

# 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:

1 Section 1. Section 606 of the tax law is amended by adding a new  
2 subsection (nnn) to read as follows:

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

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

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

17 (4) Carryover of credit. If the amount of the credit, and carryovers  
18 of such credit, allowable under this subsection for any taxable year  
19 shall exceed the taxpayer's tax for such year, such excess amount may be  
20 carried over to the five taxable years next following the taxable year  
21 with respect to which the credit is allowed and may be deducted from the  
22 taxpayer's tax for such year or years.

23 (5) Application of credit. If the amount of the credit allowed under  
24 this subsection for any taxable year shall exceed the taxpayer's tax for  
25 such year, the excess shall be treated as an overpayment of tax to be  
26 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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1 hundred eighty-six of this article; provided, however, that no interest  
2 shall be paid thereon.

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

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

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

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