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:

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

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

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

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

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

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

(ii) "Disabled veteran" shall have the same meaning as set forth in 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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§ 2. Subparagraph (B) of paragraph 1 of subsection (i) of section 606 of the tax law is amended by adding a new clause (xlvi) to read as follows:

(xlvi) Legal services veterans tax credit under subsection (kkk)	**Amount of credit under subdivision fifty-five of section two hundred ten-B**

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

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

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

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

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

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

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

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

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