qualified taxpayer shall reduce rental
41 paid as follows:

42 (i) For heat, or heat and gas, deduct fifteen percent of rental paid.
43 (ii) For heat, gas and electricity, deduct twenty percent of rental
44 paid.

45 (iii) For heat, gas, electricity and furnishings, deduct twenty-five
46 percent of rental paid.

47 (iv) For heat, gas, electricity, furnishings and board, deduct fifty
48 percent of rental paid.

49 If the [~~tax commission~~] commissioner determines that the adjusted rent
50 shown on the return is excessive, the [~~tax commission~~] commissioner may
51 reduce such rent, for purposes of the computation of the credit, to an
52 amount substantially equivalent to rent for a comparable accommodation.

53 (2) A qualified taxpayer shall be allowed a credit as provided in
54 paragraph three hereof against the taxes imposed by this article reduced
55 by the credits permitted by this article. If the credit exceeds the tax
56 as so reduced for such year under this article the qualified taxpayer

may receive, and the comptroller, subject to a certificate of the [~~state tax commission~~] commissioner, shall pay as an overpayment, without interest, any excess between such tax as so reduced and the amount of the credit. If a qualified taxpayer is not required to file a return pursuant to section six hundred fifty-one of this article, a qualified taxpayer may nevertheless receive and the comptroller, subject to a certificate of the [~~state tax commission~~] commissioner, shall pay as an overpayment the full amount of the credit, without interest.

(3) Determination of credit. (A) For qualified taxpayers who have attained the age of sixty-five years or a permanent and total disability as defined in section twenty-two of the internal revenue code before the beginning of or during the taxable year the amount of the credit allowable under this subsection shall be fifty percent, or in the case of a qualified taxpayer who has elected to include an additional amount pursuant to subparagraph (E) of paragraph one of this subsection, twenty-five percent, of the excess of real property taxes or the excess of real property tax equivalent determined as follows:

If household gross income for the taxable year is:	Excess real property taxes are the excess of real property tax equivalent or the excess of qualifying real property taxes over the following percentage of household gross income:
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[\$3,000] <u>\$6,000</u> or less	3 1/2
Over [\$3,000] <u>\$6,000</u> but not over [\$5,000] <u>\$10,000</u>	4
Over [\$5,000] <u>\$10,000</u> but not over [\$7,000] <u>\$14,000</u>	4 1/2
Over [\$7,000] <u>\$14,000</u> but not over [\$9,000] <u>\$18,000</u>	5
Over [\$9,000] <u>\$18,000</u> but not over [\$11,000] <u>\$22,000</u>	5 1/2
Over [\$11,000] <u>\$22,000</u> but not over [\$14,000] <u>\$28,000</u>	6
Over [\$14,000] <u>\$28,000</u> but not over [\$18,000] <u>\$36,000</u>	6 1/2

Notwithstanding the foregoing provisions, the maximum credit determined under this subparagraph may not exceed the amount determined in accordance with the following table:

If household gross income for the taxable year is:	The maximum credit is:
[\$1,000] <u>\$2,000</u> or less	[\$375] <u>\$463</u>
Over [\$1,000] <u>\$2,000</u> but not over [\$2,000] <u>\$4,000</u>	[\$358] <u>\$442</u>
Over [\$2,000] <u>\$4,000</u> but not over [\$3,000] <u>\$6,000</u>	[\$341] <u>\$421</u>
Over [\$3,000] <u>\$6,000</u> but not over [\$4,000] <u>\$8,000</u>	[\$324] <u>\$400</u>
Over [\$4,000] <u>\$8,000</u> but not over [\$5,000] <u>\$10,000</u>	[\$307] <u>\$379</u>
Over [\$5,000] <u>\$10,000</u> but	

1	not over [\$6,000 <u>\$12,000</u>	[\$290 <u>\$358</u>
2	Over [\$6,000 <u>\$12,000</u> but	
3	not over [\$7,000 <u>\$14,000</u>	[\$273 <u>\$337</u>
4	Over [\$7,000 <u>\$14,000</u> but	
5	not over [\$8,000 <u>\$16,000</u>	[\$256 <u>\$316</u>
6	Over [\$8,000 <u>\$16,000</u> but	
7	not over [\$9,000 <u>\$18,000</u>	[\$239 <u>\$295</u>
8	Over [\$9,000 <u>\$18,000</u> but	
9	not over [\$10,000 <u>\$20,000</u>	[\$222 <u>\$274</u>
10	Over [\$10,000 <u>\$20,000</u> but	
11	not over [\$11,000 <u>\$22,000</u>	[\$205 <u>\$253</u>
12	Over [\$11,000 <u>\$22,000</u> but	
13	not over [\$12,000 <u>\$24,000</u>	[\$188 <u>\$232</u>
14	Over [\$12,000 <u>\$24,000</u> but	
15	not over [\$13,000 <u>\$26,000</u>	[\$171 <u>\$211</u>
16	Over [\$13,000 <u>\$26,000</u> but	
17	not over [\$14,000 <u>\$28,000</u>	[\$154 <u>\$190</u>
18	Over [\$14,000 <u>\$28,000</u> but	
19	not over [\$15,000 <u>\$30,000</u>	[\$137 <u>\$169</u>
20	Over [\$15,000 <u>\$30,000</u> but	
21	not over [\$16,000 <u>\$32,000</u>	[\$120 <u>\$148</u>
22	Over [\$16,000 <u>\$32,000</u> but	
23	not over [\$17,000 <u>\$34,000</u>	[\$103 <u>\$127</u>
24	Over [\$17,000 <u>\$34,000</u> but	
25	not over [\$18,000 <u>\$36,000</u>	[\$86 <u>\$106</u>

(B) For all other qualified taxpayers the amount of the credit allowable under this subsection shall be fifty percent of excess real property taxes or the excess of the real property tax equivalent determined as follows:

If household gross income for the taxable year is:	Excess real property taxes are the excess of real property tax equivalent or the excess of qualifying real property taxes over the following percentage of household gross income:
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37	[\$3,000 <u>\$6,000</u> or less	3 1/2
38	Over [\$3,000 <u>\$6,000</u> but not	
39	over [\$5,000 <u>\$10,000</u>	4
40	Over [\$5,000 <u>\$10,000</u> but not	
41	over [\$7,000 <u>\$14,000</u>	4 1/2
42	Over [\$7,000 <u>\$14,000</u> but not	
43	over [\$9,000 <u>\$18,000</u>	5
44	Over [\$9,000 <u>\$18,000</u> but not	
45	over [\$11,000 <u>\$22,000</u>	5 1/2
46	Over [\$11,000 <u>\$22,000</u> but not	
47	over [\$14,000 <u>\$28,000</u>	6
48	Over [\$14,000 <u>\$28,000</u> but not	
49	over [\$18,000 <u>\$36,000</u>	6 1/2

Notwithstanding the foregoing provisions, the maximum credit determined under this subparagraph may not exceed the amount determined in accordance with the following table:

If household gross income for the taxable year is:	The maximum credit is:
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[\$1,000]	<u>\$2,000</u>	or less	[\$75]	<u>\$163</u>
Over [\$1,000]	<u>\$2,000</u>	but		
not over [\$2,000]	<u>\$4,000</u>		[\$73]	<u>\$158</u>
Over [\$2,000]	<u>\$4,000</u>	but		
not over [\$3,000]	<u>\$6,000</u>		[\$71]	<u>\$154</u>
Over [\$3,000]	<u>\$6,000</u>	but		
not over [\$4,000]	<u>\$8,000</u>		[\$69]	<u>\$149</u>
Over [\$4,000]	<u>\$8,000</u>	but		
not over [\$5,000]	<u>\$10,000</u>		[\$67]	<u>\$145</u>
Over [\$5,000]	<u>\$10,000</u>	but		
not over [\$6,000]	<u>\$12,000</u>		[\$65]	<u>\$140</u>
Over [\$6,000]	<u>\$12,000</u>	but		
not over [\$7,000]	<u>\$14,000</u>		[\$63]	<u>\$136</u>
Over [\$7,000]	<u>\$14,000</u>	but		
not over [\$8,000]	<u>\$16,000</u>		[\$61]	<u>\$132</u>
Over [\$8,000]	<u>\$16,000</u>	but		
not over [\$9,000]	<u>\$18,000</u>		[\$59]	<u>\$128</u>
Over [\$9,000]	<u>\$18,000</u>	but		
not over [\$10,000]	<u>\$20,000</u>		[\$57]	<u>\$123</u>
Over [\$10,000]	<u>\$20,000</u>	but		
not over [\$11,000]	<u>\$22,000</u>		[\$55]	<u>\$119</u>
Over [\$11,000]	<u>\$22,000</u>	but		
not over [\$12,000]	<u>\$24,000</u>		[\$53]	<u>\$115</u>
Over [\$12,000]	<u>\$24,000</u>	but		
not over [\$13,000]	<u>\$26,000</u>		[\$51]	<u>\$110</u>
Over [\$13,000]	<u>\$26,000</u>	but		
not over [\$14,000]	<u>\$28,000</u>		[\$49]	<u>\$106</u>
Over [\$14,000]	<u>\$28,000</u>	but		
not over [\$15,000]	<u>\$30,000</u>		[\$47]	<u>\$102</u>
Over [\$15,000]	<u>\$30,000</u>	but		
not over [\$16,000]	<u>\$32,000</u>		[\$45]	<u>\$97</u>
Over [\$16,000]	<u>\$32,000</u>	but		
not over [\$17,000]	<u>\$34,000</u>		[\$43]	<u>\$93</u>
Over [\$17,000]	<u>\$34,000</u>	but		
not over [\$18,000]	<u>\$36,000</u>		[\$41]	<u>\$89</u>

(4) If a qualified taxpayer occupies a residence for a period of less than twelve months during the taxable year or occupies two or more residences during different periods in such taxable year, the credit allowed pursuant to this subsection shall be computed in such manner as the [~~tax~~ ~~commission~~] commissioner may, by regulation, prescribe in order to properly reflect the credit or portion thereof attributable to such residence or residences and such period or periods.

(5) The [~~tax-commission~~] commissioner may prescribe that the credit under this subsection shall be determined in whole or in part by the use of tables prescribed by such [~~commission~~] commissioner. Such tables shall set forth the credit to the nearest dollar.

(6) Only one credit per household and per qualified taxpayer shall be allowed per taxable year under this subsection. When two or more members of a household are able to meet the qualifications for a qualified taxpayer, the credit shall be equally divided between or among such individuals unless such individuals file with the [~~tax-commission~~] commissioner a written agreement among such individuals setting forth a different division. Where two or more members of a household are able to meet the qualifications of a qualified taxpayer and one of them is sixty-five years of age or more or has a permanent and total disability,

1 the credit which may be taken shall be the credit applicable to individ-
2 uals who have attained the age of sixty-five years.

3 (A) Provided, however, where a joint income tax return has been filed
4 pursuant to the provisions of section six hundred fifty-one of this
5 article by a qualified taxpayer and his or her spouse (or where both
6 spouses are qualified taxpayers and have filed such joint return), the
7 credit, or the portion of the credit if divided, to which the husband
8 and wife are entitled shall be applied against the tax of both spouses
9 and any overpayment shall be made to both spouses.

10 (B) Where any return required to be filed pursuant to the provisions
11 of section six hundred fifty-one of this article is combined with any
12 return of tax imposed pursuant to the authority of this chapter or any
13 other law if such tax is administered by the [~~tax-commission~~] commis-
14 sioner, the credit or the portion of the credit if divided, allowed to
15 the qualified taxpayer may be applied by the [~~tax-commission~~] commis-
16 sioner toward any liability for the aforementioned taxes.

17 (7) No credit shall be granted under this subsection:

18 (A) If household gross income for the taxable year exceeds [~~eighteen~~]
19 thirty-six thousand dollars.

20 (B) To a property owner unless: (i) the property is used for residen-
21 tial purposes, (ii) not more than twenty percent of the rental income,
22 if any, from the property is from rental for nonresidential purposes and
23 (iii) the property is occupied as a residence in whole or in part by one
24 or more of the owners of the property.

25 (C) To a property owner who owns real property for over two years, the
26 full value of which exceeds [~~eighty-five thousand dollars~~] the median
27 full value of residential real property sales within the county where it
28 is located, as determined by the state board of real property services,
29 or the median full value of residential real property in the state, as
30 determined by the state board of real property services, whichever is
31 less.

32 (D) To a tenant if the adjusted rent for the residence exceeds [~~four~~]
33 eight hundred [~~fifty~~] dollars per month on average.

34 (E) To an individual with respect to whom a deduction under subsection
35 (c) of section one hundred fifty-one of the internal revenue code is
36 allowable to another taxpayer for the taxable year.

37 (F) With respect to a residence that is wholly exempted from real
38 property taxation.

39 (G) To an individual who is not a resident individual of the state for
40 the entire taxable year.

41 (H) Where a household or qualified taxpayer has claimed an earned
42 income tax credit pursuant to this section.

43 (I) To an individual whose household gross income is more than eighty
44 percent of the state median family income.

45 (8) The right to claim a credit or the portion of a credit, where
46 such credit has been divided under this subsection, shall be personal to
47 the qualified taxpayer and shall not survive his or her death, but such
48 right may be exercised on behalf of a claimant by his or her legal guar-
49 dian or attorney in fact during his or her lifetime.

50 (9) Returns. If a qualified taxpayer is not required to file a return
51 pursuant to section six hundred fifty-one of this article, a claim for a
52 credit may be taken on a return filed with the [~~tax-commission~~] commis-
53 sioner within three years from the time it would have been required that
54 a return be filed pursuant to such section had the qualified taxpayer
55 had a taxable year ending on December thirty-first. Returns under this
56 paragraph shall be in such form as shall be prescribed by the [~~tax~~]

1 ~~commission~~] commissioner, which shall make available such forms and
2 instructions for filing such returns.

3 (10) Proof of claim. The [~~tax-commission~~] commissioner may require a
4 qualified taxpayer to furnish the following information in support of
5 his claim for credit under this subsection: household gross income,
6 rent paid, name and address of owner or managing agent of the property
7 rented, real property taxes levied or that would have been levied in the
8 absence of an exemption from real property tax pursuant to section four
9 hundred sixty-seven of the real property tax law, the names of members
10 of the household and other qualifying taxpayers occupying the same resi-
11 dence and their identifying numbers including social security numbers,
12 household gross income, size and nature of property claimed as residence
13 and all other information which may be required by the [~~tax-commission~~]
14 commissioner to determine the credit.

15 (11) Administration. The provisions of this article, including the
16 provisions of section six hundred fifty-three, six hundred fifty-eight,
17 and six hundred fifty-nine and the provisions of part six of this arti-
18 cle relating to procedure and administration, including the judicial
19 review of the decisions of the [~~tax-commission~~] commissioner, except so
20 much of section six hundred eighty-seven of this article which permits a
21 claim for credit or refund to be filed after the period provided for in
22 paragraph nine of this subsection and except sections six hundred
23 fifty-seven, six hundred eighty-eight and six hundred ninety-six of this
24 article, shall apply to the provisions of this subsection in the same
25 manner and with the same force and effect as if the language of those
26 provisions had been incorporated in full into this subsection and had
27 expressly referred to the credit allowed or returns filed under this
28 subsection, except to the extent that any such provision is either
29 inconsistent with a provision of this subsection or is not relevant to
30 this subsection. As used in such sections and such part, the term
31 "taxpayer" shall include a qualified taxpayer under this subsection and,
32 notwithstanding the provisions of subsection (e) of section six hundred
33 ninety-seven of this article, where a qualified taxpayer has protested
34 the denial of a claim for credit under this subsection and the time to
35 file a petition for redetermination of a deficiency or for refund has
36 not expired, he or she shall, subject to such conditions as may be set
37 by the [~~tax-commission~~] commissioner, receive such information (A) which
38 is contained in any return filed under this article by a member of his
39 or her household for the taxable year for which the credit is claimed,
40 and (B) which the [~~tax-commission~~] commissioner finds is relevant and
41 material to the issue of whether such claim was properly denied. The
42 [~~tax-commission~~] commissioner shall have the authority to promulgate
43 such rules and regulations as may be necessary for the processing,
44 determination and granting of credits and refunds under this subsection.
45 (13) Notwithstanding any other provision of this article, the credit
46 allowed under this subsection shall be determined after the determi-
47 nation and application of any other credits permitted under the
48 provisions of this article.

49 (14) The commissioner [~~of taxation and finance~~] shall prepare a
50 preliminary written report after July thirty-first and a final written
51 report after December thirty-first of each calendar year, which shall
52 contain statistical information regarding the credits granted on or
53 before such dates under this subsection during such calendar year.
54 Copies of these reports shall be submitted by such commissioner to the
55 governor, the temporary president of the senate, the speaker of the
56 assembly, the chairman of the senate finance committee and the chairman

of the assembly ways and means committee within sixty days of July thirty-first with respect to the preliminary report, and within forty-five days of December thirty-first with respect to the final report. Such reports shall contain, but need not be limited to, the number of credits and the average amount of such credits allowed; and of those, the number of credits and the average amount of such credits allowed to qualified taxpayers in each county; and of those, the number of credits and the average amount of such credits allowed to qualified taxpayers whose household gross income falls within each of the household gross income ranges set forth in paragraph three of this subsection; and of those, the number of credits and the average amount of such credits allowed to qualified taxpayers whose credit amount falls within credit amount ranges set forth in twenty-five dollar increments.

§ 2. Paragraph 3 of subsection (e) of section 606 of the tax law, as amended by section one of this act, is amended to read as follows:

(3) Determination of credit. (A) For qualified taxpayers who have attained the age of sixty-five years or a permanent and total disability as defined in section twenty-two of the internal revenue code before the beginning of or during the taxable year the amount of the credit allowable under this subsection shall be fifty percent, or in the case of a qualified taxpayer who has elected to include an additional amount pursuant to subparagraph (E) of paragraph one of this subsection, twenty-five percent, of the excess of real property taxes or the excess of real property tax equivalent determined as follows:

If household gross income for the taxable year is:	Excess real property taxes are the excess of real property tax equivalent or the excess of qualifying real property taxes over the following percentage of household gross income:
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\$6,000 or less	3 1/2
Over \$6,000 but not over \$10,000	4
Over \$10,000 but not over \$14,000	4 1/2
Over \$14,000 but not over \$18,000	5
Over \$18,000 but not over \$22,000	5 1/2
Over \$22,000 but not over \$28,000	6
Over \$28,000 but not over \$36,000	6 1/2

Notwithstanding the foregoing provisions, the maximum credit determined under this subparagraph may not exceed the amount determined in accordance with the following table:

If household gross income for the taxable year is:	The maximum credit is:
\$2,000 or less	[\$463] <u>\$550</u>
Over \$2,000 but not over \$4,000	[\$442] <u>\$525</u>
Over \$4,000 but	

1	not over \$6,000	[\$421]	<u>\$500</u>
2	Over \$6,000 but		
3	not over \$8,000	[\$400]	<u>\$475</u>
4	Over \$8,000 but		
5	not over \$10,000	[\$379]	<u>\$450</u>
6	Over \$10,000 but		
7	not over \$12,000	[\$358]	<u>\$425</u>
8	Over \$12,000 but		
9	not over \$14,000	[\$337]	<u>\$400</u>
10	Over \$14,000 but		
11	not over \$16,000	[\$316]	<u>\$375</u>
12	Over \$16,000 but		
13	not over \$18,000	[\$295]	<u>\$350</u>
14	Over \$18,000 but		
15	not over \$20,000	[\$274]	<u>\$325</u>
16	Over \$20,000 but		
17	not over \$22,000	[\$253]	<u>\$300</u>
18	Over \$22,000 but		
19	not over \$24,000	[\$232]	<u>\$275</u>
20	Over \$24,000 but		
21	not over \$26,000	[\$211]	<u>\$250</u>
22	Over \$26,000 but		
23	not over \$28,000	[\$190]	<u>\$225</u>
24	Over \$28,000 but		
25	not over \$30,000	[\$169]	<u>\$200</u>
26	Over \$30,000 but		
27	not over \$32,000	[\$148]	<u>\$175</u>
28	Over \$32,000 but		
29	not over \$34,000	[\$127]	<u>\$150</u>
30	Over \$34,000 but		
31	not over \$36,000	[\$106]	<u>\$125</u>

(B) For all other qualified taxpayers the amount of the credit allowable under this subsection shall be fifty percent of excess real property taxes or the excess of the real property tax equivalent determined as follows:

36		Excess real property taxes are
37		the excess of real property tax
38		equivalent or the excess of
39	If household gross	qualifying real property taxes
40	income for the	over the following percentage of
41	taxable year is:	household gross income:
42		
43	\$6,000 or less	3 1/2
44	Over \$6,000 but not	
45	over \$10,000	4
46	Over \$10,000 but not	
47	over \$14,000	4 1/2
48	Over \$14,000 but not	
49	over \$18,000	5
50	Over \$18,000 but not	
51	over \$22,000	5 1/2
52	Over \$22,000 but not	
53	over \$28,000	6
54	Over \$28,000 but not	
55	over \$36,000	6 1/2

Notwithstanding the foregoing provisions, the maximum credit determined under this subparagraph may not exceed the amount determined in accordance with the following table:

If household gross income for the taxable year is:	The maximum credit is:
--	------------------------

\$2,000 or less	[\$163] <u>\$250</u>
Over \$2,000 but not over \$4,000	[\$158] <u>\$243</u>
Over \$4,000 but not over \$6,000	[\$154] <u>\$237</u>
Over \$6,000 but not over \$8,000	[\$149] <u>\$230</u>
Over \$8,000 but not over \$10,000	[\$145] <u>\$223</u>
Over \$10,000 but not over \$12,000	[\$140] <u>\$217</u>
Over \$12,000 but not over \$14,000	[\$136] <u>\$210</u>
Over \$14,000 but not over \$16,000	[\$132] <u>\$203</u>
Over \$16,000 but not over \$18,000	[\$128] <u>\$197</u>
Over \$18,000 but not over \$20,000	[\$123] <u>\$190</u>
Over \$20,000 but not over \$22,000	[\$119] <u>\$183</u>
Over \$22,000 but not over \$24,000	[\$115] <u>\$177</u>
Over \$24,000 but not over \$26,000	[\$110] <u>\$170</u>
Over \$26,000 but not over \$28,000	[\$106] <u>\$163</u>
Over \$28,000 but not over \$30,000	[\$102] <u>\$157</u>
Over \$30,000 but not over \$32,000	[\$97] <u>\$150</u>
Over \$32,000 but not over \$34,000	[\$93] <u>\$143</u>
Over \$34,000 but not over \$36,000	[\$89] <u>\$137</u>

§ 3. This act shall take effect immediately; provided, however, that section two of this act shall take effect January 1, 2020.