STATE OF NEW YORK

3582

2023-2024 Regular Sessions

IN SENATE

February 1, 2023

Introduced by Sen. HINCHEY -- 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 the treatment of excess tax credits for the rehabilitation of historic barns

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

Section 1. Paragraph 12 of subsection (a) of section 606 of the tax law, as amended by chapter 672 of the laws of 2021, is amended to read as follows:

(12) Rehabilitation credit for historic barns. A taxpayer shall be allowed a credit, to be computed as hereinafter provided, against the tax imposed by this article. The amount of the credit shall be twenty-five percent of the taxpayer's qualified rehabilitation expenditures paid or incurred within the five years immediately preceding the year in which such tax credit shall be applied with respect to any barn located in this state which qualifies as an historic barn pursuant to subdivision five of section four hundred eighty-three-b of the real property tax law. For purposes of this paragraph, the term "barn" means a building that is or was used as an agricultural facility or for purposes related to agriculture. Provided, however, such qualified rehabilitation expenditures shall not include any such expenditures which are included, directly or indirectly, in the computation of a credit claimed by the taxpayer pursuant to paragraph one of this subsection. Provided further that no rehabilitation credit shall be allowed for any rehabilitation of a barn which, immediately prior to the commencement of such rehabilitation, was used for residential purposes, or which converts a barn not suitable for residential purposes into one which is so suitable, nor shall a rehabilitation credit be allowed for any rehabilitation that materially alters the historic appearance of the barn. **If the amount of credit allowable under this subsection shall exceed the taxpayer's tax for such year and the taxpayer's New York adjusted gross income for such**

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

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year does not exceed sixty thousand dollars, 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. If the taxpayer's New York adjusted gross income for such year exceeds sixty thousand dollars, the excess credit may be carried over to the following year or years and may be deducted from the taxpayer's tax for such year or years.

§ 2. This act shall take effect immediately.