

# STATE OF NEW YORK

3897

2023-2024 Regular Sessions

## IN ASSEMBLY

February 8, 2023

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

AN ACT to amend the tax law, in relation to the child and dependent care credit

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

1 Section 1. Paragraph 1 of subsection (c) of section 606 of the tax  
2 law, as amended by section 1 of part M of chapter 63 of the laws of  
3 2000, is amended to read as follows:

4 (1) A taxpayer shall be allowed a credit as provided herein equal to  
5 the applicable percentage of the credit allowable under section twenty-  
6 one of the internal revenue code for the same taxable year (without  
7 regard to whether the taxpayer in fact claimed the credit under such  
8 section twenty-one for such taxable year). The applicable percentage  
9 shall be the sum of (i) twenty percent and (ii) a multiplier multiplied  
10 by a fraction. For taxable years beginning in nineteen hundred ninety-  
11 six and nineteen hundred ninety-seven, the numerator of such fraction  
12 shall be the lesser of (i) four thousand dollars or (ii) fourteen thou-  
13 sand dollars less the New York adjusted gross income for the taxable  
14 year, provided, however, the numerator shall not be less than zero. For  
15 the taxable year beginning in nineteen hundred ninety-eight, the numera-  
16 tor of such fraction shall be the lesser of (i) thirteen thousand  
17 dollars or (ii) thirty thousand dollars less the New York adjusted gross  
18 income for the taxable year, provided, however, the numerator shall not  
19 be less than zero. For taxable years beginning in nineteen hundred nine-  
20 ty-nine, the numerator of such fraction shall be the lesser of (i)  
21 fifteen thousand dollars or (ii) fifty thousand dollars less the New  
22 York adjusted gross income for the taxable year, provided, however, the  
23 numerator shall not be less than zero. For taxable years beginning after  
24 nineteen hundred ninety-nine, the numerator of such fraction shall be  
25 the lesser of (i) fifteen thousand dollars or (ii) sixty-five thousand

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

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1 dollars less the New York adjusted gross income for the taxable year,  
2 provided, however, the numerator shall not be less than zero. The denom-  
3 inator of such fraction shall be four thousand dollars for taxable years  
4 beginning in nineteen hundred ninety-six and nineteen hundred ninety-  
5 seven, thirteen thousand dollars for the taxable year beginning in nine-  
6 teen hundred ninety-eight, and fifteen thousand dollars for taxable  
7 years beginning after nineteen hundred ninety-eight. The multiplier  
8 shall be ten percent for taxable years beginning in nineteen hundred  
9 ninety-six, forty percent for taxable years beginning in nineteen  
10 hundred ninety-seven, and eighty percent for taxable years beginning  
11 after nineteen hundred ninety-seven. Provided, however, for taxable  
12 years beginning after nineteen hundred ninety-nine, for a person whose  
13 New York adjusted gross income is less than forty thousand dollars, such  
14 applicable percentage shall be equal to (i) one hundred percent, plus  
15 (ii) ten percent multiplied by a fraction whose numerator shall be the  
16 lesser of (i) fifteen thousand dollars or (ii) forty thousand dollars  
17 less the New York adjusted gross income for the taxable year, provided  
18 such numerator shall not be less than zero, and whose denominator shall  
19 be fifteen thousand dollars. Provided, however, for taxable years  
20 beginning on or after January first, two thousand twenty-three, the  
21 applicable percentage shall be one hundred ten percent for all New York  
22 adjusted gross incomes up to fifty thousand dollars. Provided, further,  
23 that if the reversion event, as defined in this paragraph, occurs, the  
24 applicable percentage shall, for taxable years ending on or after the  
25 date on which the reversion event occurred, be determined using the  
26 rules specified in this paragraph applicable to taxable years beginning  
27 in nineteen hundred ninety-nine. The reversion event shall be deemed to  
28 have occurred on the date on which federal action, including but not  
29 limited to, administrative, statutory or regulatory changes, materially  
30 reduces or eliminates New York state's allocation of the federal tempo-  
31 rary assistance for needy families block grant, or materially reduces  
32 the ability of the state to spend federal temporary assistance for needy  
33 families block grant funds for the credit for certain household and  
34 dependent care services necessary for gainful employment or to apply  
35 state general fund spending on the credit for certain household and  
36 dependent care services necessary for gainful employment toward the  
37 temporary assistance for needy families block grant maintenance of  
38 effort requirement, and the commissioner of the office of temporary and  
39 disability assistance shall certify the date of such event to the  
40 commissioner, the director of the division of the budget, the speaker of  
41 the assembly and the temporary president of the senate.  
42 § 2. This act shall take effect immediately and shall apply to taxable  
43 years beginning on or after January 1, 2023.