

STATE OF NEW YORK

5219--A

2019-2020 Regular Sessions

IN SENATE

April 16, 2019

Introduced by Sens. KENNEDY, HOYLMAN, METZGER -- read twice and ordered printed, and when printed to be committed to the Committee on Budget and Revenue -- recommitted to the Committee on Budget and Revenue in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the tax law, in relation to establishing a sanitary sewer lateral pipe replacement or repair credit

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) Sanitary sewer lateral pipe replacement credit. (1) General. An
4 individual taxpayer shall be allowed a credit for taxable years begin-
5 ning on or after January first, two thousand twenty-one against the tax
6 imposed by this article for the costs to repair or replace a lateral
7 sanitary sewer pipe, when such repair or replacement is recommended by a
8 certified plumber or the presiding municipality. The amount of the cred-
9 it shall be twenty-five percent of the total cost of repair or removal.

10 (2) Lateral repair and replacement costs. (A) The term "costs of
11 replacement" includes the cost of an assessment from a plumber, any
12 initial appraisals, labor costs, disposal fees, and cleanup fees; except
13 any state or local sales tax applicable to the services performed. (B)
14 The term "costs of repair" includes the cost of an assessment from a
15 plumber, any initial appraisals, labor costs, disposal fees, and
16 follow-up fees; except any state or local sales tax applicable to the
17 services.

18 (3) Amount of credit. The aggregate amount of tax credits allowed
19 under this subsection in any calendar year statewide shall be five
20 million dollars.

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

LBD00401-02-0

1 (4) Lateral repair or replacement for qualified taxpayers. A property
2 owner who incurs costs for repairing or replacing lateral sewer pipes
3 must be replacing or repairing the lateral pipe located on a residential
4 property or mixed-use property, which is:

5 (A) located in this state;

6 (B) owned by the taxpayer;

7 (C) used by the taxpayer as their principal residence; and

8 (D) owned by a taxpayer with a household income of less than two
9 hundred fifty thousand dollars.

10 (5) When credit allowed. The credit provided for in this subsection
11 shall be allowed with respect to the taxable year, commencing after
12 January first, two thousand twenty-two in which the work is completed
13 and paid for.

14 (6) Carryover of credit. If the amount of the credit, and carryovers
15 of such credit, allowable under this subsection for any taxable year
16 shall exceed the taxpayer's tax for such year, such excess amount may be
17 carried over to the five taxable years next following the taxable year
18 with respect to which the credit is allowed and may be deducted from the
19 taxpayer's tax for such year or years.

20 § 2. This act shall take effect January 1, 2022, and shall apply to
21 taxable years commencing on or after such effective date.