STATE OF NEW YORK

9849

IN ASSEMBLY

April 19, 2022

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

AN ACT to amend the tax law and the public service law, in relation to providing a tax credit for certain utility bill payments and establishing a moratorium on certain surcharges thereon; and providing for the repeal of certain provisions upon expiration thereof

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 (nnn) to read as follows:

(nnn) Credit for utility charges. (1) Allowance of credit. For taxable years beginning on or after January first, two thousand twenty-two and ending December thirty-first, two thousand twenty-three, a qualified taxpayer shall be allowed a credit to be computed as provided in paragraph two of this subsection against the tax imposed by this article.

(2) Computation of credit. The amount of the credit allowed under this subsection shall be the difference of the total utility charges paid by the taxpayer during the taxable year in which the credit is claimed and the average of the taxpayer's total utility payments during the three taxable years immediately preceding the taxable year in which the credit is claimed.

(3) "Utility costs" shall mean charges paid for heat, gas, electricity and other services provided to a taxpayer by an entity subject to the jurisdiction of the public service commission.

(4) Carryover of 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.

(5) Application of credit. If the amount of the credit allowed under this subsection for any taxable year shall exceed the taxpayer's tax for such year, the excess shall be treated as an overpayment of tax to be credited or refunded in accordance with the provisions of section six

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

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hundred eighty-six of this article; provided, however, that no interest shall be paid thereon.

(6) Administration. The commissioner shall have the authority to promulgate such rules and regulations as may be necessary for the processing, determination and granting of credits under this subsection.

§ 2. The public service law is amended by adding a new section 18 to read as follows:

§ 18. Moratorium on surcharges. Notwithstanding the provisions of this chapter or of any law, rule, regulation or order to the contrary, the commission shall not impose or collect any surcharges associated with the system benefit charge, or the renewable portfolio standard, or the energy efficiency portfolio standard, or any similar fund that may be created by order of the commission before the effective date of this section, whether such fund is new or is a result of combining all or some of the surcharges referenced herein.

§ 3. This act shall take effect immediately; provided that section two of this act shall expire April 1, 2023, when upon such date the provisions of such section shall be deemed repealed.