

# STATE OF NEW YORK

849

2025-2026 Regular Sessions

## IN SENATE

(Prefiled)

January 8, 2025

Introduced by Sens. HELMING, GALLIVAN -- read twice and ordered printed,  
and when printed to be committed to the Committee on Budget and Revenue

AN ACT to amend the tax law, in relation to establishing the USDA  
construction tax credit

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section 210-B of the tax law is amended by adding a new  
2 subdivision 61 to read as follows:

3 61. USDA construction tax credit. Notwithstanding any provision in law  
4 to the contrary, a taxpayer shall be allowed a credit against such tax  
5 of up to fifteen percent of the difference between the total cost to  
6 build and the final sale price of any newly constructed property that a  
7 taxpayer sells to a person or persons who finance the purchase of the  
8 property with a USDA mortgage. For the purposes of this subdivision, a  
9 USDA mortgage shall be any mortgage loan subject to the provisions of  
10 Title 7 CFR Part 3550, Title 7 CFR Part 3555, or Title 7 CFR Part 3560.

11 § 2. Section 606 of the tax law is amended by adding a new subsection  
12 (bbb) to read as follows:

13 (bbb) USDA construction tax credit. Notwithstanding any provision in  
14 law to the contrary, a taxpayer shall be allowed a credit against such  
15 tax of up to fifteen percent of the difference between the total cost to  
16 build and the final sale price of any newly constructed property that a  
17 taxpayer sells to a person or persons who finance the purchase of the  
18 property with a USDA mortgage. For the purposes of this subsection, a  
19 USDA mortgage shall be any mortgage loan subject to the provisions of  
20 Title 7 CFR Part 3550, Title 7 CFR Part 3555, or Title 7 CFR Part 3560.

21 § 3. The commissioner of taxation and finance shall promulgate rules  
22 and regulations necessary to implement this act.

23 § 4. This act shall take effect immediately.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets  
[-] is old law to be omitted.

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