

STATE OF NEW YORK

3437--A

2021-2022 Regular Sessions

IN ASSEMBLY

January 26, 2021

Introduced by M. of A. L. ROSENTHAL -- read once and referred to the Committee on Ways and Means -- 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 establishing a tax credit for rent paid on the personal residence of certain taxpayers

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 (nnn) to read as follows:

3 (nnn) Rent relief credit. (1) Allowance of credit. A qualified taxpayer shall be allowed a credit to be computed as provided in paragraph two
4 of this subsection against the tax imposed by this article.

5 (2) Computation of credit. (A) Except as provided in subparagraphs (B)
6 and (C) of this paragraph the amount of the credit allowed under this
7 subsection shall be as follows:

8 (i) One hundred percent of the excess of thirty percent of the taxpayer's
9 gross income such taxpayer pays in rent for such taxable year for
10 taxpayers whose gross income is twenty-five thousand dollars or less;

11 (ii) Seventy-five percent of the excess of thirty percent of the
12 taxpayer's gross income such taxpayer pays in rent for such taxable year
13 for taxpayers whose gross income is greater than twenty-five thousand
14 dollars but less than fifty thousand dollars;

15 (iii) Fifty percent of the excess of thirty percent of the taxpayer's
16 gross income such taxpayer pays in rent for such taxable year for
17 taxpayers whose gross income is fifty thousand dollars or greater but
18 less than seventy-five thousand dollars;

19 (iv) Twenty-five percent of the excess of thirty percent of the
20 taxpayer's gross income such taxpayer pays in rent for such taxable year
21

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

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1 for taxpayers whose gross income is seventy-five thousand dollars or
2 greater but less than one hundred thousand dollars; or

3 (v) Zero percent of the excess of thirty percent of the taxpayer's
4 gross income such taxpayer pays in rent for such taxable year for
5 taxpayers whose gross income is one hundred thousand dollars or greater.

6 (B) Notwithstanding the provisions of subparagraph (A) of this para-
7 graph, where the primary residence of a taxpayer is located in an area
8 for which, under the rule published in the federal register on November
9 sixteenth of two thousand sixteen (81 Fed. Reg. 80567), the small area
10 fair market rent is used for purposes of the federal housing choice
11 voucher program the amount of the credit allowed under this subsection
12 shall be as follows:

13 (i) One hundred percent of the excess of thirty percent of the taxpay-
14 er's gross income such taxpayer pays in rent for such taxable year for
15 taxpayers whose gross income is twenty-five thousand dollars or less;

16 (ii) Seventy-five percent of the excess of thirty percent of the
17 taxpayer's gross income such taxpayer pays in rent for such taxable year
18 for taxpayers whose gross income is greater than twenty-five thousand
19 dollars but less than fifty thousand dollars;

20 (iii) Fifty percent of the excess of thirty percent of the taxpayer's
21 gross income such taxpayer pays in rent for such taxable year for
22 taxpayers whose gross income is fifty thousand dollars or greater but
23 less than seventy-five thousand dollars;

24 (iv) Twenty-five percent of the excess of thirty percent of the
25 taxpayer's gross income such taxpayer pays in rent for such taxable year
26 for taxpayers whose gross income is seventy-five thousand dollars or
27 greater but less than one hundred twenty-five thousand dollars; or

28 (v) Zero percent of the excess of thirty percent of the taxpayer's
29 gross income such taxpayer pays in rent for such taxable year for
30 taxpayers whose gross income is one hundred twenty-five thousand dollars
31 or greater.

32 (C) Notwithstanding the provisions of subparagraph (A) or (B) of this
33 paragraph, where the rent of the primary residence of a taxpayer is
34 subsidized under a federal, state, local or tribal program, the amount
35 of the credit allowed under this subsection shall be equal to one-
36 twelfth of the amount of rent paid by such taxpayer that is not subsi-
37 dized under any such program during the taxable year with respect to
38 such residence.

39 (3) Limitation on amount of credit. For the purposes of determining
40 the amount of the credit allowed under this subsection, with respect to
41 a primary residence for the taxable year, there shall not be taken into
42 account rent in excess of an amount equal to one hundred fifty percent
43 of the fair market rent, including the utility allowance, applicable to
44 such residence, as most recently published, as of the beginning of the
45 taxable year, by the United States department of housing and urban
46 development.

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

53 (5) Administration. The commissioner shall have the authority to
54 promulgate such rules and regulations as may be necessary for the proc-
55 essing, determination and granting of credits under this subsection.

1 (6) Definitions. As used in this subsection, the following terms shall
2 have the following meanings:

3 (A) "Qualified taxpayer" shall mean an individual who leases the indi-
4 vidual's primary residence during the taxable year and who pays rent
5 with respect to such residence in excess of thirty percent of such
6 taxpayer's gross income for such taxable year.

7 (B) "Rent" shall include any amount paid for utilities.

8 (C) "Gross income" shall mean the federal adjusted gross income of a
9 taxpayer.

10 § 2. This act shall take effect on the first of January next succeed-
11 ing the date on which it shall have become a law, and shall apply to
12 taxable years commencing on and after such date. Effective immediately,
13 the addition, amendment and/or repeal of any rule or regulation neces-
14 sary for the implementation of this act on its effective date are
15 authorized to be made and completed on or before such effective date.