

# STATE OF NEW YORK

5106--A

2019-2020 Regular Sessions

## IN SENATE

April 9, 2019

Introduced by Sen. PARKER -- read twice and ordered printed, and when printed to be committed to the Committee on Budget and Revenue -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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 (kkk) to read as follows:

3 (kkk) 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 ten 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 ten 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

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

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

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

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

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

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

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

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

33 § 2. Section 210-B of the tax law is amended by adding a new subdivi-  
34 sion 54 to read as follows:

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

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

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