



## **Supplemental Summary of Personal Income Tax Legislative Changes Enacted in 2012**

This memorandum contains a summary of enacted legislation applicable to personal income tax that is in addition to the personal income tax legislation described in TSB-M-12(6)I, *Summary of Budget Bill Personal Income Tax Changes Enacted in 2012*. The amendments covered are:

- [Beer production credit](#)
- [Clean heating fuel credit](#)
- [Empire State film post-production credit](#)
- [Extension of brownfield credits](#)
- [Provisions for tax preparers and facilitators](#)
- [Solar energy system equipment credit](#)

### **Beer production credit**

Chapter 109 of the Laws of 2012 added sections 37, 210.45, and 606(uu) to the Tax Law. These new sections provide a credit for beer produced in New York State on or after April 1, 2012, and in a tax year that begins on or after January 1, 2012. To qualify for this credit, a taxpayer must:

- be a registered distributor under Article 18 of the Tax Law (taxes on alcoholic beverages); and
- produce 60,000,000 or fewer gallons of beer in New York State in the tax year the credit is claimed.

The credit may be claimed for tax years beginning on or after January 1, 2012. For more information, see [TSB-M-12\(8\)C, \(7\)I](#), *Beer Production Credit*.

(Tax Law sections 37, 210.45, and 606(uu))

### **Clean heating fuel credit**

Chapter 193 of the Laws of 2012 amended section 606(mm) of the Tax Law to extend the clean heating fuel credit under the personal income tax. The amendment extends the availability of the credit to individuals, estates, and trusts for bioheat purchased on or after January 1, 2008, and before January 1, 2017. Prior to the amendment, the credit would have expired for bioheat purchased on or after January 1, 2012. For more information, see [TSB-M-12\(9\)I](#), *Extension of the Clean Heating Fuel Credit*.

(Tax Law section 606(mm))

### **Empire State film post-production credit**

Chapter 268 of the Laws of 2012 amended the Empire State film post-production credit to increase the qualified post-production costs allowed. The law previously allowed a credit equal to 10% of qualified post-production costs paid or incurred in the production of a qualified film at a post-production facility in New York State.

The new law increases the percentage of costs allowed to 30% for costs incurred at a facility located within the Metropolitan Commuter Transportation District (MCTD), and 35% for costs incurred at a qualified post-production facility located in New York but outside the MCTD. The MCTD includes New York City (the counties of New York (Manhattan), Bronx, Kings (Brooklyn), Queens, and Richmond (Staten Island)), and the counties of Dutchess, Nassau, Orange, Putnam, Rockland, Suffolk, and Westchester. The increased percentage is effective as of July 24, 2012.

For more information about this credit, visit the New York State Governor's Office for Motion Picture and Television Development Website at [www.nylovesfilm.com](http://www.nylovesfilm.com).

(Tax Law sections 24(e), 31(a)(2), and 31(c))

### **Extension of brownfield credits**

Chapter 474 of the Laws of 2012 extended the eligibility timeframe for the brownfield tax credits from March 31, 2015, to December 31, 2015. Accordingly, to be eligible for the brownfield redevelopment tax credit, the remediated brownfield credit for real property taxes, and the environmental remediation insurance credit, the Department of Environmental Conservation must issue a certificate of completion on or before December 31, 2015.

For more information on the brownfield tax credits available to taxpayers under Tax Law Article 22, see [instructions](#) for Form IT-611, *Claim for Brownfield Redevelopment Tax Credit For Qualified Sites Accepted into the Brownfield Cleanup Program Prior to June 23, 2008*, [instructions](#) for Form IT-611.1, *Claim for Brownfield Redevelopment Tax Credit For Qualified Sites Accepted into the Brownfield Cleanup Program on or After June 23, 2008*, [instructions](#) for Form IT-612, *Claim for Remediated Brownfield Credit for Real Property Taxes*, and [instructions](#) for Form IT-613, *Claim for Environmental Remediation Insurance Credit*.

(Section 31 of part H of Chapter 1 of the Laws of 2003)

### **Provisions for tax preparers and facilitators**

Chapter 488 of the Laws of 2012 removed the prohibition against tax return preparers or facilitators operating on the same premises as licensed check cashers. Tax return preparers and facilitators registered under section 32 of the Tax Law are no longer prohibited from referring, facilitating, soliciting consumers, or conducting business on behalf of, in conjunction with, or on the same premises as, a third party engaged in check cashing for a fee.

This provision became effective on October 3, 2012.

(Tax Law section 32(f)(1)(G))

### **Solar energy system equipment credit**

Chapter 375 of the Laws of 2012 amended section 606(g-1) of the Tax Law. The amendment allows a taxpayer who enters into a written agreement for the lease of solar energy system equipment or the purchase of power generated by solar energy system equipment to qualify for the credit. The equipment must be installed in connection with residential property that is the taxpayer's principal residence at the time the equipment is placed in service. The written agreement must be entered into on or after August 17, 2012, and must span at least ten years. Prior to August 17, 2012, a taxpayer was required to **purchase** and install an eligible solar energy system at his or her principal residence in New York State in order to qualify for the credit. For more information, see [TSB-M-12\(10\)I](#), *Amendments to the Solar Energy System Equipment Credit*.

NOTE: A TSB-M is an informational statement of existing department policies or of changes to the law, regulations, or department policies. It is accurate on the date issued. Subsequent changes in the law or regulations, judicial decisions, Tax Appeals Tribunal decisions, or changes in department policies could affect the validity of the information presented in a TSB-M.