

# STATE OF NEW YORK

5458

2017-2018 Regular Sessions

## IN SENATE

March 29, 2017

Introduced by Sen. PARKER -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations

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:

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

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

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

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

14 (a) "Homeowner" is defined as a New York resident for the past twen-  
15 ty-four months and who owns a single family or multi-family dwelling for  
16 residential purposes within New York state.

17 (b) "Business" shall mean any business whose principal place of busi-  
18 ness is located in New York state, and has been located in the state for  
19 the previous thirty-six months.

20 (c) "Green infrastructure" shall mean any cost-effective, resilient  
21 approach to managing wet weather impacts that provides many community  
22 benefits. For example, while single-purpose gray stormwater infrastruc-  
23 ture, conventional piped drainage and water treatment systems are  
24 designed to move urban stormwater away from the built environment, green

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

LBD01557-01-7

1 infrastructure reduces and treats stormwater at its source while deliv-  
2 ering environmental, social and economic benefits. Green infrastructure  
3 shall include but not be limited to downspout disconnection, rainwater  
4 harvesting, rain gardens, planter boxes, permeable pavements, and green  
5 roofs.

6 (d) "Downspout disconnection" shall mean a practice which reroutes  
7 rooftop drainage pipes from draining rainwater into the storm sewer to  
8 draining it into rain barrels, cisterns, or permeable areas.

9 (e) "Rainwater harvesting" shall mean a system which collects and  
10 stores rainfall for later use. When designed appropriately, they slow  
11 and reduce runoff and provide a source of water.

12 (f) "Rain gardens" shall mean versatile features that can be installed  
13 in almost any unpaved space. Also known as bioretention or bioinfiltra-  
14 tion cells, rain gardens are shallow, vegetated basins that collect and  
15 absorb runoff from rooftops, sidewalks, and streets. This practice  
16 mimics natural hydrology by infiltrating, and evaporating and transpir-  
17 ing, or "evapotranspiring," stormwater runoff.

18 (g) "Planter boxes" shall mean urban rain gardens with vertical walls  
19 and either open or closed bottoms. They collect and absorb runoff from  
20 sidewalks, parking lots and streets and are ideal for space-limited  
21 sites in dense urban areas and as a streetscaping element.

22 (h) "Permeable pavements" shall mean pavements which infiltrate, treat  
23 and/or store rainwater where it falls. Such pavements can be made of  
24 pervious concrete, porous asphalt, or permeable interlocking pavers.  
25 This practice could be particularly cost effective where land values are  
26 high and flooding or icing is a problem.

27 (i) "Green roofs" shall mean roofs covered with growing media and  
28 vegetation that enable rainfall infiltration and evapotranspiration of  
29 stored water. Such roofs are particularly cost-effective in dense urban  
30 areas where land values are high and on large industrial or office  
31 buildings where stormwater management costs are likely to be high.

32 § 2. Section 210-B of the tax law is amended by adding a new subdivi-  
33 sion 52 to read as follows:

34 52. Green infrastructure tax credit. (a) A qualified business as  
35 defined by subsection (ccc) of section six hundred six of this chapter  
36 shall be entitled to a credit against tax imposed by this article. The  
37 amount of the credit shall be up to fifty percent of the cost of  
38 construction, not exceeding five thousand dollars.

39 (b) Carryover. The credit allowed under this subdivision for any taxa-  
40 ble year shall not reduce the tax due for that year to less than the  
41 amount prescribed in paragraph (d) of subdivision one of section two  
42 hundred ten of this article. However, if the amount of credit allowed  
43 under this subdivision for any taxable year reduces the tax to such  
44 amount, or if the taxpayer otherwise pays tax based on the fixed dollar  
45 minimum amount, any amount of credit thus not deductible in that taxable  
46 year will be treated as an overpayment of tax to be credited or refunded  
47 in accordance with the provisions of section one thousand eighty-six of  
48 this chapter. Provided, however, the provisions of subsection (c) of  
49 section one thousand eighty-eight of this chapter notwithstanding, no  
50 interest will be paid thereon.

51 § 3. This act shall take effect immediately and shall apply to taxable  
52 years commencing on and after such date.