

# Topics for Today's Session

- Overview of Property Tax Cap Legislation
- Common Errors
- Reporting Requirements
- Tax Cap Form Walk-Through



### Property Tax Cap - Summary

- Tax cap <u>limits total levy</u> set by local governments, not assessed value or tax rate.
- It generally limits the amount local governments and school districts can increase property taxes by 2% <u>OR</u> the rate of inflation, <u>whichever is less</u>, unless they officially override the tax levy limitation.



Tax Cap Legislation

Fire District Revenues, FYE 2020

18%
82%

REAL PROPERTY TAXES

ALL OTHER REVENUES

NYS COMPTROLLER
THOMAS P. DINAPOLI

#### Fire District vs. Fire Protection District

- Generally, fire districts have their <u>own tax levy limit</u> and are NOT part of the municipality's tax cap.
- Levies for fire protection districts (as opposed to fire districts) are part of the municipality's tax levy limit.



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## Tax Cap Legislation

#### **Blended Fire Districts**

- <u>Blended fire districts</u> are fire districts that have the town board as their fire commissioners; therefore, they are <u>not independent</u>.
- They do not file separately for tax cap purposes.
- They are reported within the town's AFR.
- There are only six blended fire districts in New York State.

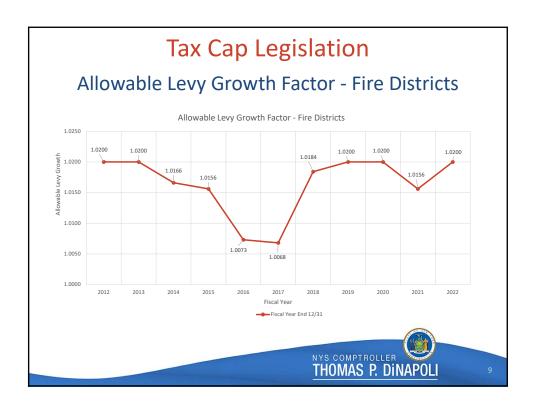


### **Calculation Involves Several Components**

- Prior Year Levy
- Tax Base Growth Factor
- Allowable Levy Growth Factor 2% or rate of inflation, whichever is less
- Payments in Lieu of Taxes (PILOTs)
- Available Carryover
- Transfers of Function
- Exclusions (Retirement and Tort Costs)



Tax Cap Formula PILOTS Tort exclusion Tax base Prior year amount receivable in (including growth factor\* amount, prior reserve vear tax the prior fiscal fiscal year offset interest year earned) **PILOTs** Allowable receivable Available levy growth Tax Levy factor (1.00 in coming carryover Limit to 1.02)\*\* fiscal year + Transfer of Function Tax levy necessary for Levy necessary to pay Net of Transfer expenditures from for increases to the Tax Levy Limit, court orders/judgments of Government system average Tax Levy Adjusted for Transfers, Plus actuarial contribution = Function (as resulting from tort + Limit determined by actions for any amount rate (or normal Exclusions OSC) in excess of 5% of the contribution rate) of total taxes levied in the pension funds over 2 prior fiscal year percentage points \* Tax base growth factor: Based on Tax and Finance determination of "quantity change," such as new construction, newly taxable status of existing property, or measurable improvements to taxable property within the boundaries of the local government or school district. \*\* Allowable levy growth factor: Lesser of 1.02 or inflation factor (percent change in CPI for the 12 month period ending 6 months before the start of the coming fiscal year over the prior 12-month period), but never lower than 1.00. THOMAS P. DINAPOLI



### Override

- The law allows fire districts to override the levy limit by passing a resolution.
- Must be adopted by 60% of the total governing board (e.g., three out of five).
- Must be passed prior to the adoption of the budget.



### Consequences of Exceeding the Limit

- If a fire district levies more than the amount allowable under the tax levy limit without a proper override, the fire district must place the excess amount in a reserve.
  - Must be in an interest-bearing account
  - Must be used to offset the tax levy the following fiscal vear
- If, prior to the adoption of the budget, the fire district passed a resolution to override, no reserve is required.



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#### **Common Errors**

- Not filing the form with the Office of the New York State Comptroller (OSC)
  - Districts that fail to complete and submit the form are more likely to adopt a levy that exceeds the limit.
- Filing errors on the form
  - Improper use of tax cap reserve line
    - Only for amounts levied in excess for the prior year, not for capital or equipment reserve amounts
  - Entering budget amount instead of tax levy
    - Do not include other revenues; only include taxes levied on the tax roll.



## Reporting Requirements

- Fire districts must calculate their levy limit and report the data to the Office of the New York State Comptroller:
  - Using our online services application.
  - Prior to adoption of budget.
- Must be submitted even when an override has been passed.



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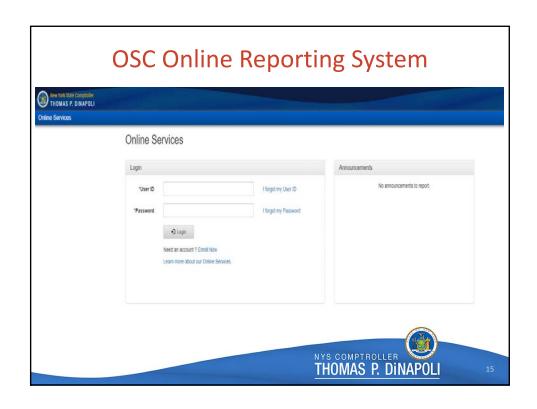
## Reporting Requirements

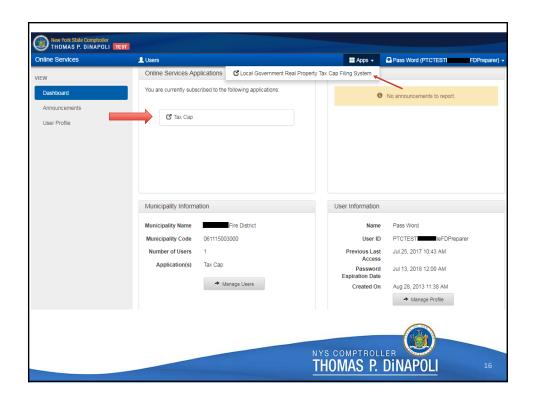
### Online Reporting Application

- Enrollment
  - Provides access to our tax cap application
  - User ID and password required
    - Contact our office if you need assistance.
  - Must assign rights and roles depending on responsibilities
  - Instructions can be found on our website:
     <a href="https://www.osc.state.ny.us/files/local-government/property-tax-cap/pdf/EnrollmentInstructions.pdf">https://www.osc.state.ny.us/files/local-government/property-tax-cap/pdf/EnrollmentInstructions.pdf</a>

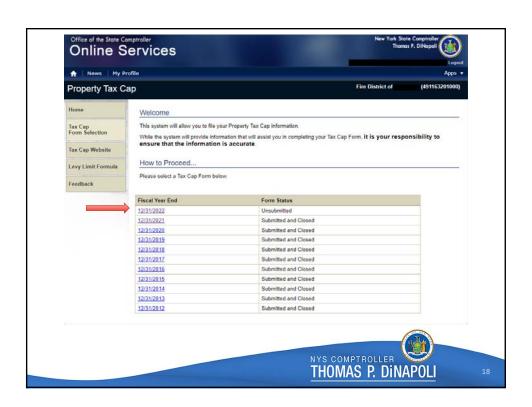


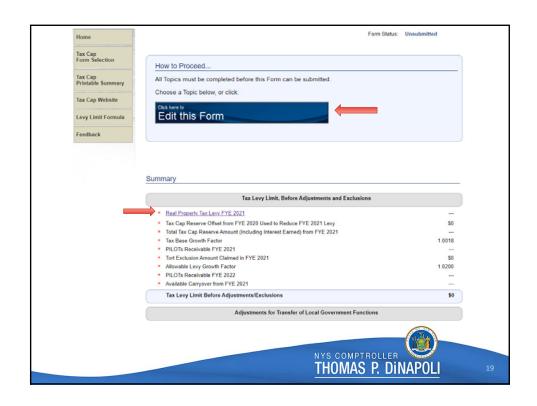
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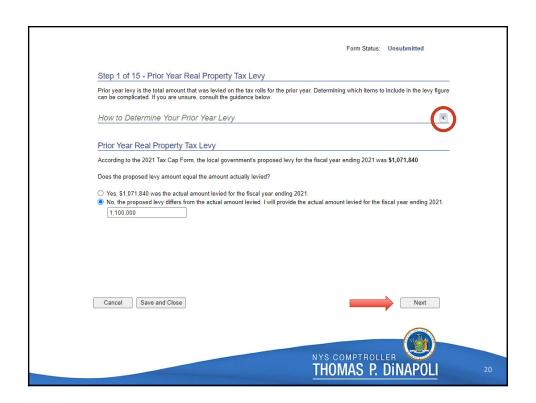


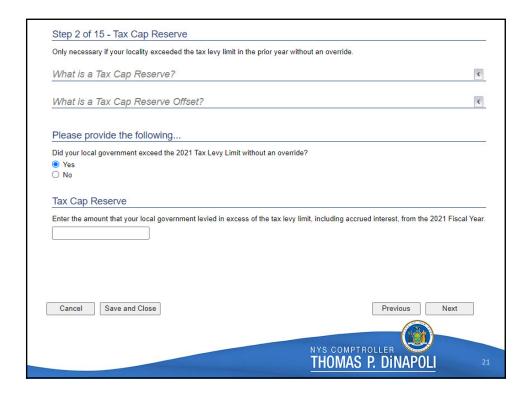






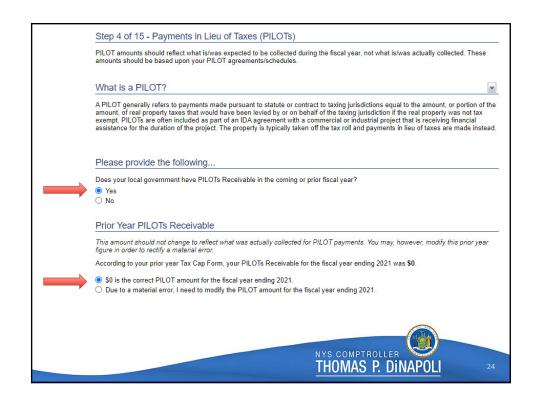


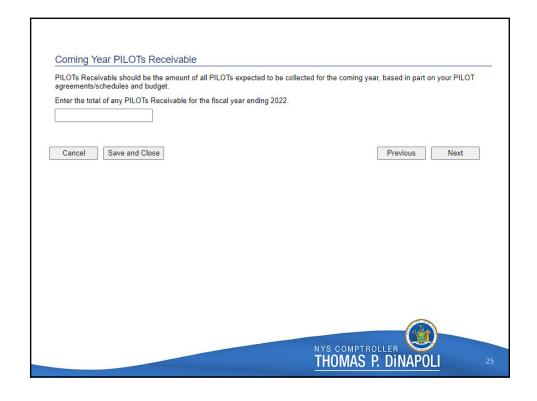


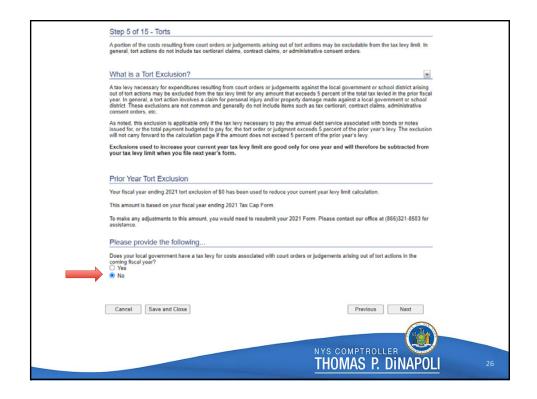


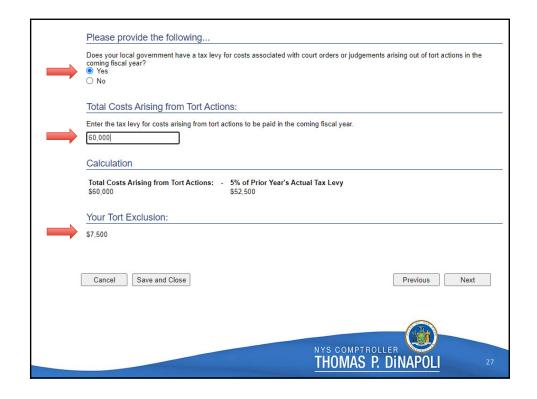


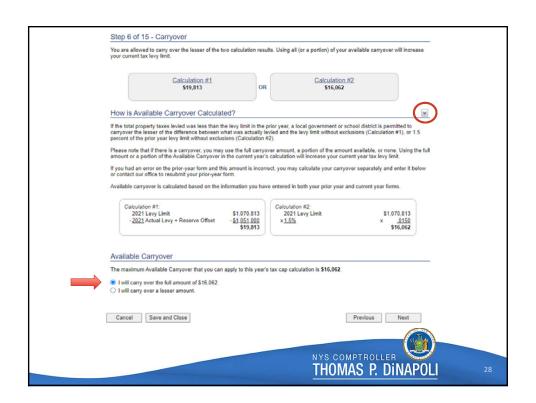


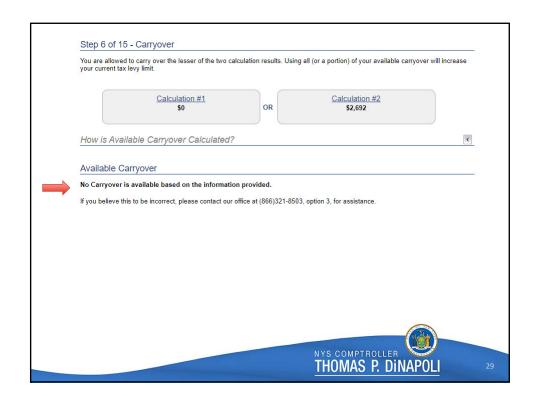


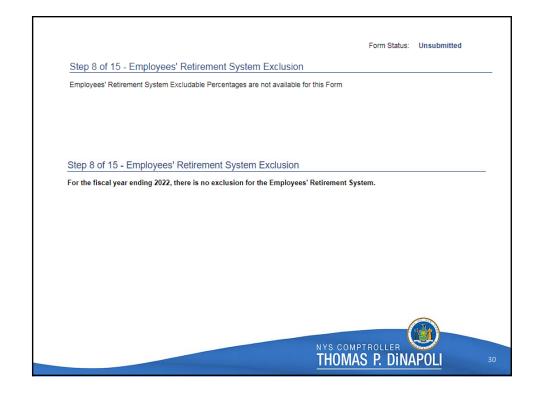


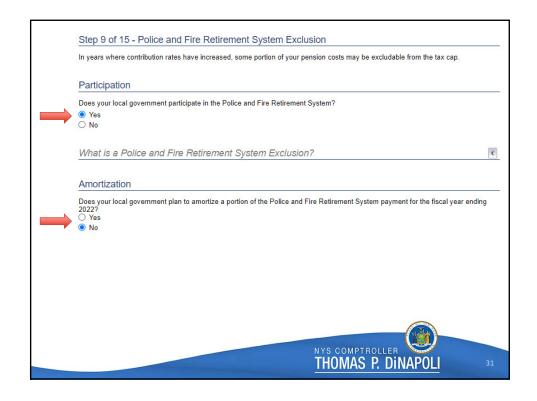


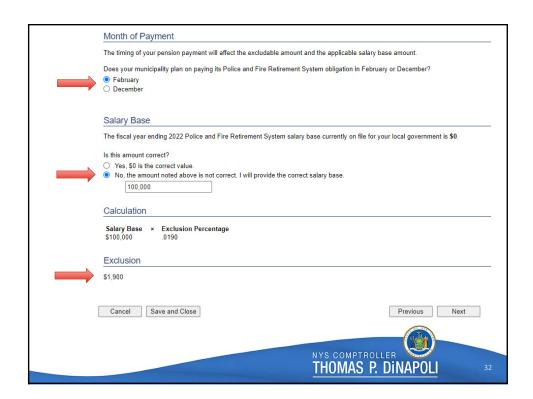




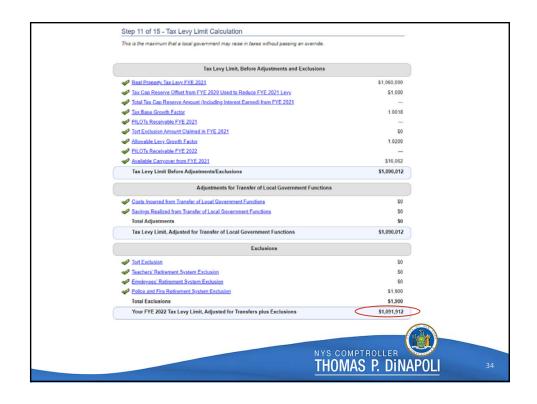


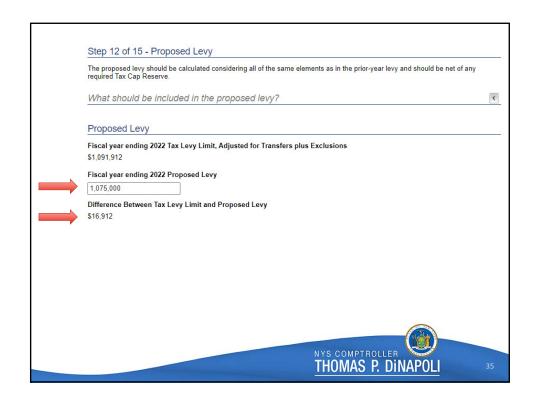


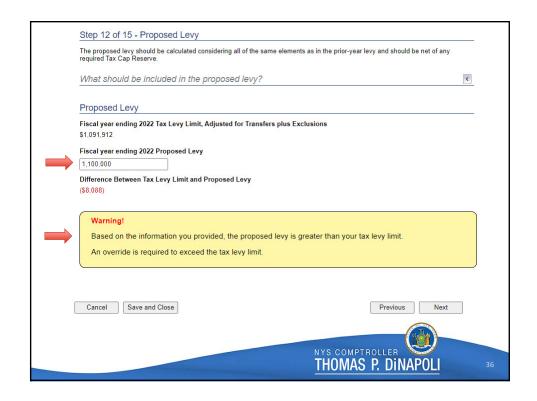


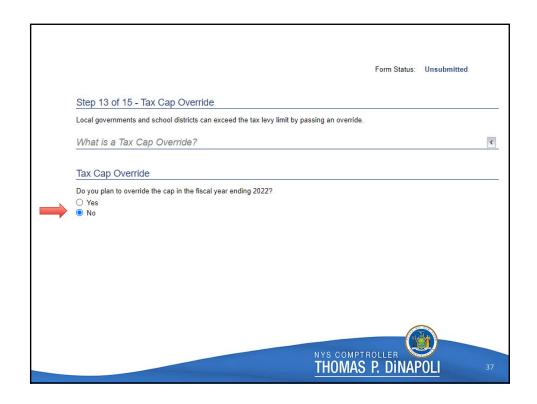


Has your local government had a Transfer of Function?	
Yes	
No No	
Have you already reported the Transfer of Function to our offi	ice?
Yes	
® No	
How to Proceed	
Please provide a description of the function being transferred	, the local governments involved and the date the transfer will occur.
After the form is submitted, someone from our office will conta	act you .
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	NYS COMPTROLLER THOMAS P. DINAPOLI

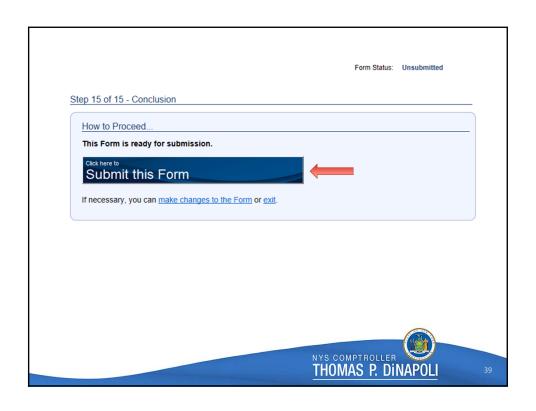




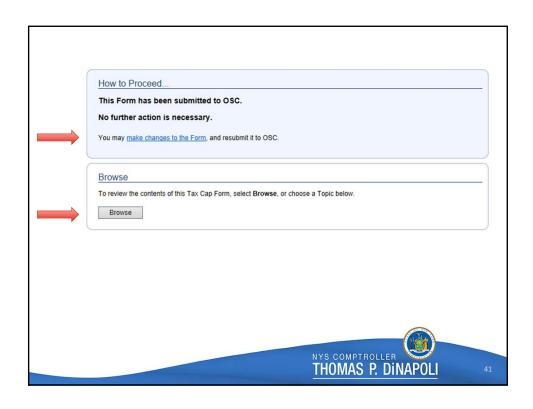












## **Contact Information**

- Office of the State Comptroller
  - Phone: 1-866-321-8503
    - Option 1 Technical, Enrollment, Password issues
    - Option 3 Tax Cap application questions
  - Email: LGSAMonitoring@osc.ny.gov
  - https://www.osc.state.ny.us/local-government/property-tax-cap
  - Department of Taxation and Finance
  - Tax Base Growth Factor How is it calculated or what if it is missing?
    - Phone: 518-591-5233
- NYS Local Retirement System
  - Salary Base How is it calculated or what if it is missing?
    - Phone: 518-474-3140 or 518-473-0681



