STATE OF NEW YORK

849--A

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 -- recommitted to the Committee on Budget and Revenue in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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:

Section 1. Section 210-B of the tax law is amended by adding a new subdivision 63 to read as follows:

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

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

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

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

§ 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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