

Topics for Today's Session

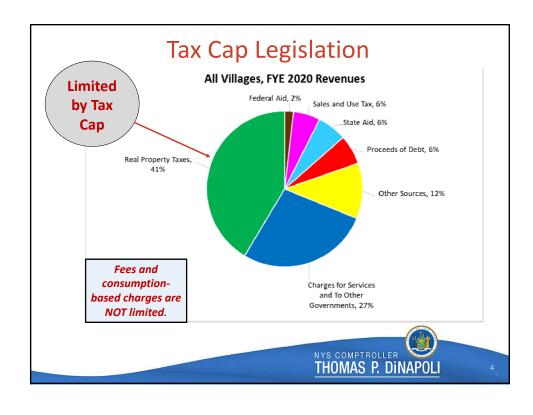
- COVID-19 Related Issues
- Overview of the Property Tax Cap Legislation
- Common Errors
- Reporting Requirements
 - And Tax Cap Form Walk-Through



Property Tax Cap - Summary

- Tax cap <u>limits total levy</u> set by local governments, not assessed value or tax rate.
- 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.

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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 & Tort Costs)



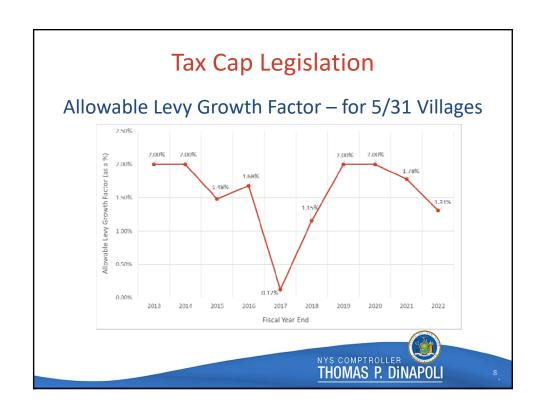
Tax Cap Formula Reserve Tax base amount fiscal receivable in the prior fiscal growth factor* amount, prior reserve (including offset interest fiscal year earned) Allowable **PILOTS** Available levy growth receivable Tax Levy in coming factor (1.00 Limit to 1.02)** fiscal year + Transfer of Function Tax levy necessary for Levy necessary to pay Net of Transfer expenditures from for increases to the Tax Levy Limit, of Government court orders/judgments system average Tax Levy Adjusted for Transfers, Plus Function (as resulting from tort + actuarial contribution Limit determined by actions for any amount rate (or normal Exclusions in excess of 5% of the contribution rate) of OSC) total taxes levied in the pension funds over 2 prior fiscal year percentage points THOMAS P. DINAPOLI

Allowable Levy Growth Factor

• Allowable levy growth is not always 2%; it is tied to the actual rate of inflation.

Fiscal Year Beginning 2021						
Fiscal Year Period	Inflation Factor	Allowable Levy Growth Factor				
January 1 - December 31	1.56%	1.0156				
March 1 - February 28	1.46%	1.0146				
April 1 - March 31	1.43%	1.0143				
June 1 - May 31	1.31%	1.0131				
August 1 - July 31	1.14%	1.0114				





Override

- The law allows local governments to override the levy limit.
- A village must enact a local law to override before budget adoption.
 - The local law must contain language that clearly overrides the levy limit.
- The governing board must approve by at least 60% of voting power (e.g., 3 out of 5).

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Fiscal Year Beginning 2020 Tax Cap Form Submissions

Override by Local Government Type

Class Type	Total # of Entities	Total Submitted	% Submitted	# Planning to Override	% Planning to Override
County	57	57	100.0%	3	5.3%
City	61	60	98.4%	14	23.3%
Town	933	916	98.2%	170	18.6%
Village	533	508	95.3%	92	18.1%
School District	676	676	100.0%	13	1.9%
Fire District	894	851	95.2%	140	16.5%
Grand Total	3154	3068	97.3%	432	14.1%

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Consequences of Exceeding the Limit

- If a village levies more than the tax levy limit without an override, the village must place the excess amount in a reserve.
 - Must be an interest-bearing account.
 - Must be used to offset the tax levy the following fiscal year.
- If, prior to adoption of the budget, the village board successfully passed an override local law, no reserve is required.

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Common Errors

- Failure to file the Tax Cap Form in the OSC's Online Services Filing System
 - Local governments that fail to complete or submit a 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
 - · Adjustments for omitted taxes
 - · Benefit assessments vs. user fees
 - Other data entry elements
 - · PILOTs receivable
 - Tax cap reserve

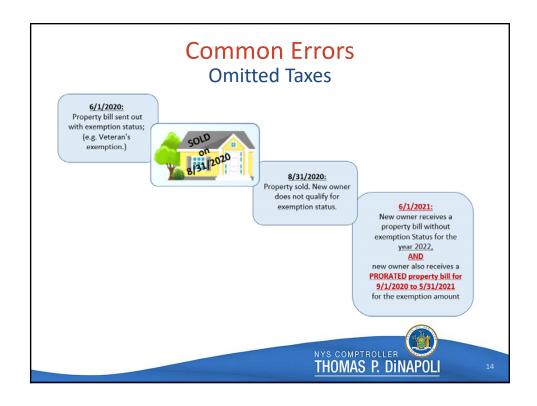


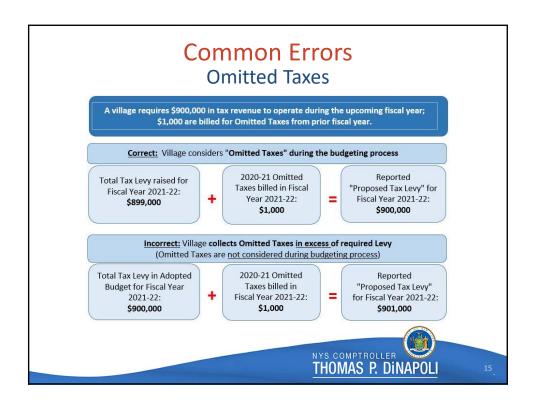
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Common Errors Omitted Taxes

- "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 tax rates.
 - Omitted Taxes could affect your Tax Cap Levy, depending if the amount was considered during the budgeting process.







Common Errors

Special Assessment vs. User Fee

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

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Reporting Requirements

Who Must File Property Tax Data with OSC?

- Counties
- 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.



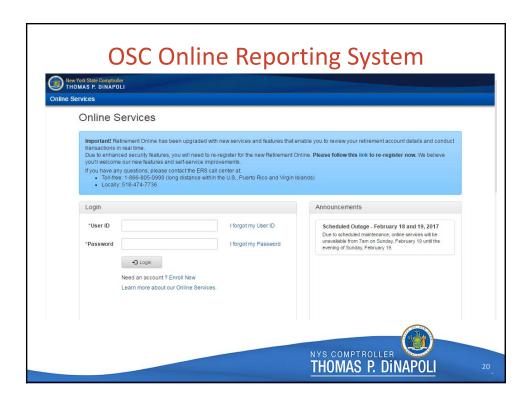
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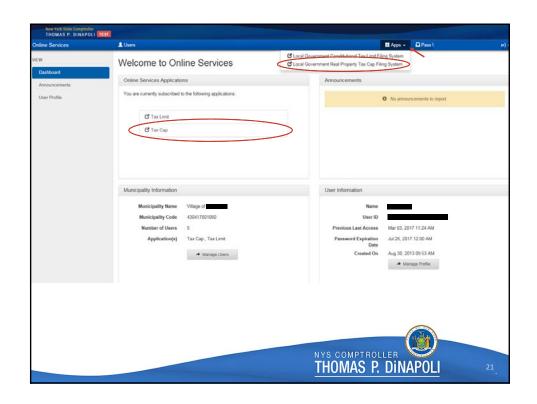
Online Reporting Application

Enrollment

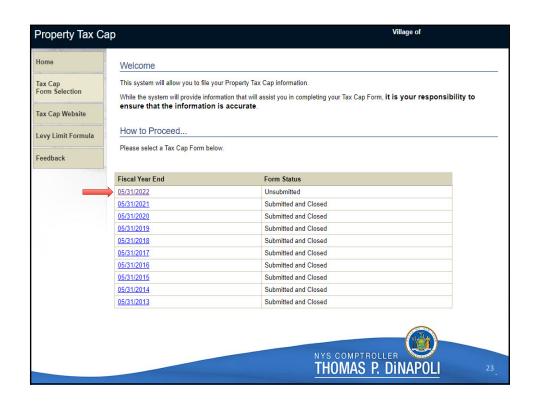
- Provides access to our tax cap application.
- User ID and password required.
 - Contact our office if you need assistance.
- Must assign rights and roles depending on responsibilities.
- Instructions can be found on our website:
 http://www.osc.state.ny.us/localgov/realprop/pdf/Enrollm
 entInstructions.pdf

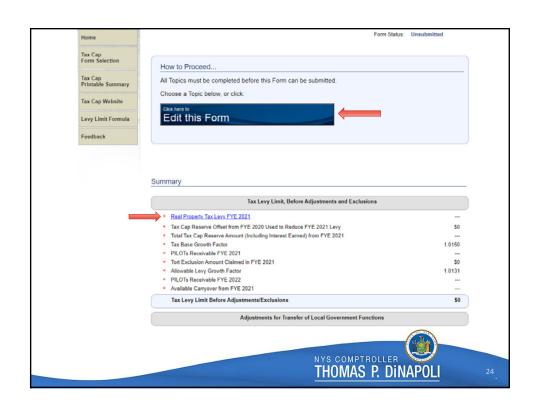


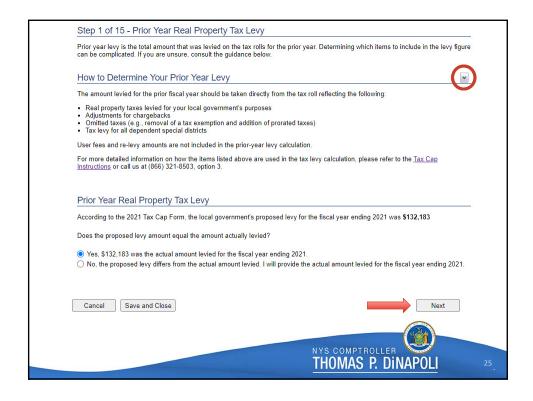


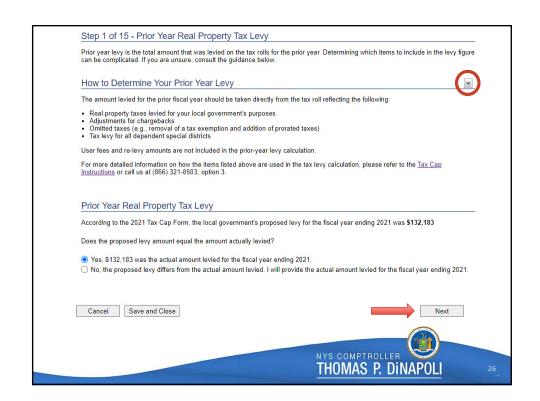




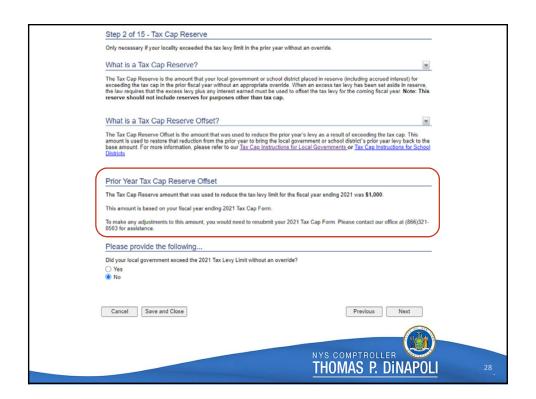




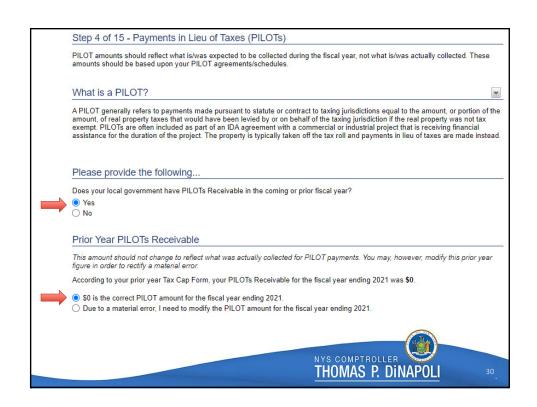


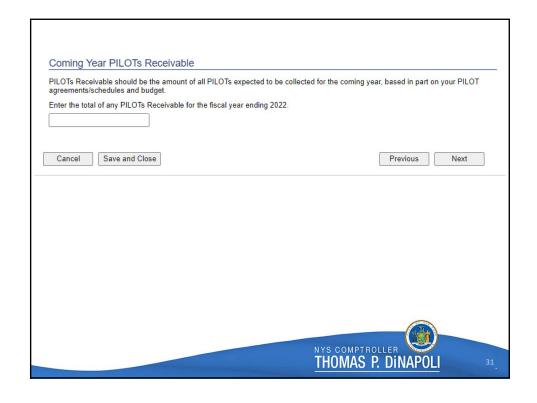


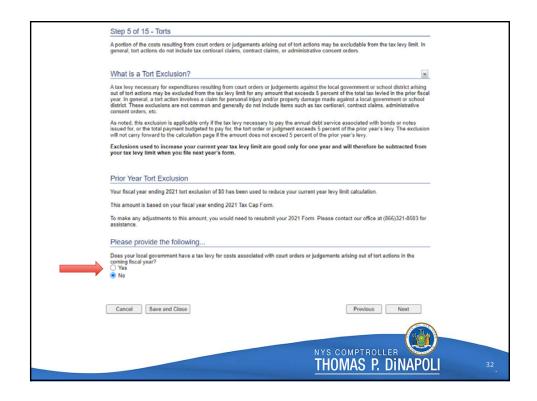


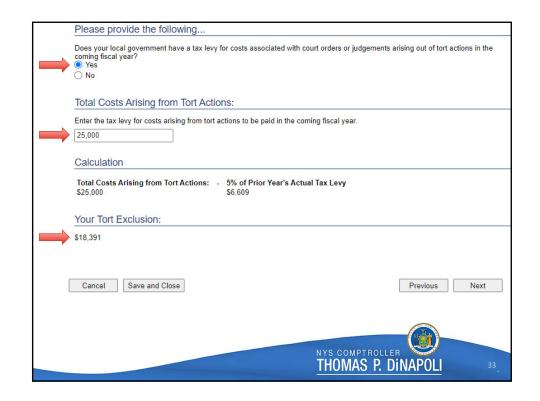


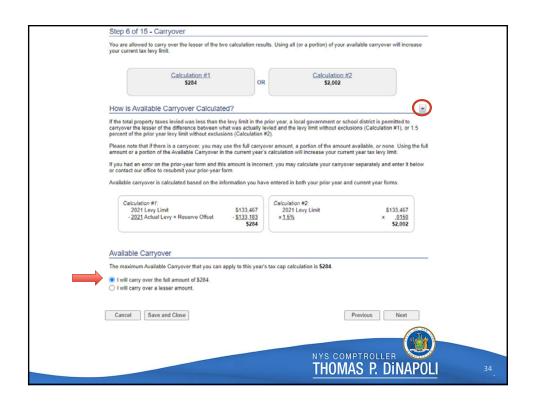




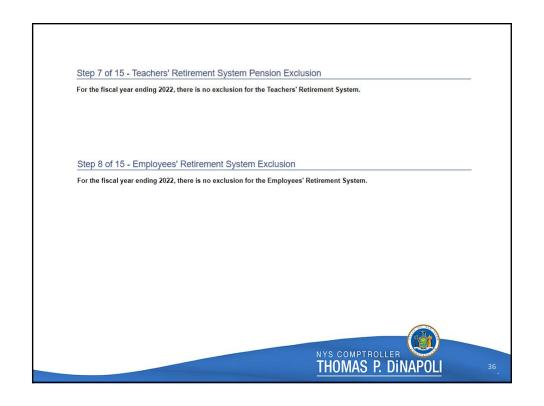


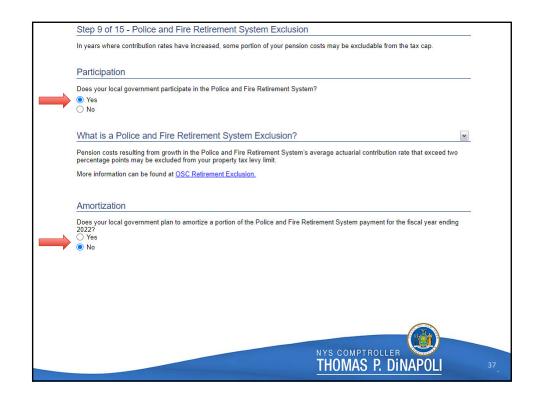


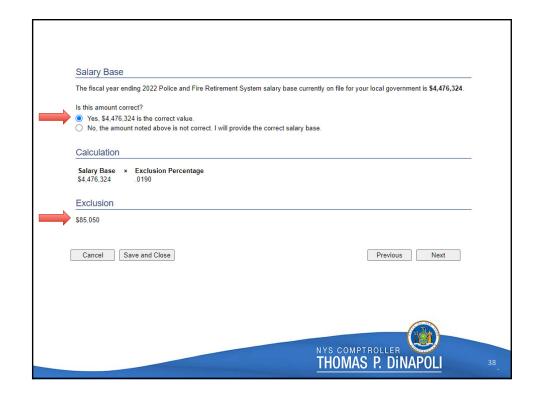


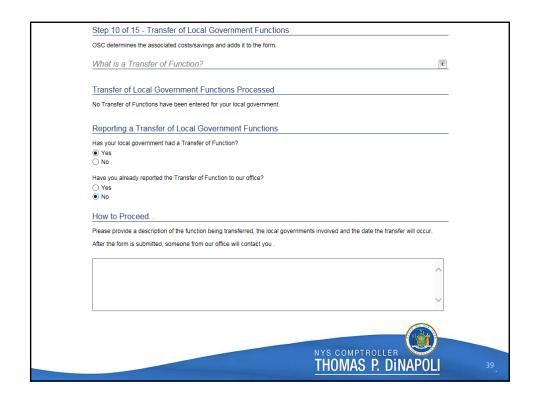




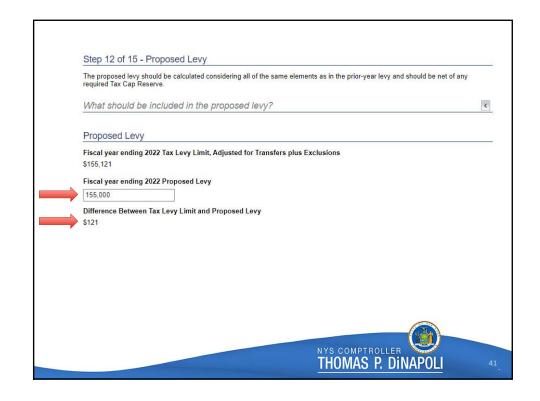


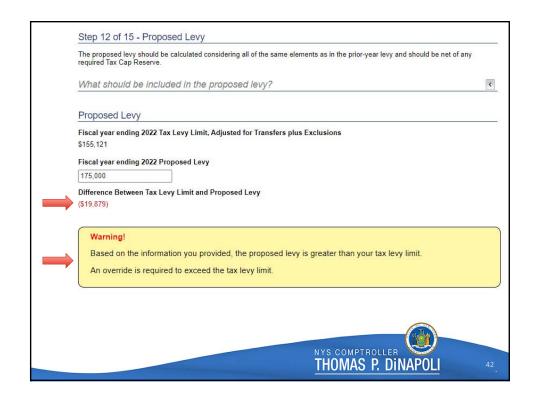


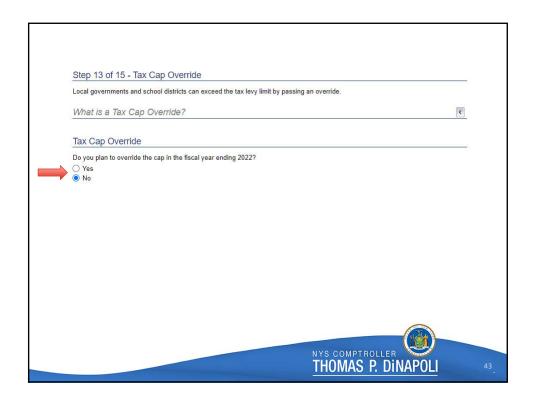








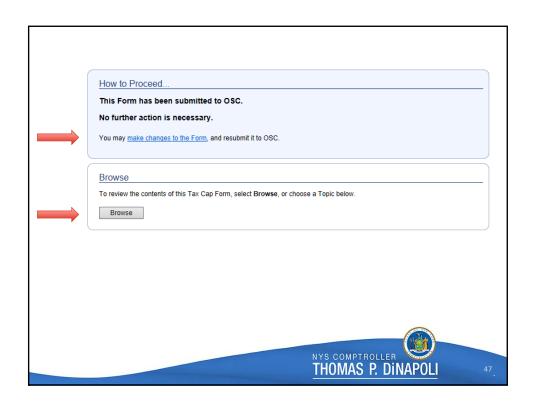












Agency Responsibilities Who do you contact?

- Office of the 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/localgov/realprop/index.htm
- 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



