

STATE OF NEW YORK

170

2025-2026 Regular Sessions

IN SENATE

(Prefiled)

January 8, 2025

Introduced by Sen. RAMOS -- 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 providing credits against the tax imposed upon employers providing certain day care services to the children of its employees

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

1 Section 1. Section 210-B of the tax law is amended by adding a new
2 subdivision 61 to read as follows:

3 61. Employer day care credit. (a) A taxpayer shall be allowed a credit
4 against the tax imposed by this article to the extent of twenty percent
5 of the expenses incurred during a taxable year by the taxpayer in making
6 available day care services to the children and wards of employees and
7 in training persons employed by the taxpayer or by a third-party provid-
8 er rendering such services. A taxpayer may make such services available
9 as follows:

10 (1) pursuant to a written contract with a third-party provider;

11 (2) by reimbursing an employee for expenses incurred by the employee
12 for such services; or

13 (3) by providing on-site or near-site day care services.

14 In no event shall the amount of such credit exceed the amount of tax
15 otherwise due pursuant to this article for any taxable year.

16 (b) (1) No such credit shall be allowed to a taxpayer who unfairly
17 discriminates against any employee on the basis of race, creed, reli-
18 gion, sex, national origin, age, disability, or marital status in making
19 available day care services.

20 (2) A taxpayer may give a preference to children or wards of employees
21 for whom obtaining or maintaining gainful employment is contingent upon
22 the availability of day care services for such children or wards, in
23 providing services qualifying for a credit hereunder.

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

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1 (c) No such credit shall be allowed to a taxpayer unless the facility
2 or program rendering day care services is licensed by and subject to the
3 regulations of the department of family assistance or the human
4 resources administration governing day care facilities in New York city.

5 (d) No such credit shall be allowed to a taxpayer if the facility or
6 program rendering day care services admits, during regular school hours,
7 children who are subject to the provisions of the education law with
8 regard to compulsory school attendance.

9 § 2. Section 1511 of the tax law is amended by adding a new subdivi-
10 sion (ff) to read as follows:

11 (ff) Employer day care credit. (1) A taxpayer shall be allowed a cred-
12 it against the tax imposed by this article to the extent of twenty
13 percent of the expenses incurred during the taxable year by the taxpayer
14 in making available day care services to the children and wards of
15 employees and in training persons employed by the taxpayer or by a
16 third-party provider rendering such services. A taxpayer may make such
17 services available as follows:

18 (A) pursuant to a written contract with a third-party provider;

19 (B) by reimbursing an employee for expenses incurred by the employee
20 for such services; or

21 (C) by providing on-site or near-site day care services.

22 In no event shall the amount of such credit exceed the amount of tax
23 otherwise due pursuant to this article for any taxable year.

24 (2) (A) No such credit shall be allowed to a taxpayer who unfairly
25 discriminates against any employee on the basis of race, creed, reli-
26 gion, sex, national origin, age, disability or marital status in making
27 available day care services.

28 (B) A taxpayer may give a preference to children or wards of day care
29 dependent employees for whom obtaining or maintaining gainful employment
30 is contingent upon the availability of day care services for such chil-
31 dren or wards, in providing services qualifying for a credit hereunder.

32 (3) No such credit shall be allowed to a taxpayer unless the facility
33 or program rendering day care services is licensed by and subject to the
34 regulations of the department of family assistance or the human
35 resources administration governing day care facilities in New York city.

36 (4) No such credit shall be allowed to a taxpayer if the facility or
37 program rendering day care services admits, during regular school hours,
38 children who are subject to the provisions of the education law with
39 regard to compulsory school attendance.

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

42 (bbb) Employer day care credit. (1) A taxpayer shall be allowed a
43 credit against the tax imposed by section six hundred one of this part
44 to the extent of twenty percent of expenses incurred during the taxable
45 year by the taxpayer in making available day care services to the chil-
46 dren and wards of employees and in training persons employed by the
47 taxpayer or by a third-party provider rendering such services. A taxpay-
48 er may make such services available as follows:

49 (A) pursuant to a written contract with a third-party provider;

50 (B) by reimbursing an employee for expenses incurred by the employee
51 for such services; or

52 (C) by providing on-site or near-site day care services.

53 In no event shall the amount of such credit exceed the amount of tax
54 otherwise due pursuant to this article for any taxable year.

55 (2) (A) No such credit shall be allowed to a taxpayer who unfairly
56 discriminates against any employee on the basis of race, creed, reli-

1 gion, sex, national origin, age, disability or marital status in making
2 available day care services.

3 (B) A taxpayer may give a preference to children or wards of employees
4 for whom obtaining or maintaining gainful employment is contingent upon
5 the availability of day care services for such children or wards, in
6 providing services qualifying for a credit hereunder.

7 (3) No such credit shall be allowed to a taxpayer unless the facility
8 or program rendering day care services is licensed by and subject to the
9 regulations of the department of family assistance or the human
10 resources administration governing day care facilities in New York city.

11 (4) No such credit shall be allowed to a taxpayer if the facility or
12 program rendering day care services admits, during regular school hours,
13 children who are subject to the provisions of the education law with
14 regard to compulsory school attendance.

15 § 4. This act shall take effect immediately and shall apply to taxable
16 years commencing on and after January 1, 2027.