

# STATE OF NEW YORK

7864

## IN SENATE

March 5, 2018

Introduced by Sens. LAVALLE, O'MARA -- 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 establishing a residential  
fuel oil storage tank credit and to direct the office of temporary and  
disability assistance to establish a program to assist eligible house-  
holds in the replacement of residential fuel oil storage tanks

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 (p-1) to read as follows:

3 (p-1) Residential fuel oil storage tank credit. (1) Allowance of cred-  
4 it. A taxpayer shall be allowed a credit, to be computed as hereinafter  
5 provided, against the tax imposed by this article for the removal or  
6 permanent closure and installation of a below-ground or above-ground  
7 residential fuel oil storage tank used to provide heating fuel for  
8 single family, two family, three family and four family residences  
9 located in this state.

10 (2) Amount of credit. The amount of the credit shall be equal to the  
11 costs of removal or permanent closure of an existing below-ground or  
12 above-ground residential fuel oil tank and the purchase and installation  
13 costs of a new below-ground or above-ground residential fuel oil storage  
14 tank which is installed during the taxable year where such new tank is  
15 used in place of such formerly used below-ground or above-ground resi-  
16 dential fuel oil tank which was removed or permanently closed during the  
17 taxable year, not to exceed five hundred dollars.

18 (3) Limitation. A credit allowed under this subsection may be allowed  
19 only once with respect to a particular residence.

20 (4) Carryover. If the amount of the credit allowable under this  
21 subsection exceeds the taxpayer's tax for any taxable year, the excess  
22 may be carried over to the following year or years and may be deducted  
23 from the taxpayer's tax for such year or years.

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

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1     (5) To qualify for the credit established by this subsection, a  
2     replacement fuel oil storage tank must be installed and shall be of a  
3     design approved by Underwriters Laboratories (U.L.), as follows:

4     (A) U.L. 80: A steel tank with a polyurethane exterior coating;

5     (B) U.L. 80: A steel tank with a double-bottom leak protection system,  
6     with or without a polyurethane exterior coating;

7     (C) U.L. 80 steel tank, without a polyurethane exterior coating,  
8     provided that such tank is located inside a sealed, leak-proof secondary  
9     containment structure listed to U.L. 2258 (non-metallic tub for oil  
10    tanks), wherein such structure has a volumetric capacity of 110% of the  
11    inside tank;

12    (D) U.L. 2558: A double wall tank consisting of an interior polyethy-  
13    lene tank placed inside a secondary liquid-tight metallic tank;

14    (E) U.L. 2558: A single wall or double wall fiberglass tank; or

15    (F) U.L. 58 and U.L. 1746-Part 1: A Steel Tank Institute P-3 tank with  
16    cathodic protection.

17    A standard unprotected single wall oil storage tank listed to U.L. 80 is  
18    not permitted as a replacement tank and will not be eligible for the tax  
19    credit provided herein.

20    § 2. The office of temporary and disability assistance shall develop a  
21    program utilizing the heating energy assistance program (HEAP) to assist  
22    eligible households to remove/permanently close and replace existing  
23    fuel oil storage tanks and to promulgate such regulations and apply for  
24    such permissions and waivers from the United States government as may be  
25    necessary to do so. To qualify for assistance, a replacement fuel oil  
26    storage tank must be installed and shall be of a design as specified in  
27    paragraph (5) of subsection (p-1) of section 606 of the tax law.

28    § 3. This act shall take effect immediately.