



NYS INDEPENDENT FILM PRODUCTION TAX CREDIT PROGRAM

SUPPLEMENTAL AGREED UPON PROCEDURES

March 2026

Refer to esd.ny.gov/new-york-state-independent-film-production-tax-credit-program#eligibility for all available information about the Independent Film Production Program.

Background

The independent film production program (“Program”) was passed into law effective 1/1/2025 and requires a third-party CPA Agreed Upon Procedures report. Applications submitted to this program are subject to the identical Agreed Upon Procedures in place for the Film Production Program. All requirements and the tax credit rate structure are identical in both programs, with several additional requirements listed below. The following additional steps must be taken in the evaluation of an Independent Film Production Program application:

1. Verify that Initial and Final Application Applicant and owner information are identical. In this Program, Applicants must be independently owned and operated, i.e., no Applicant or owner can be a publicly traded entity on any U.S. stock exchange. (Applicant/Owner status has been confirmed by the Dept. based on the initial application)
2. Review the Initial Application to the Program to verify the amount of estimated tax credit. The tax credit issued cannot exceed the estimated tax credit amount based on the initial application. On the Independent QCS form, indicate the date of the initial application and the maximum amount of credit allowed.
3. Review the Final Application to determine that qualified costs excluding labor do not exceed \$60 million dollars. If production costs reported as qualified and evaluated via the Agreed Upon Procedures exceed the \$60 million cap, transfer the overage from qualified to non-qualified costs on the QCS.

If any of the above requirements are not met, contact the Empire State Development Tax Incentives Department for additional information and instructions.

4. Applicants to this Program are eligible for Production Plus. Follow the standard Agreed Upon Procedures for any Applicant that has indicated participation on their initial application. Verify that the Applicant has received a Certificate of Conditional Eligibility stating their participation in Production Plus.



5. Applicants to the Independent Film Production Program may elect to designate the last day of principal photography as the completion date for their project, and exclude any costs incurred after that last day. If an Applicant has indicated this choice on the Final Application Project Summary form (in Production Schedule section 1-4), verify that no costs incurred later than this date have been included in qualified costs ledger reports.