

New York State Department of Taxation and Finance
Taxpayer Services Division
Technical Services Bureau

TSB-A-85 (1) I
Income Tax
June 6, 1985

STATE OF NEW YORK
STATE TAX COMMISSION

ADVISORY OPINION

PETITION NO. I831123A

On November 23, 1983, a Petition for Advisory Opinion was received from Alternate Energy Management Corporation, 115 E. 86th Street, New York, New York 10028.

The issue raised is whether the credit for solar and wind energy systems provided under the personal income tax imposed under Article 22 of the Tax Law is applicable under circumstances whereby a homeowner rents a domestic solar heating unit and then pays for the installation of the unit and for piping and fixtures.

Section 606(g)(1) of the Tax Law provides in relevant part as follows:

(1) A taxpayer shall be allowed a credit against the tax imposed by this article for the purchase and installation of a solar or wind energy system by a taxpayer in his principal residence, if such residence is located within the state

The portion of the system which the homeowner rents from petitioner (the domestic solar heating unit) does not qualify for the credit under section 606(g) of the Tax Law. That section specifically provides that in order to qualify for the credit, the homeowner must purchase a solar or wind energy system. Equipment rented by the homeowner does not qualify for the credit.

Additionally, section 606(g)(2) of the Tax Law and the regulations promulgated thereunder (20 NYCRR 103.7) specify the solar and wind energy systems which qualify for the credit. The piping and fixtures which are purchased by the homeowner and amounts paid for installation clearly do not qualify by themselves as solar or wind energy systems as defined in the Tax Law and regulations. Accordingly, they do not qualify for the credit allowed under section 606(g) of the Tax Law.

DATED: March 18, 1985

FRANK J. PUCCIA
Director
Technical Services Bureau

NOTE: The opinions expressed in Advisory Opinions
are limited to the facts set forth therein.