

# STATE OF NEW YORK

6983

2023-2024 Regular Sessions

## IN ASSEMBLY

May 9, 2023

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

AN ACT to amend the tax law, in relation to 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. Subparagraph (A) of paragraph 2 of subsection (g-1) of  
2 section 606 of the tax law, as amended by chapter 375 of the laws of  
3 2012, is amended to read as follows:

4 (A) The term "qualified solar energy system equipment expenditures"  
5 means expenditures for:

6 (i) the purchase of solar energy system equipment which is installed  
7 in connection with residential property which is (I) located in this  
8 state and (II) which is used by the taxpayer as [~~his or her principal~~] a  
9 residence at the time the solar energy system equipment is placed in  
10 service;

11 (ii) the lease of solar energy system equipment under a written agree-  
12 ment that spans at least ten years where such equipment owned by a  
13 person other than the taxpayer is installed in connection with residen-  
14 tial property which is (I) located in this state and (II) which is used  
15 by the taxpayer as [~~his or her principal~~] a residence at the time the  
16 solar energy system equipment is placed in service; or

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

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

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

4 (4) Multiple taxpayers. Where solar energy system equipment is  
5 purchased and installed in a [~~principal~~] residence shared by two or more  
6 taxpayers, the amount of the credit allowable under this subsection for  
7 each such taxpayer shall be prorated according to the percentage of the  
8 total expenditure for such solar energy system equipment contributed by  
9 each taxpayer.

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

12 (5) Proportionate share. Where solar energy system equipment is  
13 purchased and installed by a condominium management association or a  
14 cooperative housing corporation, a taxpayer who is a member of the  
15 condominium management association or who is a tenant-stockholder in the  
16 cooperative housing corporation may for the purpose of this subsection  
17 claim a proportionate share of the total expense as the expenditure for  
18 the purposes of the credit attributable to his [~~principal~~]  
19 or her residence.

20 § 4. Paragraphs 7 and 8 of subsection (g-1) of section 606 of the tax  
21 law, as renumbered by chapter 128 of the laws of 2007, are renumbered  
22 paragraphs 8 and 9 and a new paragraph 7 is added to read as follows:

23 (7) Limitation; one residence. An eligible taxpayer shall only be  
24 allowed to apply the credit provided for in this subsection to one resi-  
25 dence of such taxpayer.

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