

STATE OF NEW YORK

4127

2023-2024 Regular Sessions

IN ASSEMBLY

February 9, 2023

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

AN ACT to amend the tax law, in relation to the personal income tax credit for residential solar energy systems

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

1 Section 1. Paragraph 1 of subsection (g-1) of section 606 of the tax
2 law, as amended by chapter 375 of the laws of 2012, is amended to read
3 as follows:

4 (1) General. An individual taxpayer shall be allowed a credit against
5 the tax imposed by this article for each property with qualified solar
6 energy system equipment expenditures equal to twenty-five percent of
7 such qualified solar energy system equipment expenditures, except as
8 provided in subparagraph (D) of paragraph two of this subsection. This
9 credit shall not exceed three thousand seven hundred fifty dollars for
10 qualified solar energy equipment placed in service before September
11 first, two thousand six, and five thousand dollars for qualified solar
12 energy equipment placed in service on or after September first, two
13 thousand six.

14 § 2. Subparagraph (A) of paragraph 2 of subsection (g-1) of section
15 606 of the tax law, as amended by chapter 375 of the laws of 2012, is
16 amended to read as follows:

17 (A) The term "qualified solar energy system equipment expenditures"
18 means expenditures for:

19 (i) the purchase of solar energy system equipment which is installed
20 in connection with residential property which is (I) located in this
21 state and (II) which is [~~used~~ owned] by the taxpayer [~~as his or her~~
22 ~~principal residence~~] at the time the solar energy system equipment is
23 placed in service;

24 (ii) the lease of solar energy system equipment under a written agree-
25 ment that spans at least ten years where such equipment owned by a

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

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1 person other than the taxpayer is installed in connection with residen-
2 tial property which is (I) located in this state and (II) which is
3 ~~[used]~~ owned by the taxpayer ~~[as his or her principal residence]~~ at the
4 time the solar energy system equipment is placed in service; or

5 (iii) the purchase of power under a written agreement that spans at
6 least ten years whereunder the power purchased is generated by solar
7 energy system equipment owned by a person other than the taxpayer which
8 is installed in connection with residential property which is (I)
9 located in this state and (II) which is ~~[used]~~ owned by the taxpayer ~~[as~~
10 ~~his or her principal residence]~~ at the time the solar energy system
11 equipment is placed in service.

12 § 3. Paragraph 4 of subsection (g-1) of section 606 of the tax law, as
13 amended by chapter 378 of the laws of 2005, is amended to read as
14 follows:

15 (4) Multiple taxpayers. Where solar energy system equipment is
16 purchased and installed in a ~~[principal residence shared]~~ residential
17 property owned by two or more taxpayers, the amount of the credit allow-
18 able under this subsection for each such taxpayer shall be prorated
19 according to the percentage of the total expenditure for such solar
20 energy system equipment contributed by each taxpayer.

21 § 4. Paragraph 5 of subsection (g-1) of section 606 of the tax law, as
22 added by chapter 128 of the laws of 2007, is amended to read as follows:

23 (5) Proportionate share. Where solar energy system equipment is
24 purchased and installed by a condominium management association or a
25 cooperative housing corporation, a taxpayer who is a member of the
26 condominium management association or who is a tenant-stockholder in the
27 cooperative housing corporation may for the purpose of this subsection
28 claim a proportionate share of the total expense as the expenditure for
29 the purposes of the credit attributable to his ~~[principal residence]~~
30 or her property.

31 § 5. This act shall take effect on the first of January next succeed-
32 ing the date on which it shall have become a law and shall apply to
33 taxable years beginning on and after such date.