

# STATE OF NEW YORK

6572

2021-2022 Regular Sessions

## IN ASSEMBLY

March 19, 2021

Introduced by M. of A. BARRETT -- read once and referred to the Committee on Ways and Means

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:

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

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

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

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

4	<u>(xlvi) Legal services veterans tax credit under subsection (kkk)</u>	<u>Amount of credit under subdivision</u>
5		<u>fifty-five of section two</u>
6		<u>hundred ten-B</u>

7 § 3. Section 606 of the tax law is amended by adding a new subsection  
8 (kkk) to read as follows:

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

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

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

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

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

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

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

36 § 5. This act shall take effect immediately and shall apply to taxable  
37 years beginning on or after January 1, 2021.