



Legislation Text

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Int. No. 402

By the Speaker (Council Member Miller) and Council Members Weprin, Martinez, Nelson, Clarke, Gennaro, Katz, Seabrook, Sears and Stewart

A Local Law to amend the administrative code of the city of New York, in relation to providing an earned income tax credit against the personal income tax of the City.

Be it enacted by the Council as follows:

Section 1. Section 11-1706 of the administrative code of the city of New York is amended by adding a new subdivision (d) to read as follows:

(d) Earned income tax credit. (1) For taxable years beginning after two thousand three, a credit against the city personal income tax shall be allowed, equal to five percent of the earned income credit allowed under section thirty-two of the internal revenue code for the same taxable year.

(2) In the case of a resident taxpayer, the credit provided by this subdivision shall be allowed against the taxes authorized by this chapter for the taxable year reduced by the credits permitted by this chapter. If the credit exceeds the tax as so reduced, the taxpayer may receive, and the state comptroller, subject to a certificate of the commissioner of the state department of taxation and finance, shall pay as an overpayment, without interest, the amount of such excess.

(3) If a taxpayer changes his or her status during the taxable year from city resident to city nonresident, or from city nonresident to city resident, the credit determined under this subdivision shall be limited to the amount determined by multiplying the amount of such credit by a fraction, the numerator of which is such taxpayer's city adjusted gross income, for the period of residence, and the denominator of which is such taxpayer's city adjusted gross income determined as if he or she were a city resident for the entire taxable year. City adjusted gross income shall be adjusted as provided in section 11-1754 of this chapter. The credit as so limited shall be applied as provided in paragraph two of this subdivision.

(4) Subject to the provisions of paragraph three of this subdivision, in the case of a husband and wife who file a joint return, but who are required to determine their city personal income taxes separately, the credit authorized pursuant to this subdivision may be applied against the tax of either or divided between them as they may elect. In the case of a husband and wife who are not required

to file a federal return, the credit under this subsection shall be allowed only if such taxpayers file a joint city personal income tax return.

§ 2. This local law shall take effect immediately, provided that if New York Assembly Bill No. 11719 or New York Senate Bill No. 7606-A has not become a law prior to the time that this local law becomes a law, then this local law shall take effect immediately upon the enactment into law of such bill.