STATE OF NEW YORK

478

2019-2020 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 9, 2019

Introduced by M. of A. PAULIN, BUCHWALD, DINOWITZ, GOTTFRIED, SCHIMMINGER, ZEBROWSKI, GALEF, ABINANTI, THIELE, ENGLEBRIGHT, SEAWRIGHT, JAFFEE, D'URSO, COLTON, ORTIZ -- read once and referred to the Committee on Ways and Means

AN ACT to amend the tax law, in relation to authorizing the deduction of the New York itemized deduction where the individual's federal taxable income is not determined by itemizing deductions

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

Section 1. Subsection (a) of section 615 of the tax law, as amended by section 3 of part JJ of chapter 59 of the laws of 2018, is amended to read as follows:

(a) General. If federal taxable income of a resident individual is determined by itemizing deductions or claiming the federal standard deduction from his or her federal adjusted gross income, he or she may elect to deduct his or her New York itemized deduction or claim his or her New York standard deduction. **If federal taxable income of a resident individual is not determined by itemizing deductions from his or her federal adjusted gross income, he or she may elect to deduct his or her New York itemized deduction in lieu of his or her New York standard deduction.** The New York itemized deduction of a resident individual means the total amount of his or her deductions from federal adjusted gross income allowed, other than federal deductions for personal exemptions, as provided in the laws of the United States for the taxable year, as such deductions existed immediately prior to the enactment of Public Law 115-97 with the modifications specified in this section, except as provided for under subsections (f) and (g) of this section.

§ 2. Subsection (d) of section 615 of the tax law is amended by adding a new paragraph 6 to read as follows:

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

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(6) the total amount of the state and local real property taxes paid during the taxable year, as such term is defined in paragraphs (1) and (2) of subsection (a) of section one hundred sixty-four of the Internal Revenue Code without regard to paragraph (6) of subsection (b) of such section to the extent such taxes paid were not entirely claimed during the taxable year, or for the taxpayer who filed the standard deduction during the taxable year, but elected to file the New York itemized deduction, the total amount of such real property taxes paid during the taxable year.

§ 3. This act shall take effect immediately.