

# STATE OF NEW YORK

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5760--C

2019-2020 Regular Sessions

## IN ASSEMBLY

February 15, 2019

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Introduced by M. of A. WOERNER, LUPARDO, FAHY, OTIS, ENGLEBRIGHT, D'URSO, ARROYO, SMULLEN, BRABENEC, McDONALD, HUNTER, MAGNARELLI -- 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 -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Ways and Means in accordance with Assembly Rule 3, sec. 2 -- 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 a new paragraph 6 is added to  
4 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-

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

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

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

13 § 2. Subparagraph (i) of paragraph (a) of subdivision 26 of section  
14 210-B of the tax law, as amended by section 2 of part RR of chapter 59  
15 of the laws of 2018, is amended and a new paragraph (f) is added to read  
16 as follows:

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

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

32 § 3. Subparagraph (A) of paragraph 1 of subdivision (y) of section  
33 1511 of the tax law, as amended by section 3 of part RR of chapter 59 of  
34 the laws of 2018, is amended and a new paragraph 6 is added to read as  
35 follows:

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

1 Provided, however, the credit shall not exceed one hundred thousand  
2 dollars.

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

5 § 4. This act shall take effect immediately and shall apply to taxable  
6 years beginning on and after January 1, 2021.