
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 853 Session of
2017

INTRODUCED BY YUDICHAK, BAKER, SABATINA, GREENLEAF, BREWSTER,
TARTAGLIONE, WARD, COSTA, McGARRIGLE, BROWNE, BLAKE AND
BOSCOLA, AUGUST 29, 2017

REFERRED TO FINANCE, AUGUST 29, 2017

AN ACT

1 Amending the act of March 4, 1971 (P.L.6, No.2), entitled "An
2 act relating to tax reform and State taxation by codifying
3 and enumerating certain subjects of taxation and imposing
4 taxes thereon; providing procedures for the payment,
5 collection, administration and enforcement thereof; providing
6 for tax credits in certain cases; conferring powers and
7 imposing duties upon the Department of Revenue, certain
8 employers, fiduciaries, individuals, persons, corporations
9 and other entities; prescribing crimes, offenses and
10 penalties," providing for livable home tax credit.

11 The General Assembly of the Commonwealth of Pennsylvania
12 hereby enacts as follows:

13 Section 1. The act of March 4, 1971 (P.L.6, No.2), known as
14 the Tax Reform Code of 1971, is amended by adding an article to
15 read:

16 ARTICLE XVIII-H

17 LIVABLE HOME TAX CREDIT

18 Section 1801-H. Scope of article.

19 This article relates to livable home tax credit.

20 Section 1802-H. Definitions.

21 The following words and phrases when used in this article

1 shall have the meanings given to them in this section unless the
2 context clearly indicates otherwise:

3 "Credit." The livable home tax credit provided for under
4 this article.

5 "Department." The Department of Community and Economic
6 Development of the Commonwealth.

7 "Primary residence." A dwelling unit used as a place of
8 primary habitation by an individual.

9 "Secretary." The Secretary of Community and Economic
10 Development of the Commonwealth.

11 "Taxpayer." An individual subject to payment of taxes under
12 Article III.

13 Section 1803-H. Tax credit for taxable years beginning on or
14 after January 1, 2018.

15 (a) General rule.--For taxable years beginning on or after
16 January 1, 2018, a taxpayer who purchases a primary residence or
17 modifies the taxpayer's existing primary residence shall be
18 allowed a credit against the tax imposed under section 302 for
19 features or alterations that are designed to improve
20 accessibility within or related to the residence and that meet
21 eligibility guidelines established by the department. All
22 accessibility features and alterations shall be subject to the
23 requirements of the act of November 10, 1999 (P.L.491, No.45),
24 known as the Pennsylvania Construction Code Act.

25 (b) Limitation.--The credit shall be allowed for the taxable
26 year in which the new primary residence is purchased or the
27 alteration of the existing residence is completed. The credit
28 allowed under this section may not exceed the sum of \$5,000 for:

29 (1) the addition or inclusion of accessibility features
30 within or related to the primary residence; or

1 (2) accessibility alterations within or related to an
2 existing primary residence.

3 (c) Application.--The credit shall require application by
4 the taxpayer as provided in section 1804-H.

5 (d) Prohibition.--No credit may be allowed under this
6 section for purchase, construction or renovation of residential
7 rental property.

8 Section 1804-H. Procedure.

9 (a) Application.--An eligible taxpayer must apply for the
10 credit by submitting an application to the department. The
11 department shall issue a certification for an approved
12 application to the taxpayer. The taxpayer shall attach the
13 certification to the applicable income tax return.

14 (b) Amount of tax credits.--The total amount of credits
15 granted during a fiscal year may not exceed \$1,000,000.

16 (c) Application exceeding allocation.--If applications for
17 the credits exceed the amount allocated by the secretary for the
18 fiscal year, the department shall issue the credits pro rata
19 based upon the amount of credits approved for each taxpayer and
20 the amount of credits allocated by the secretary.

21 Section 1805-H. Limitation.

22 (a) General rule.--In no case may the amount of credits
23 taken by a taxpayer pursuant to this article exceed the
24 taxpayer's income tax liability for the taxable year.

25 (b) Carryover.--If the amount of credit allowed for the
26 taxable year in which the new primary residence is purchased or
27 renovation of the existing primary residence is completed
28 exceeds the taxpayer's income tax liability imposed for the
29 taxable year, the amount that exceeds the tax liability may be
30 carried over for the credit against the income taxes of the

1 taxpayer in the next seven taxable years or until the total
2 amount of the tax credit issued has been taken, whichever is
3 sooner.

4 Section 1806-H. Guidelines.

5 The department shall establish guidelines necessary to
6 implement this article.

7 Section 2. This act shall take effect in 60 days.