STATE OF NEW YORK

3902

2021-2022 Regular Sessions

IN SENATE

February 1, 2021

Introduced by Sen. KENNEDY -- read twice and ordered printed, and when printed to be committed to the Committee on Budget and Revenue

AN ACT to amend the tax law, in relation to establishing a sump pump installation and replacement 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 (lll) to read as follows:

(lll) Sump pump installation and replacement credit. (1) General. An individual taxpayer shall be allowed a credit for taxable years beginning on or after January first, two thousand twenty-three against the tax imposed by this article for the costs for replacement, repair or installation of a sump pump, when such repair, replacement, or installation is recommended by a certified plumber or municipality. The amount of the credit shall be fifty percent of the total cost of replacement, repair, or installation.

(2) Sump pump replacement, repair and installation costs. (A) The term "costs of replacement, repair or installation" includes the cost of an assessment from a plumber, any initial appraisals, labor costs, any disposal fees, and any cleanup fees; except any state or local sales tax applicable to the services performed. (B) The term "costs of repair" includes the cost of an assessment from a plumber, any initial appraisals, labor costs, any disposal fees, and follow-up fees; except any state or local sales tax applicable to the services.

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

(4) Installation and repair for qualified taxpayers. A property owner who incurs costs for repair or replacement of a sump pump must be doing so on a residential or mixed use property which is:

(A) located in the state;

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

LBD07690-01-1

(B) owned by the taxpayer;

(C) used by the taxpayer as his or her principal residence; and

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

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

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

§ 2. This act shall take effect immediately and shall apply to taxable years commencing on or after such effective date.