STATE OF NEW YORK

2805

2023-2024 Regular Sessions

IN ASSEMBLY

January 27, 2023

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

AN ACT to amend the tax law, the insurance law and the executive law, in relation to enacting the residential structure fire prevention act of 2023

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. This act shall be known and may be cited as the "residential structure fire prevention act of 2023".

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

(ooo) Credit for removing certain fire hazards. (1) Any resident owner of real property as defined in section one hundred two of the real property tax law shall be allowed a credit against the tax otherwise imposed under this article in an amount equal to twenty-five percent of the cost of removing fire hazards commonly known as cock lofts, provided that such credit shall not exceed five thousand dollars. For purposes of this section the term "cock loft" shall mean a completely enclosed space between rafters and a suspended ceiling.

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

§ 3. Section 2346 of the insurance law is amended by adding a new subsection 6 to read as follows:

6. The superintendent shall provide for an actuarially appropriate reduction in the rates of fire insurance premiums or the fire insurance component of homeowners insurance premiums applicable to residential real property equipped with smoke detecting alarm devices in cock lofts. The superintendent shall by regulation establish standards for smoke

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

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detecting alarm devices in cock lofts, including the safe and secure installation thereof. For the purposes of this subsection, "cock loft" shall mean a completely enclosed space between rafters and a suspended ceiling.

§ 4. The executive law is amended by adding a new section 170-g to read as follows:

§ 170-g. Repair of certain fire hazards. Any state agency or authority, including but not limited to the New York state energy research and development authority, division of housing and community renewal and state of New York mortgage agency, that provides a housing program shall include the repair of cock lofts for the purpose of fire prevention and safety as a qualifying expenditure under any such program. For the purposes of this section, "cock loft" shall mean a completely enclosed space between rafters and a suspended ceiling.

§ 5. This act shall take effect immediately and shall apply to taxable years beginning on or after January 1, 2024.