STATE OF NEW YORK

7226

2019-2020 Regular Sessions

IN ASSEMBLY

April 15, 2019

Introduced by M. of A. WEPRIN, JAFFEE, MOSLEY -- read once and referred to the Committee on Ways and Means

AN ACT to amend the tax law, in relation to creating a disabled person retrofit tax credit

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

Section 1. Section 606 of the tax law is amended by adding a new subsection (jjj) to read as follows:

(jjj) Disabled person retrofit tax credit. (1) For taxable years beginning on or after January first, two thousand twenty, a taxpayer who has a disability shall be allowed a credit, to be computed as hereinafter provided, against the tax imposed by this article. The amount of the credit shall be equal to thirty percent of the cost of the expenditures made by the taxpayer with respect to the installation of qualified improvements at a dwelling occupied by the taxpayer as his or her domicile and may be allowed in the following year in which the expenditure is incurred; provided that the lifetime credit allowable with regard to expenditures for the installation of qualified improvements at a particular dwelling by any taxpayer shall not exceed five thousand dollars in the aggregate for improvements made to that dwelling. Subject to the provisions of this subsection, a taxpayer shall be allowed a credit, not to exceed five thousand dollars in the aggregate, for each dwelling that the taxpayer occupies as his or her domicile and at which the taxpayer installs qualified improvements.

(2) As used in this subsection "disability" means:

(A) a physical, mental or medical impairment resulting from anatomical, physiological, genetic or neurological conditions which prevents the exercise of a normal bodily function or is demonstrable by medically accepted clinical or laboratory diagnostic techniques;

(B) a record of such an impairment; or

(C) a condition regarded by others as such an impairment.

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

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(3) As used in this subsection "qualified improvements" means the installation of:

(A) a no-step entrance or entrances allowing access into the residence;

(B) interior passage doors providing at least a thirty-two inch wide opening;

(C) reinforcements in bathroom walls allowing installation of grab bars around the toilet, tub and shower; and

(D) light switches and outlets placed in locations accessible to disabled persons.

(4) If the amount of credit allowable under this subsection shall exceed the taxpayer's tax for such year, the excess may be carried over to the following year or years and may be deducted from the taxpayer's tax for such year or years.

(5) (A) The provisions of this subsection shall not apply to any dwelling owned solely for commercial purposes. In the case of a building where less than the entire building is used as a residence of the taxpayer, only the portion of the total expenditures made in the building that is attributable to the residence of the taxpayer shall be treated as qualified expenditures for the purposes of this subsection.

(B) If the taxpayer occupies the dwelling as his or her domicile for only a portion of a tax year in which a credit under this subsection is claimed, the amount of the allowable credit shall be reduced in proportion to the amount of time the taxpayer did not occupy the dwelling as his or her domicile.

(C) In the case of a dwelling that is owned by and is a residence of two or more persons, other than a husband and wife, the portion of the total expenditures made in the rehabilitation of the building that is attributable to each taxpayer shall be equal to the taxpayer's share of ownership in such building.

(6) The taxpayer shall furnish such information as the commissioner determines is necessary to determine any credit under this subsection.

(7) The aggregate amount of tax credits allowed shall be five hundred thousand dollars each year. Such aggregate amount of credits shall be allocated by the department.

(8) The credit provided for under this subsection shall be limited to taxpayers who are able to furnish any and all requested information to the commissioner to determine eligibility for such credit.

§ 2. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after January 1, 2020; provided further, this act shall apply to all tax years commencing on or after January 1, 2020.