

STATE OF NEW YORK

3981--A

2021-2022 Regular Sessions

IN SENATE

February 1, 2021

Introduced by Sens. REICHLIN-MELNICK, ADDABBO, BORRELLO, BROOKS, MYRIE -- 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 legal services veterans tax credit for attorneys who perform certain civil cases and services for veterans and disabled veterans

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

1 Section 1. Section 210-B of the tax law is amended by adding a new
2 subdivision 55 to read as follows:

3 55. Legal services veterans tax credit. (a) General. A taxpayer shall
4 be allowed a credit, to be computed as provided in this subdivision,
5 against the tax imposed by this article for any attorney who performs a
6 minimum of fifty hours of pro bono legal services for civil cases to a
7 veteran or disabled veteran during a taxable year. Such services shall
8 include, but not be limited to, veteran's benefits and appeals, military
9 discharges and upgrades, public benefits, evictions and foreclosures,
10 and consumer debt issues.

11 (b) Amount of credit. A credit authorized by this section shall not
12 exceed one thousand five hundred dollars annually.

13 (c) Carryovers. The credit allowed under this subdivision may be
14 claimed and if not fully used in the initial year for which the credit
15 is claimed may be carried over, in order, to each of the ten succeeding
16 taxable years. The credit authorized by this subdivision may not be used
17 to reduce the tax liability of the credit claimant below zero.

18 (d) Definitions. As used in this subdivision, the following terms
19 shall have the following meanings:

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

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1 (i) "Veteran" shall have the same meaning as set forth in section
2 eighty-five of the civil service law.

3 (ii) "Disabled veteran" shall have the same meaning as set forth in
4 section eighty-five of the civil service law.

5 § 2. Subparagraph (B) of paragraph 1 of subsection (i) of section 606
6 of the tax law is amended by adding a new clause (xlvi) to read as
7 follows:

8 <u>(xlvi) Legal services veterans tax</u>	<u>Amount of credit under subdivision</u>
9 <u>credit under subsection (nnn)</u>	<u>fifty-five of section two</u>
10	<u>hundred ten-B</u>

11 § 3. Section 606 of the tax law is amended by adding a new subsection
12 (nnn) to read as follows:

13 (nnn) Legal services veterans tax credit. (1) General. A taxpayer
14 shall be allowed a credit, to be computed as provided in this
15 subsection, against the tax imposed by this article for any attorney who
16 performs a minimum of fifty hours of pro bono legal services for civil
17 cases to a veteran or disabled veteran during a taxable year. Such
18 services shall include, but not be limited to, veteran's benefits and
19 appeals, military discharges and upgrades, public benefits, evictions
20 and foreclosures, and consumer debt issues.

21 (2) Amount of credit. A credit authorized by this subsection shall not
22 exceed one thousand five hundred dollars annually.

23 (3) Carryovers. The credit allowed under this subsection may be
24 claimed and if not fully used in the initial year for which the credit
25 is claimed may be carried over, in order, to each of the ten succeeding
26 taxable years. The credit authorized by this subsection may not be used
27 to reduce the tax liability of the credit claimant below zero.

28 (4) Definitions. As used in this subsection, the following terms shall
29 have the following meanings:

30 (i) "Veteran" shall have the same meaning as set forth in section
31 eighty-five of the civil service law.

32 (ii) "Disabled veteran" shall have the same meaning as set forth in
33 section eighty-five of the civil service law.

34 § 4. The attorney general shall promulgate any necessary rules and
35 regulations that define which civil cases and services qualify for the
36 credit, as well as procedures for the screening and review of hour
37 submissions by attorneys. The commissioner of taxation and finance
38 shall promulgate any necessary rules and regulations pertaining to the
39 submission of qualifying hours by attorneys.

40 § 5. This act shall take effect immediately and shall apply to taxable
41 years beginning on or after January 1, 2022.