

STATE OF NEW YORK

8142

IN SENATE

January 26, 2022

Introduced by Sen. GOUNARDES -- read twice and ordered printed, and when printed to be committed to the Committee on Budget and Revenue

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 gross income such taxpayer pays in rent for such taxable year for
9 taxpayers whose gross income is twenty-five thousand dollars or less;

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

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

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

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

21 (B) Notwithstanding the provisions of subparagraph (A) of this paragraph, where the primary residence of a taxpayer is located in an area
22 graph, where the primary residence of a taxpayer is located in an area

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

LBD00934-03-2

1 for which, under the rule published in the federal register on November
2 sixteenth of two thousand sixteen (81 Fed. Reg. 80567), the small area
3 fair market rent is used for purposes of the federal housing choice
4 voucher program the amount of the credit allowed under this subsection
5 shall be as follows:

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

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

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

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

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

25 (C) Notwithstanding the provisions of subparagraph (A) or (B) of this
26 paragraph, where the rent of the primary residence of a taxpayer is
27 subsidized under a federal, state, local or tribal program, the amount
28 of the credit allowed under this subsection shall be equal to one-
29 twelfth of the amount of rent paid by such taxpayer that is not subsi-
30 dized under any such program during the taxable year with respect to
31 such residence.

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

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

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

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

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

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

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

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