

STATE OF NEW YORK

6970

2017-2018 Regular Sessions

IN SENATE

December 13, 2017

Introduced by Sen. PERALTA -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the tax law, in relation to the real property tax circuit breaker personal income tax credit

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

Section 1. Paragraphs 3 and 7 of subsection (e) of section 606 of the tax law, as amended by chapter 28 of the laws of 1987, are amended to read as follows:

(3) Determination of credit. (A) For qualified taxpayers who have attained the age of sixty-five years 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:

	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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If household gross income for the taxable year is:	
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[\$3,000] <u>\$10,000</u> or less	3 1/2
<u>Over \$10,000 but not over \$15,000</u>	<u>3</u>
Over [\$3,000] <u>\$15,000</u> but not over	
[\$5,000] <u>\$25,000</u>	4
Over [\$5,000] <u>\$25,000</u> but not over	
[\$7,000] <u>\$35,000</u>	4 1/2

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

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1	Over [\$7,000] <u>\$35,000</u> but not over	
2	[\$9,000] <u>\$45,000</u>	5
3	Over [\$9,000] <u>\$45,000</u> but not over	
4	[\$11,000] <u>\$50,000</u>	5 1/2
5	Over [\$11,000] <u>\$50,000</u> but not over	
6	[\$14,000] <u>\$60,000</u>	6
7	Over [\$14,000] <u>\$60,000</u> but not over	
8	[\$18,000] <u>\$75,000</u>	6 1/2

9 Notwithstanding the foregoing provisions, the maximum credit deter-
 10 mined under this subparagraph may not exceed the amount determined in
 11 accordance with the following table:

12	If household gross income for the	
13	taxable year is:	The maximum credit is:
14	-----	-----
15	[\$1,000] <u>\$10,000</u> or less	[\$375] <u>\$700</u>
16	Over [\$1,000] <u>\$10,000</u> but not over	
17	[\$2,000] <u>\$15,000</u>	[\$358] <u>\$650</u>
18	Over [\$2,000] <u>\$15,000</u> but not over	
19	[\$3,000] <u>\$20,000</u>	[\$341] <u>\$600</u>
20	Over [\$3,000] <u>\$20,000</u> but not over	
21	[\$4,000] <u>\$25,000</u>	[\$324] <u>\$550</u>
22	Over [\$4,000] <u>\$25,000</u> but not over	
23	[\$5,000] <u>\$30,000</u>	[\$307] <u>\$500</u>
24	Over [\$5,000] <u>\$30,000</u> but not over	
25	[\$6,000] <u>\$35,000</u>	[\$290] <u>\$450</u>
26	Over [\$6,000] <u>\$35,000</u> but not over	
27	[\$7,000] <u>\$40,000</u>	[\$273] <u>\$400</u>
28	Over [\$7,000] <u>\$40,000</u> but not over	
29	[\$8,000] <u>\$45,000</u>	[\$256] <u>\$350</u>
30	Over [\$8,000] <u>\$45,000</u> but not over	
31	[\$9,000] <u>\$50,000</u>	[\$239] <u>\$300</u>
32	Over [\$9,000] <u>\$50,000</u> but not over	
33	[\$10,000] <u>\$60,000</u>	[\$222] <u>\$250</u>
34	Over [\$10,000] <u>\$60,000</u> but not over	
35	[\$11,000]	\$205
36	Over \$11,000 but not over \$12,000	\$188
37	Over \$12,000 but not over \$13,000	\$171
38	Over \$13,000 but not over \$14,000	\$154
39	Over \$14,000 but not over \$15,000	\$137
40	Over \$15,000 but not over \$16,000	\$120
41	Over \$16,000 but not over \$17,000	\$103
42	Over \$17,000 but not over \$18,000]	
43	<u>\$75,000</u>	[\$-86] <u>\$200</u>

44 (B) For all other qualified taxpayers the amount of the credit allow-
 45 able under this subsection shall be fifty percent of excess real proper-
 46 ty taxes or the excess of the real property tax equivalent determined as
 47 follows:

48	Excess real property taxes are the
49	excess of real property tax equiv-
50	alent or the excess of qualifying
51	real property taxes over the
52	If household gross income for the following percentage of household

taxable year is:	gross income:
-----	-----
3 [\$3,000] <u>\$10,000</u> or less	3 1/2
4 <u>Over \$10,000 but not over \$15,000</u>	<u>3</u>
5 Over [\$3,000] <u>\$15,000</u> but not over	
6 [\$5,000] <u>\$25,000</u>	4
7 Over [\$5,000] <u>\$25,000</u> but not over	
8 [\$7,000] <u>\$35,000</u>	4 1/2
9 Over [\$7,000] <u>\$35,000</u> but not over	
10 [\$9,000] <u>\$45,000</u>	5
11 Over [\$9,000] <u>\$45,000</u> but not over	
12 [\$11,000] <u>\$50,000</u>	5 1/2
13 Over [\$11,000] <u>\$50,000</u> but not over	
14 [\$14,000] <u>\$60,000</u>	6
15 Over [\$14,000] <u>\$60,000</u> but not over	
16 [\$18,000] <u>\$75,000</u>	6 1/2

17 Notwithstanding the foregoing provisions, the maximum credit deter-
 18 mined under this subparagraph may not exceed the amount determined in
 19 accordance with the following table:

If household gross income for the taxable year is:	The maximum credit is:
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23 [\$1,000] <u>\$10,000</u> or less	[\$75] <u>\$400</u>
24 Over [\$1,000] <u>\$10,000</u> but not over	
25 [\$2,000] <u>\$15,000</u>	[\$73] <u>\$350</u>
26 Over [\$2,000] <u>\$15,000</u> but not over	
27 [\$3,000] <u>\$20,000</u>	[\$71] <u>\$325</u>
28 Over [\$3,000] <u>\$20,000</u> but not over	
29 [\$4,000] <u>\$25,000</u>	[\$69] <u>\$300</u>
30 Over [\$4,000] <u>\$25,000</u> but not over	
31 [\$5,000] <u>\$30,000</u>	[\$67] <u>\$275</u>
32 Over [\$5,000] <u>\$30,000</u> but not over	
33 [\$6,000] <u>\$35,000</u>	[\$65] <u>\$250</u>
34 Over [\$6,000] <u>\$35,000</u> but not over	
35 [\$7,000] <u>\$40,000</u>	[\$63] <u>\$225</u>
36 Over [\$7,000] <u>\$40,000</u> but not over	
37 [\$8,000] <u>\$45,000</u>	[\$61] <u>\$200</u>
38 Over [\$8,000] <u>\$45,000</u> but not over	
39 [\$9,000] <u>\$50,000</u>	[\$59] <u>\$175</u>
40 Over [\$9,000] <u>\$50,000</u> but not over	
41 [\$10,000] <u>\$60,000</u>	[\$57] <u>\$150</u>
42 Over [\$10,000] <u>\$60,000</u> but not over	
43 [\$11,000]	\$55
44 Over \$11,000 but not over \$12,000	\$53
45 Over \$12,000 but not over \$13,000	\$51
46 Over \$13,000 but not over \$14,000	\$49
47 Over \$14,000 but not over \$15,000	\$47
48 Over \$15,000 but not over \$16,000	\$45
49 Over \$16,000 but not over \$17,000	\$43
50 Over \$17,000 but not over \$18,000]	
51 <u>\$75,000</u>	[\$41] <u>\$125</u>

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

1 (A) If household gross income for the taxable year exceeds [~~eighteen~~
2 seventy-five thousand dollars.

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

8 (C) To a property owner who owns real property, the full value of
9 which exceeds [~~eighty-five~~ two hundred thousand dollars.

10 (D) To a tenant if the adjusted rent for the residence exceeds [~~four~~
11 ~~hundred-fifty~~ one thousand dollars per month on average.

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

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

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

19 § 2. This act shall take effect immediately and shall apply to taxable
20 years commencing on or after the calendar year in which it shall have
21 become a law.