

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:

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

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

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

12 (2) If the amount of the credit allowed under this subsection for any
13 taxable year shall exceed the taxpayer's tax for such year, the excess
14 shall be treated as an overpayment of tax to be credited or refunded in
15 accordance with the provisions of section six hundred eighty-six of this
16 article, provided, however, that no interest shall be paid thereon.

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

19 6. The superintendent shall provide for an actuarially appropriate
20 reduction in the rates of fire insurance premiums or the fire insurance
21 component of homeowners insurance premiums applicable to residential
22 real property equipped with smoke detecting alarm devices in cock lofts.
23 The superintendent shall by regulation establish standards for smoke
24

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

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

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

7 § 170-g. Repair of certain fire hazards. Any state agency or authori-
8 ty, including but not limited to the New York state energy research and
9 development authority, division of housing and community renewal and
10 state of New York mortgage agency, that provides a housing program shall
11 include the repair of cock lofts for the purpose of fire prevention and
12 safety as a qualifying expenditure under any such program. For the
13 purposes of this section, "cock loft" shall mean a completely enclosed
14 space between rafters and a suspended ceiling.

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