

# STATE OF NEW YORK

2829--A

2017-2018 Regular Sessions

## IN SENATE

January 17, 2017

Introduced by Sen. PARKER -- 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

AN ACT to amend the tax law, in relation to creating a disabled person retrofit 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 (jjj) to read as follows:

3 (jjj) Disabled person retrofit tax credit. (1) For taxable years  
4 beginning on or after January first, two thousand nineteen, a taxpayer  
5 shall be allowed a credit, to be computed as hereinafter provided,  
6 against the tax imposed by this article. The amount of the credit shall  
7 be equal to thirty percent of the cost of the expenditures made by the  
8 taxpayer with respect to the installation of qualified improvements at a  
9 dwelling occupied by the taxpayer as his or her primary residence and  
10 may be allowed in the taxable year in which the expenditure is incurred;  
11 provided that the lifetime credit allowable with regard to expenditures  
12 for the installation of qualified improvements at a particular dwelling  
13 by any taxpayer shall not exceed five thousand dollars in the aggregate  
14 for improvements made to that dwelling. Subject to the provisions of  
15 this subsection, a taxpayer shall be allowed a credit, not to exceed  
16 five thousand dollars in the aggregate, for each dwelling that the  
17 taxpayer occupies as his or her primary residence and at which the  
18 taxpayer installs qualified improvements.

19 (2) As used in this subsection "qualified improvements" means the  
20 installation of:

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

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1 (A) a no-step entrance or entrances allowing access into the resi-  
2 dence;

3 (B) interior passage doors providing at least a thirty-two inch wide  
4 opening;

5 (C) reinforcements in bathroom walls allowing installation of grab  
6 bars around the toilet, tub and shower; and

7 (D) light switches and outlets placed in locations accessible to disa-  
8 bled persons.

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

13 (4) (A) The provisions of this subsection shall not apply to any  
14 dwelling owned solely for commercial purposes. In the case of a building  
15 where less than the entire building is used as a residence of the  
16 taxpayer, only the portion of the total expenditures made in the build-  
17 ing that is attributable to the residence of the taxpayer shall be  
18 treated as qualified expenditures for the purposes of this subsection.

19 (B) If the taxpayer occupies the dwelling as his or her primary resi-  
20 dence for only a portion of a tax year in which a credit under this  
21 subsection is claimed, the amount of the allowable credit shall be  
22 reduced in proportion to the amount of time the taxpayer did not occupy  
23 the dwelling as his or her primary residence.

24 (C) In the case of a dwelling that is owned by and is a residence of  
25 two or more persons, other than a husband and wife, the portion of the  
26 total expenditures made in the rehabilitation of the building that is  
27 attributable to each taxpayer shall be equal to the taxpayer's share of  
28 ownership in such building.

29 (5) The taxpayer shall furnish such information as the commissioner  
30 determines is necessary to determine any credit under this subsection.

31 (6) The aggregate amount of tax credits allowed shall be one million  
32 dollars each year. Such aggregate amount of credits shall be allocated  
33 by the department among taxpayers in order of priority based upon the  
34 date of filing. If the total amount of allocated credits applied for in  
35 any particular year exceeds the aggregate amount of tax credits allowed  
36 for such year under this section, such excess shall be treated as having  
37 been applied for on the first day of the subsequent year.

38 § 2. This act shall take effect immediately and shall be deemed to  
39 have been in full force and effect on and after January 1, 2019;  
40 provided further, this act shall apply to all tax years commencing on or  
41 after January 1, 2019.