

STATE OF NEW YORK

1395

2019-2020 Regular Sessions

IN SENATE

January 14, 2019

Introduced by Sen. CARLUCCI -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations

AN ACT to amend the tax law, in relation to establishing a senior utility circuit breaker personal income tax 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 (jjj) to read as follows:

3 (jjj) Senior utility circuit breaker tax credit. (1) Definitions. For
4 the purposes of this subsection:

5 (A) "Qualified taxpayer" means a resident individual, married or head
6 of household taxpayer who is over sixty-five years of age, with a house-
7 hold gross income of one hundred fifty thousand dollars or less.

8 (B) "Household" or "members of the household" means a qualified
9 taxpayer and all other persons, not necessarily related, who have the
10 same residence and share its furnishings, facilities and accommodations.
11 Such terms shall not include a tenant, subtenant, roomer or boarder who
12 is not related to the qualified taxpayer in any degree specified in
13 paragraphs one through eight of subsection (a) of section one hundred
14 fifty-two of the internal revenue code. Provided, however, no person may
15 be a member of more than one household at one time.

16 (C) "Household gross income" means the aggregate adjusted gross income
17 of all members of the household for the taxable year as reported for
18 federal income tax purposes, or which would be reported as adjusted
19 gross income if a federal income tax return were required to be filed,
20 with the modifications in subsection (b) of section six hundred twelve
21 of this article but without the modifications in subsection (c) of such
22 section, plus any portion of the gain from the sale or exchange of prop-
23 erty otherwise excluded from such amount; earned income from sources
24 without the United States excludable from federal gross income by

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

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1 section nine hundred eleven of the internal revenue code; support money
2 not included in adjusted gross income; nontaxable strike benefits;
3 supplemental security income payments; the gross amount of any pension
4 or annuity benefits to the extent not included in such adjusted gross
5 income (including, but not limited to, railroad retirement benefits and
6 all payments received under the federal social security act and veter-
7 ans' disability pensions); nontaxable interest received from the state
8 of New York, its agencies, instrumentalities, public corporations, or
9 political subdivisions (including a public corporation created pursuant
10 to agreement or compact with another state or Canada); workers' compen-
11 sation; the gross amount of "loss-of-time" insurance; and the amount of
12 cash public assistance and relief, other than medical assistance for the
13 needy, paid to or for the benefit of the qualified taxpayer or members
14 of his household. Household gross income shall not include surplus foods
15 or other relief in kind or payments made to individuals because of their
16 status as victims of Nazi persecution as defined in P.L. 103-286.
17 Provided, further, household gross income shall only include all such
18 income received by all members of the household while members of such
19 household.

20 (D) "Residence" means a dwelling in this state, whether owned or rent-
21 ed.

22 (E) "Eligible expenses" means payments made by a qualified taxpayer
23 for the following goods and services delivered and used at his or her
24 primary residence:

25 (i) residential gas, electric and steam utility service which is
26 subject to the provisions of article two of the public service law;

27 (ii) residential water and sewer service;

28 (iii) home heating fuel, which shall include fuel oil, coal, wood,
29 propane, natural gas, electricity, steam, kerosene and any other fuel
30 when used for residential heating purposes; and

31 (iv) telecommunications services as defined in paragraph (g) of subdi-
32 vision one of section one hundred eighty-six-e of this chapter, and
33 shall not include wireless communications service, as defined by subdi-
34 vision ten of section three hundred one of the county law, unless such
35 wireless service is the only means by which the qualified taxpayer
36 receives telephonic services.

37 (2) Computation of credit. For taxable years beginning on and after
38 January first, two thousand nineteen, a qualified taxpayer shall be
39 allowed a credit, to be credited against the tax imposed by this arti-
40 cle. The amount of the credit shall be one-half of all eligible expenses
41 paid by the qualified taxpayer to the extent such expenses exceed seven
42 percent of the qualified taxpayer's household gross income. Such credit
43 shall be reduced by the amount of any moneys received by the qualified
44 taxpayer pursuant to the low-income home energy assistance program
45 established pursuant to section ninety-seven of the social services law.

46 (3) Overpayment. If the amount of the credit allowed under this
47 subsection for any taxable year shall exceed the qualified taxpayer's
48 tax for such year, the excess shall be treated as an overpayment of tax
49 to be credited or refunded in accordance with section six hundred eight-
50 y-six of this article, provided, however, that no interest shall be paid
51 thereon.

52 § 2. This act shall take effect immediately.