Regular Session, 2011

HOUSE BILL NO. 319

BY REPRESENTATIVE SIMON

TAX CREDITS: Authorizes a credit against individual income tax for the owner of a newly constructed one- or two-family dwelling which includes certain accessible and barrier-free design elements

AN ACT

To enact R.S. 47:297(P), relative to tax credits; to authorize a credit against the individual income tax for the owner of a newly constructed one- or two-family dwelling which includes certain accessible and barrier-free design elements; to provide for eligibility; to provide for the amount of the credit; to provide for limitations; to authorize rulemaking; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:297(P) is hereby enacted to read as follows:

§297. Reduction to tax due

* * *

P.(1) There shall be allowed a credit against the individual income tax liability of a taxpayer for the inclusion of accessible and barrier-free design elements in the construction of a new one- or two-family dwelling. For purposes of this Subsection, "taxpayer" shall mean an individual who owns a newly constructed one- or two-family dwelling and who qualifies for and claims a homestead exemption on a dwelling which meets all of the design elements necessary for claiming the tax credit authorized by the provisions of this Subsection.

(2) The amount of the credit shall be one thousand dollars, or the total tax liability of the taxpayer, whichever is less. The credit shall be taken in the taxable year in which the construction of the dwelling is completed. Only one tax credit may be granted per dwelling.

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(3) A dwelling which meets all of the following requirements shall be deemed to include accessible and barrier-free design elements for purposes of the tax credit:

(a) It has one zero-step entrance at the front, back, or side of the residence.

(b) All main floor doors have a clear passage space of at least thirty-two inches between doorjambs and strikes with the door at a ninety degree angle.

(c) All hallways and passages on the main floor have at least thirty-six inches of clear width to the accessible bathroom and eating area.

(d) The main floor has, at a minimum, a half bath with a minimum five-foot diameter of free and clear floor space.

(4) The secretary of the Department of Revenue is authorized to promulgate rules and regulations in accordance with the Administrative Procedure Act, which rules and regulations may include a requirement that taxpayers submit such documentation with their returns, or to specifically retain such records that will enable the department to determine the taxpayer's eligibility for and amount of the tax credit claimed under this Section.

(5) The provisions of this Act shall be effective for all tax years beginning on or after January 1, 2012.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Simon HB No. 319

Abstract: Authorizes an individual income tax credit for owners of newly constructed one- or two-family dwellings which include certain accessible and barrier-free design elements.

Proposed law authorizes a credit against individual income tax in the amount of $1,000 for the owner of a newly constructed one- or two-family dwelling which includes certain accessible and barrier-free design elements. Defines a taxpayer as an individual who owns a newly constructed one- or two-family dwelling and who qualifies for and claims a homestead exemption on a dwelling which meets all of the design elements necessary for claiming the tax credit provided for in proposed law.

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Proposed law requires that the tax credit be taken in the taxable year in which the construction is completed. The credit is limited to the lesser of $1,000 or the taxpayer's total tax liability. Only one tax credit may be granted per dwelling.

Effective for all tax years beginning on or after Jan. 1, 2012.

(Adds R.S. 47:297(P))

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Ways and Means to the original bill.

1. Added to the definition of "taxpayer" an individual who qualifies for and claims a homestead exemption on a dwelling which meets all of the design elements necessary for claiming the tax credit provided for in proposed law.

2. Changed effectiveness from all tax years beginning on or after Jan. 1, 2011, to all tax years beginning on or after Jan. 1, 2013.

House Floor Amendments to the engrossed bill.

1. Changed effectiveness from all tax years beginning on or after Jan. 1, 2013, to all tax years beginning on or after Jan. 1, 2012.

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