

STATE OF NEW YORK

5760--A

2019-2020 Regular Sessions

IN ASSEMBLY

February 15, 2019

Introduced by M. of A. WOERNER, LUPARDO, FAHY, OTIS, ENGLEBRIGHT, D'URSO, ARROYO, SMULLEN, BRABENEC, McDONALD -- Multi-Sponsored by -- M. of A. SCHIMMINGER, WALSH -- read once and referred to the Committee on Ways and Means -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the tax law, in relation to the rehabilitation of historic properties tax credit

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

1 Section 1. Subparagraph (A) of paragraph 1 of subsection (oo) of
2 section 606 of the tax law, as amended by section 1 of part RR of chap-
3 ter 59 of the laws of 2018, is amended and two new paragraphs 6 and 7
4 are added to read as follows:

5 (A) For taxable years beginning on or after January first, two thou-
6 sand ten and before January first, two thousand twenty-five, a taxpayer
7 shall be allowed a credit as hereinafter provided, against the tax
8 imposed by this article, in an amount equal to one hundred percent of
9 the amount of credit allowed the taxpayer with respect to a certified
10 historic structure, and one hundred fifty percent of the amount of cred-
11 it allowed the taxpayer with respect to a certified historic structure
12 that is a small project, under internal revenue code section 47(c)(3),
13 determined without regard to ratably allocating the credit over a five
14 year period as required by subsection (a) of such section 47, with
15 respect to a certified historic structure located within the state.
16 Provided, however, the credit shall not exceed five million dollars. For
17 taxable years beginning on or after January first, two thousand twenty-
18 five, a taxpayer shall be allowed a credit as hereinafter provided,
19 against the tax imposed by this article, in an amount equal to thirty
20 percent of the amount of credit allowed the taxpayer with respect to a
21 certified historic structure under internal revenue code section
22 47(c)(3), determined without regard to ratably allocating the credit

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

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1 over a five year period as required by subsection (a) of such section
2 47, with respect to a certified historic structure located within the
3 state; provided, however, the credit shall not exceed one hundred thou-
4 sand dollars.

5 (6) A taxpayer is permitted to transfer such credit allowed under this
6 subsection, in whole or in part, to any individual or entity, without
7 the requirement of transferring any ownership interest in the certified
8 historic structure or any interest in the entity which owns the certi-
9 fied historic structure; provided, however, that a taxpayer may only
10 transfer such credit once. Any individual or entity to whom the credit
11 was transferred may not transfer the credit, in whole or in part, to any
12 other party but may claim it against the tax imposed by this article.
13 Such transfer shall not affect the time schedule for claiming the credit
14 transferred. Any credit recaptured shall be the liability of the taxpay-
15 er who actually claimed the credit. The claim of a transferee shall be
16 permitted in the same manner and subject to the same provisions of this
17 subsection as applied to the taxpayer to whom the credit was originally
18 allowed.

19 (7) For purposes of this subsection the term "small project" means
20 qualified rehabilitation expenditures totaling five million dollars or
21 less.

22 § 2. Subparagraph (i) of paragraph (a) of subdivision 26 of section
23 210-B of the tax law, as amended by section 2 of part RR of chapter 59
24 of the laws of 2018, is amended and a new paragraph (f) is added to read
25 as follows:

26 (i) For taxable years beginning on or after January first, two thou-
27 sand ten, and before January first, two thousand twenty-five, a taxpayer
28 shall be allowed a credit as hereinafter provided, against the tax
29 imposed by this article, in an amount equal to one hundred percent of
30 the amount of credit allowed the taxpayer for the same taxable year with
31 respect to a certified historic structure, and one hundred fifty percent
32 of the amount of credit allowed the taxpayer with respect to a certified
33 historic structure that is a small project, under internal revenue code
34 section 47(c)(3), determined without regard to ratably allocating the
35 credit over a five year period as required by subsection (a) of such
36 section 47, with respect to a certified historic structure located with-
37 in the state. Provided, however, the credit shall not exceed five
38 million dollars.

39 (f) For purposes of this subdivision "small project" means qualified
40 rehabilitation expenditures totaling five million dollars or less.

41 § 3. Subparagraph (A) of paragraph 1 of subdivision (y) of section
42 1511 of the tax law, as amended by section 3 of part RR of chapter 59 of
43 the laws of 2018, is amended and a new paragraph 6 is added to read as
44 follows:

45 (A) For taxable years beginning on or after January first, two thou-
46 sand ten and before January first, two thousand twenty-five, a taxpayer
47 shall be allowed a credit as hereinafter provided, against the tax
48 imposed by this article, in an amount equal to one hundred percent of
49 the amount of credit allowed the taxpayer with respect to a certified
50 historic structure, and one hundred fifty percent of the amount of cred-
51 it allowed the taxpayer with respect to a certified historic structure
52 that is a small project, under internal revenue code section 47(c)(3),
53 determined without regard to ratably allocating the credit over a five
54 year period as required by subsection (a) of such section 47, with
55 respect to a certified historic structure located within the state.
56 Provided, however, the credit shall not exceed five million dollars. For

1 taxable years beginning on or after January first, two thousand twenty-
2 five, a taxpayer shall be allowed a credit as hereinafter provided,
3 against the tax imposed by this article, in an amount equal to thirty
4 percent of the amount of credit allowed the taxpayer with respect to a
5 certified historic structure under internal revenue code section
6 47(c)(3), determined without regard to ratably allocating the credit
7 over a five year period as required by subsection (a) of such section 47
8 with respect to a certified historic structure located within the state.
9 Provided, however, the credit shall not exceed one hundred thousand
10 dollars.

11 (6) For purposes of this subdivision "small project" means qualified
12 rehabilitation expenditures totaling five million dollars or less.

13 § 4. This act shall take effect immediately and shall apply to taxable
14 years beginning on and after January 1, 2020.