

# STATE OF NEW YORK

5088

2023-2024 Regular Sessions

## IN SENATE

February 22, 2023

Introduced by Sen. CLEARE -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations

AN ACT to amend the tax law, in relation to making certain taxpayers exempt from the city personal income tax of the city of New York

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

1 Section 1. Paragraphs 1, 2 and 3 of subsection (b) of section 1304 of  
2 the tax law, as amended by section 3 of subpart G of part XXX of chapter  
3 58 of the laws of 2020, are amended to read as follows:

4 (1) Resident married individuals filing joint returns and resident  
5 surviving spouses. The tax under this section for each taxable year on  
6 the city taxable income of every city resident married individual who  
7 makes a single return jointly with his or her spouse under subsection  
8 (b) of section thirteen hundred six of this article and on the city  
9 taxable income of every city resident surviving spouse shall be deter-  
10 mined in accordance with the following table:

11 For taxable years beginning after two thousand twenty-three:

12 If the city taxable income is:	The tax is:
13 Not over [ <del>\$21,600</del>	<del>1.18% of the city taxable income</del>
14 <del>Over \$21,600 but not</del>	<del>\$255 plus 1.435% of excess</del>
15 <del>over] \$45,000</del>	[ <del>over \$21,600</del> ] <u>0% of the city</u>
16	<u>taxable income</u>
17 Over \$45,000 but not	\$591 plus 1.455% of excess
18 over \$90,000	over \$45,000
19 Over \$90,000	\$1,245 plus 1.48% of excess
20	over \$90,000

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

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1 (2) Resident heads of households. The tax under this section for each  
 2 taxable year on the city taxable income of every city resident head of a  
 3 household shall be determined in accordance with the following table:

4 For taxable years beginning after two thousand twenty-three:

5 If the city taxable income is:	The tax is:
6 Not over [ <del>\$14,400</del> <u>\$32,500</u> ]	<del>1.18% of the city taxable income</del>
7 <del>Over \$14,400 but not</del> <u>Over \$30,000</u>	<del>\$170 plus 1.435% of excess</del>
8 <del>over \$30,000]</del> <u>\$32,500</u>	<del>[over \$14,400] 0% of the</del>
9	<u>city taxable income</u>
10 Over [ <del>\$30,000</del> <u>\$32,500</u> ]	\$394 plus 1.455% of excess
11 but not over \$60,000	over [ <del>\$30,000</del> <u>\$32,500</u> ]
12 Over \$60,000	\$830 plus 1.48% of excess
13	over \$60,000

14 (3) Resident unmarried individuals, resident married individuals  
 15 filing separate returns and resident estates and trusts. The tax under  
 16 this section for each taxable year on the city taxable income of every  
 17 city resident individual who is not a city resident married individual  
 18 who makes a single return jointly with his or her spouse under  
 19 subsection (b) of section thirteen hundred six of this article or a city  
 20 resident head of household or a city resident surviving spouse, and on  
 21 the city taxable income of every city resident estate and trust shall be  
 22 determined in accordance with the following table:

23 For taxable years beginning after two thousand twenty-three:

24 If the city taxable income is:	The tax is:
25 Not over [ <del>\$12,000</del> <u>\$32,500</u> ]	<del>1.18% of the city taxable income</del>
26 <del>Over \$12,000 but not</del> <u>Over \$25,000</u>	<del>\$142 plus 1.435% of excess</del>
27 <del>over \$25,000]</del> <u>\$32,500</u>	<del>[over \$12,000] 0% of the</del>
28	<u>city taxable income</u>
29 Over [ <del>\$25,000</del> <u>\$32,500</u> ]	\$328 plus 1.455% of excess
30 but not over \$50,000	over [ <del>\$25,000</del> <u>\$32,500</u> ]
31 Over \$50,000	\$692 plus 1.48% of excess
32	over \$50,000

33 § 2. Paragraph 1 of subsection (a) of section 1304-B of the tax law,  
 34 as amended by section 4 of subpart G of part XXX of chapter 58 of the  
 35 laws of 2020, is amended to read as follows:

36 (1) In addition to any other taxes authorized by this article, any  
 37 city imposing such taxes is hereby authorized and empowered to adopt and  
 38 amend local laws imposing in any such city for each taxable year begin-  
 39 ning after nineteen hundred ninety but before two thousand twenty-four,  
 40 an additional tax on the city taxable income of every city resident  
 41 individual, estate and trust, to be calculated for each taxable year as  
 42 follows: (i) for each taxable year beginning after nineteen hundred  
 43 ninety but before nineteen hundred ninety-nine, at the rate of fourteen  
 44 percent of the sum of the taxes for each such taxable year determined  
 45 pursuant to section thirteen hundred four and section thirteen hundred  
 46 four-A of this article; and (ii) for each taxable year beginning after  
 47 nineteen hundred ninety-eight, at the rate of fourteen percent of the  
 48 tax for such taxable year determined pursuant to such section thirteen  
 49 hundred four; provided, however, that any taxable income with a tax rate  
 50 of zero percent shall not be subject to any additional tax pursuant to  
 51 this section.

1 § 3. Subparagraph (A) of paragraph 1, subparagraph (A) of paragraph 2  
 2 and subparagraph (A) of paragraph 3 of subsection (a) of section 1304-D  
 3 of the tax law, as added by section 1 of part B of chapter 63 of the  
 4 laws of 2003, are amended to read as follows:

5 (A) For taxable years beginning in two thousand five:

6	If the city taxable income is:	The tax is:
7	Not over [ <del>\$21,600</del>	<del>2.907% of the city taxable income</del>
8	<del>Over \$21,600 but not</del>	<del>\$628 plus 3.534% of excess</del>
9	<del>over</del> \$45,000	[ <del>over \$21,600</del> ] <u>0% of the city</u>
10		<u>taxable income</u>
11	Over \$45,000 but not	\$1,455 plus 3.591% of excess
12	over \$90,000	over \$45,000
13	Over \$90,000 but not	\$3,071 plus 3.648% of excess
14	over \$150,000	over \$90,000
15	Over \$150,000 but not	\$5,260 plus 4.05% of excess
16	over \$500,000	over \$150,000
17	Over \$500,000	\$19,435 plus 4.45% of excess
18		over \$500,000

19 (A) For taxable years beginning in two thousand five:

20	If the city taxable income is:	The tax is:
21	Not over [ <del>\$14,400</del>	<del>2.907% of the city taxable income</del>
22	<del>Over \$14,400 but not</del>	<del>\$419 plus 3.534% of excess</del>
23	<del>over \$30,000</del> ] <u>\$32,500</u>	[ <del>over \$14,400</del> ] <u>0% of the</u>
24		<u>city taxable income</u>
25	Over [ <del>\$30,000</del> ] <u>\$32,500</u> but not	\$970 plus 3.591% of excess
26	over \$60,000	over [ <del>\$30,000</del> ] <u>\$32,500</u>
27	Over \$60,000 but not	\$2,047 plus 3.648% of excess
28	over \$125,000	over \$60,000
29	Over \$125,000 but not	\$4,418 plus 4.05% of excess
30	over \$500,000	over \$125,000
31	Over \$500,000	\$19,606 plus 4.45% of excess
32		over \$500,000

33 (A) For taxable years beginning in two thousand five:

34	If the city taxable income is:	The tax is:
35	Not over [ <del>\$12,000</del>	<del>2.907% of the city taxable income</del>
36	<del>Over \$12,000 but not</del>	<del>\$349 plus 3.534% of excess</del>
37	<del>over \$25,000</del> ] <u>\$32,500</u>	[ <del>over \$12,000</del> ] <u>0% of the</u>
38		<u>city taxable income</u>
39	Over [ <del>\$25,000</del> ] <u>\$32,500</u> but not	\$808 plus 3.591% of excess
40	over \$50,000	over [ <del>\$25,000</del> ] <u>\$32,500</u>
41	Over \$50,000 but not	\$1,706 plus 3.648% of excess
42	over \$100,000	over \$50,000
43	Over \$100,000 but not	\$3,530 plus 4.05% of excess
44	over \$500,000	over \$100,000
45	Over \$500,000	\$19,730 plus 4.45% of excess
46		over \$500,000

47 § 4. This act shall take effect immediately.