

# Topics for Today's Session

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



# Tax Cap Legislation

#### Property Tax Cap - Summary

- Tax cap <u>limits total levy</u> set by local governments, not assessed value or tax rate.
- Generally, local governments and school districts may not adopt a budget that requires a tax levy that exceeds the prior year's levy by more than 2% <u>OR</u> the rate of inflation, <u>whichever is less</u>, unless they officially override.



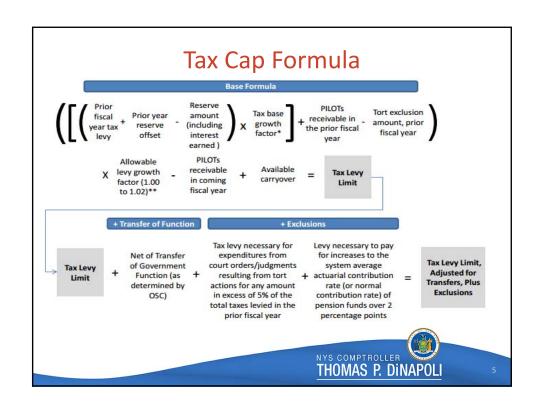
## Tax Cap Legislation

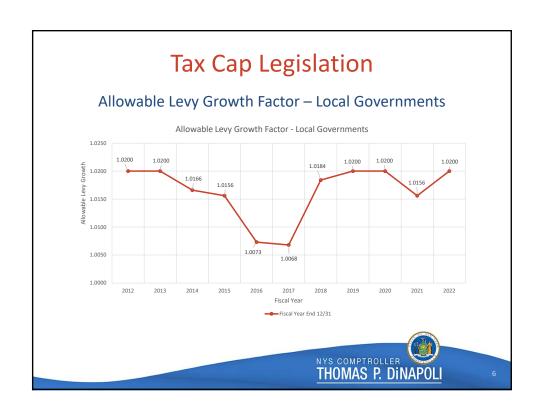
## **Calculation Involves Several Components**

- 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)



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# Tax Cap Legislation

#### Override

- The law allows local governments to override the levy limit.
- Board must enact a local law or resolution to override before budget adoption.
  - Counties, Cities, Towns and Villages: Local Law
  - Fire Districts and Independent Special Districts: Resolution
  - Must contain language that clearly overrides the levy limit
- Governing board must approve by at least 60% of voting power (e.g., three out of five).

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## Tax Cap Legislation

#### Consequences of Exceeding the Limit

- If a local government levies more than the tax levy limit without a proper override, the local government 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 year.
- If, prior to the adoption of the budget, the local government passed a local law or a resolution to override, no reserve is required.

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# "Raise the Age" Legislation

## Affects Only Counties (and NYC)

- State Finance Law §54-m
- Goal generally is to separate teens from being placed in adult prisons
- Counties that are within the allowable levy limit are not required to contribute a "local share of eligible expenditures" toward program.
- Counties that exceed allowable levy limit can apply for financial hardship with Division of Budget.



## **Common Errors**

- Failure to File the Tax Cap Form in the Online Services Filing System
  - Local governments that fail to complete and submit the form are more likely to adopt a levy that exceeds the limit.
- Filing Errors on the Tax Cap Form
  - Prior year/coming year tax levy
    - Special Districts (Independent vs. Dependent)
    - Adjustments for chargebacks and omitted taxes
    - Benefit assessments vs. user fees
  - Other data entry elements
    - PILOTs receivable
    - Tax cap reserve



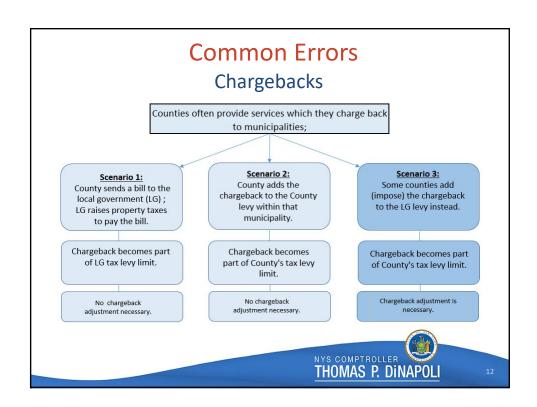
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## **Common Errors**

#### Independent vs. Dependent

- An independent special district:
  - Has an independent elected or appointed board.
  - Can levy a tax or require a municipality to levy a tax on its behalf.
  - Files tax cap form independent of the municipality.
- All other special district levies should be included within the municipal levy limit calculation.





#### **Common Errors**

#### **Omitted Taxes**

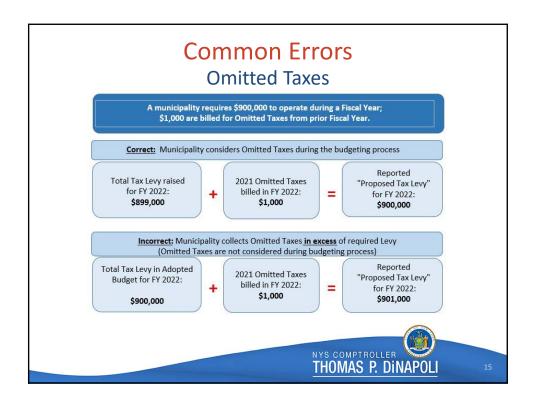
- "Omitted Taxes" refers to property tax adjustments billed on a subsequent tax roll.
  - Changes in property ownership can result in a reduction in allowable exemptions.
  - New owner is responsible for any additional prorated tax using the revised exemptions and preceding year's tax rates.
  - Omitted Taxes could affect your tax cap levy, depending if the amount was considered during the budgeting process.

(e.g. Veteran's exemption)



**Common Errors Omitted Taxes** 1/1/2021: Property bill sent out with exemption status 8/31/2021: Property sold. New owner does not qualify for 1/1/2022: New owner receives a property bill without exemption status for the year 2022, and the new owner also receives a PRORATED property bill for 9/1/2021 to 12/31/2021 for the exemption amount (based on 2021 tax rate).

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## **Common Errors**

## Special Assessment vs. User Fee

- Services such as water, sewer and refuse collection may be funded through:
  - Special assessments (benefit assessments), which are based on benefit to property and subject to the levy limit.
  - User fees (contractual charges), which are based on usage and not subject to the levy limit.
- Consult your attorney or call us if you have difficulty making the distinction.



# **Reporting Requirements**

#### Who is Required to File With OSC

- Counties (outside of NYC)
- Cities (except NYC)
- Towns
- Villages
- Fire Districts
- Independent School Districts
- Special Districts that have a <u>separately elected or</u> <u>independently appointed board</u> and can either tax or require a tax to be levied on their behalf



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# **Reporting Requirements**

- Local Governments 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.



# **Reporting Requirements**

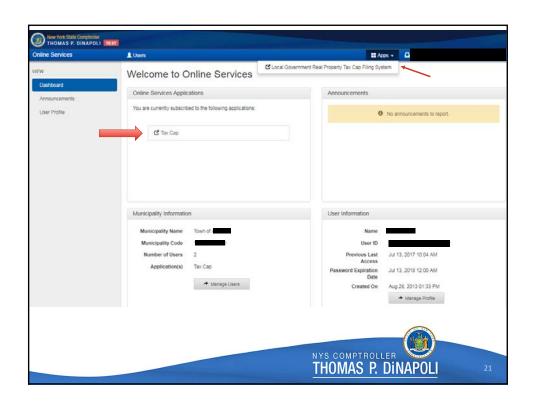
#### **Online Reporting Application**

- 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>

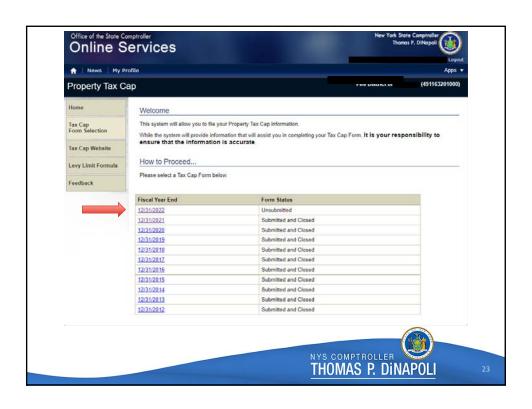


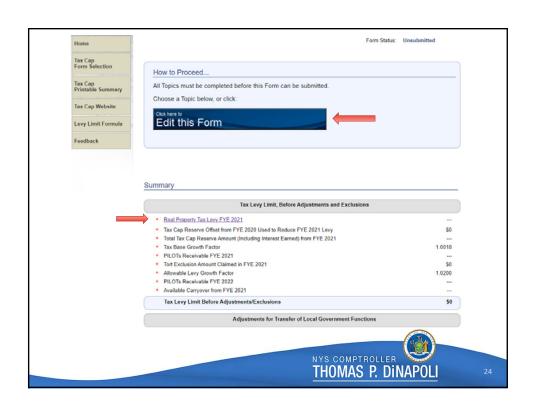
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# OSC Online Reporting System Trigular P. DINAPOLI Ordene Services Online Services Online Anouncements Login User 10 \*\* Passwerd \*\* Need an account? Excel Nov 1 Spring User 10 2 Spring User 10 3 Spring

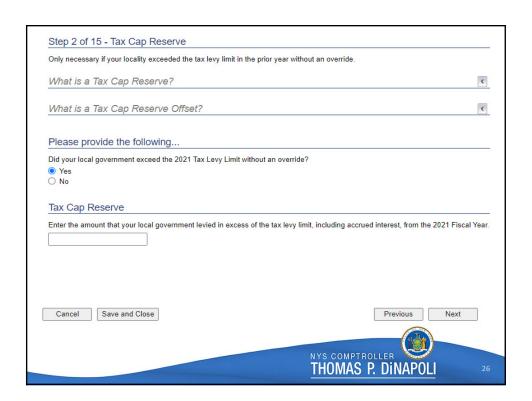


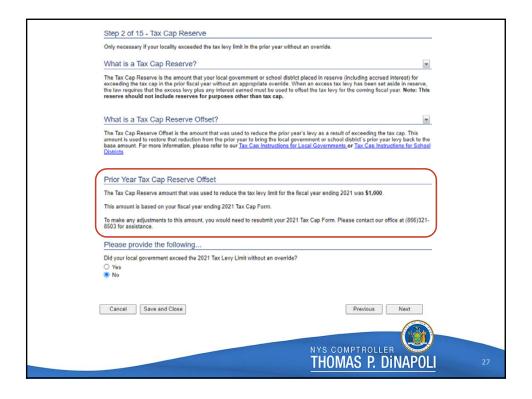




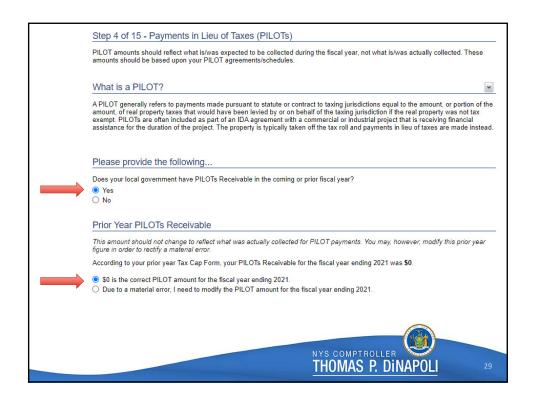


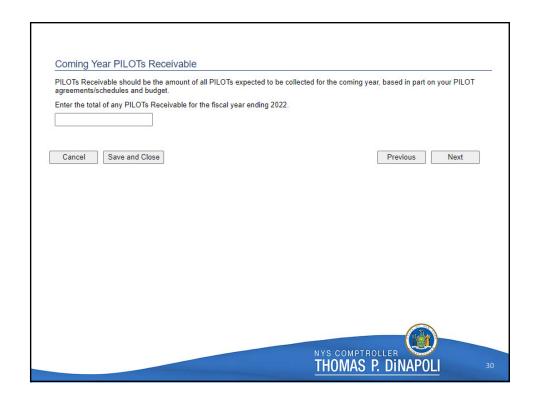




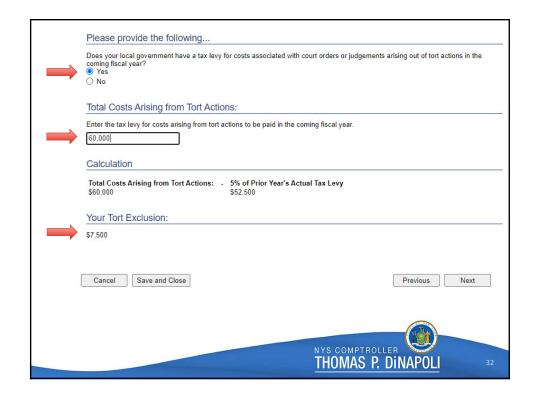


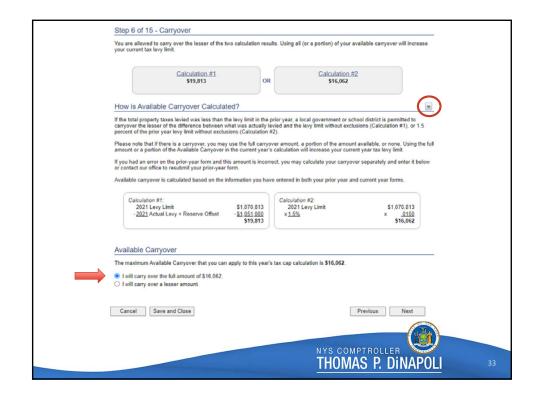


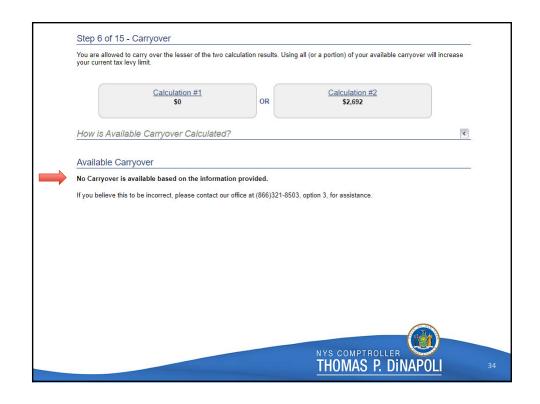


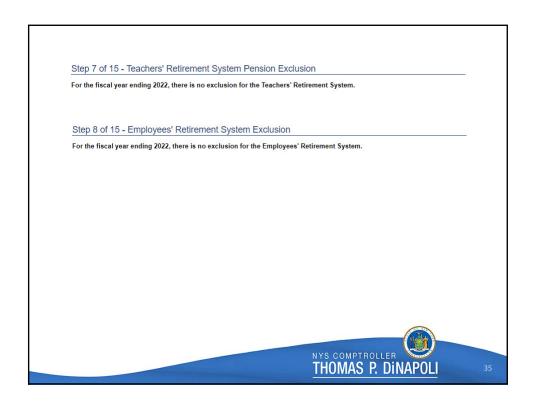


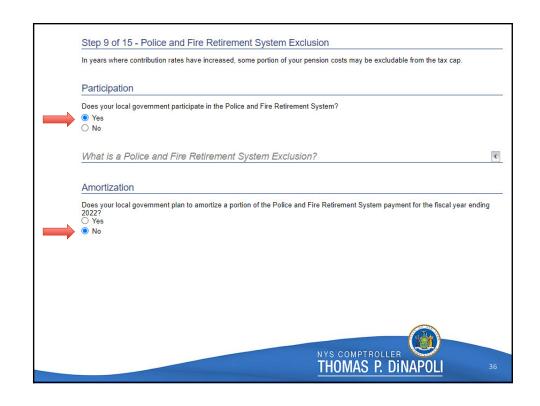


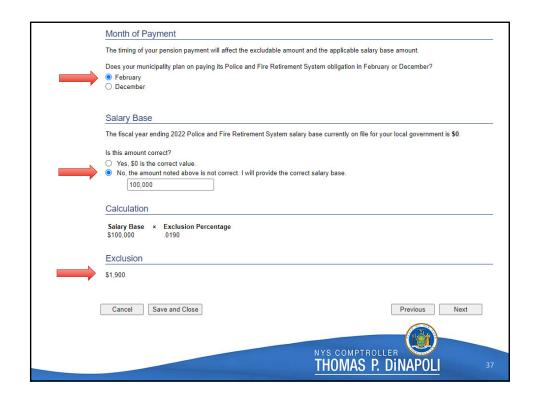


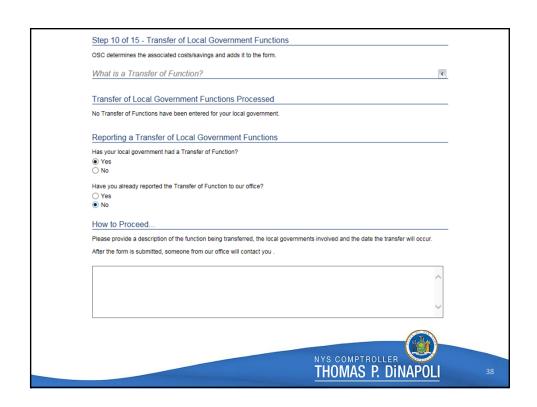




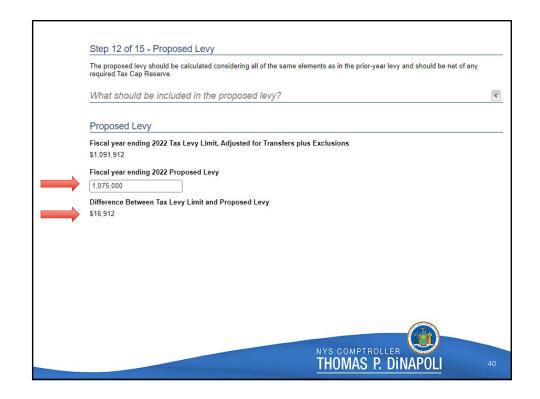


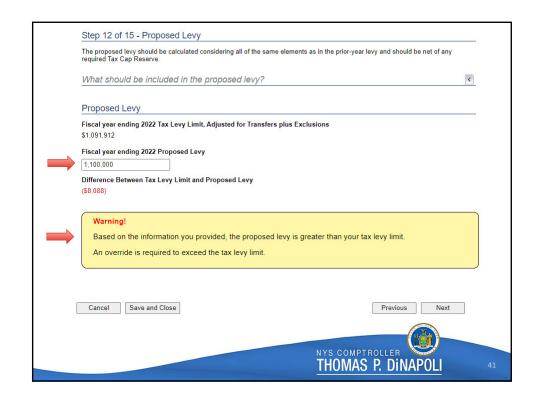


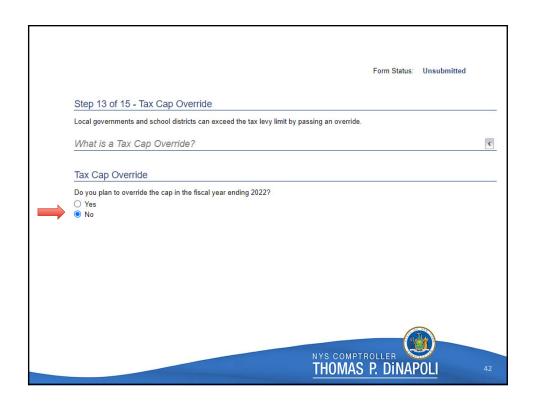
















Form Status: Unsubmitted
Submit Your Tax Cap Form
Once you have reviewed the form for accuracy and are ready to file, please fill out your contact information and submit your form.
Local Government Responsibility
Local officials are responsible for determining the tax levy limit for their local government.  Although this Tax Cap Form contains pre-populated information for your convenience, and assists you with Tax Cap calculations, it is incumbent on you to ensure that the information is accurate.
Click here to review your information or make changes to the Form.
Certifier Information
First Name:
Pass
Lost Name:
Word
Title:
Phone Number:
Email Address:
lgsamonitoring@osc.ny.gov
on 08/03/2020.
Submit Cancel
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# **Agency Responsibilities**

#### Who do you contact?

- Office of the New York State Comptroller
  - Phone: 1-866-321-8503
    - Option 1 Enrollment and password issues
    - Option 3 Tax cap application questions
  - Email: LGSAMonitoring@osc.ny.gov
  - www.osc.state.ny.us/local-government/property-tax-cap
- New York State Department of Taxation and Finance
  - Tax Base Growth Factor -

How is it calculated or what if it is missing?

- Phone: 518-591-5233
- New York State Local Retirement System
  - Salary Base How is it calculated or what if it is missing?
    - Phone: 518-474-3140 or 518-473-0681
- New York State Division of Budget
  - "Raise the Age" Legislation
    - www.budget.ny.gov/site/contact.html



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## Thank You

Division of Local Government and School Accountability localtraining@osc.ny.gov

