Property Tax Cap for Villages

Maria Stamoulis and Elise Amodeo
Monitoring and Analysis Unit



1

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



Issues Relating to COVID-19

- The Tax cap law is still in effect
 - As of 4/9/20 the tax cap law has not been suspended
- All expenses, including COVID-19 expenses, are subject to the tax cap
 - As of 4/9/20 COVID-19 expenses have not been exempted from the tax levy limit
- Information for local governments on common issues regarding COVID-19:
 - www.osc.state.ny.us/localgov/generalinformation-faqs-related-to-covid19.pdf

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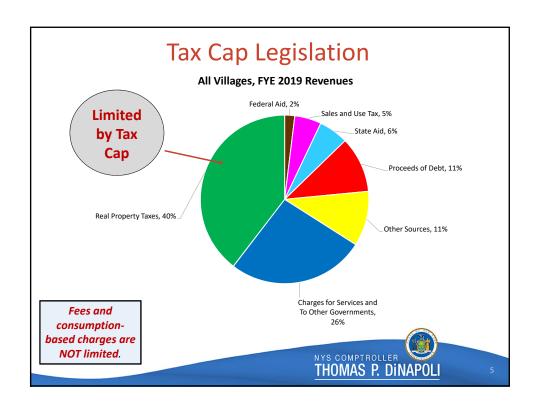
Tax Cap Legislation

Overview

- The Tax Cap limits total levy 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.



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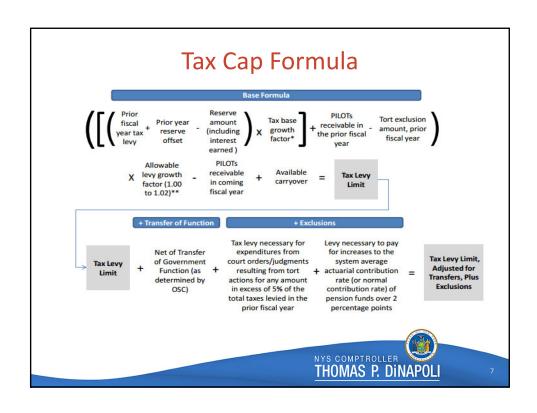


Tax Cap Legislation

Calculation Involves Several Components

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





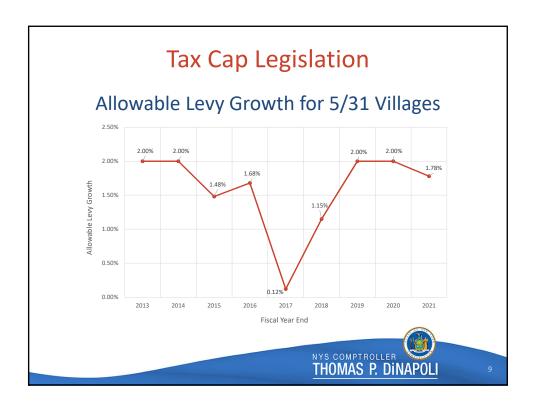
Tax Cap Legislation

Allowable Levy Growth Factor

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

Fiscal Year Beginning 2020					
Fiscal Year Period	Inflation Factor				
January 1 - December 31	2.07%	1.0200			
March 1 - February 28	1.90%	1.0190			
April 1 - March 31	1.85%	1.0185			
June 1 - May 31	1.78%	1.0178			
August 1 - July 31	1.89%	1.0189			





Tax Cap Legislation

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 2019

Tax Cap Report Submissions

Override by Local Government Type

Type	Total # of Entities		% Submitted	# Planning to Override	% Planning to Override
County	57	57	100%	3	5%
City	61	61	100%	15	25%
Town	933	919	98%	183	20%
Village	534	526	99%	109	21%
School District	676	675	100%	12	2%
Fire District	891	849	95%	189	22%
Grand Total	3152	3087	98%	511	17%



11

Tax Cap Legislation

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 with OSC's Online Services
 - Local governments that fail to complete or submit a form are more likely to adopt a levy that exceeds the limit.
- Errors on the 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



13

Common Errors

Omitted Taxes

- Omitted Taxes are property tax adjustments billed on a subsequent tax roll.
 - Changes in property ownership can result in a reduction in allowable exemptions.
 - A new owner is responsible for any additional prorated tax using the revised exemptions and preceding year tax rates.
 - If omitted taxes are added to the amounts to be levied, adjustments to the proposed and prior tax cap levy calculations may be needed.
 - No adjustment is needed for omitted taxes if the amount to be levied is deducted from the aggregate amount of taxes to be levied for the current year.



Common Errors

Benefit 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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15

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.

NYS COMPTROLLER THOMAS P. DINAPOLI

Reporting Requirements

- Local Governments must calculate the tax levy limit and report the data elements to the State.
 - Must use OSC's form to report (OSC Online Services System).
 - Form must be submitted prior to budget adoption.
- Tax Cap form must be submitted even if an override is enacted.

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7

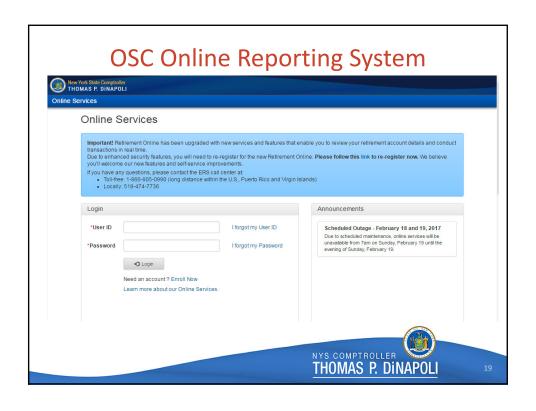
Reporting Requirements

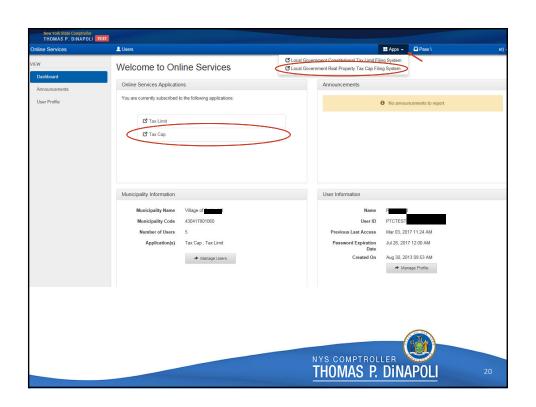
Online Reporting Application

- 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:
 http://www.osc.state.ny.us/localgov/realprop/pdf/ EnrollmentInstructions.pdf

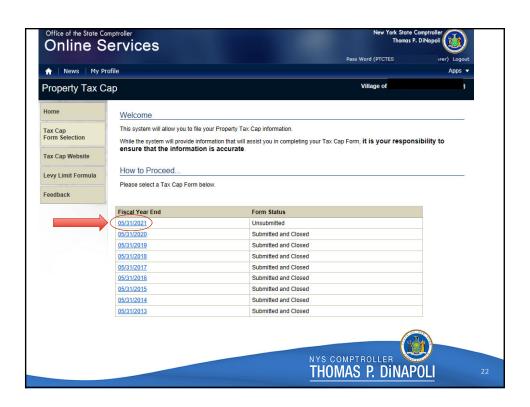
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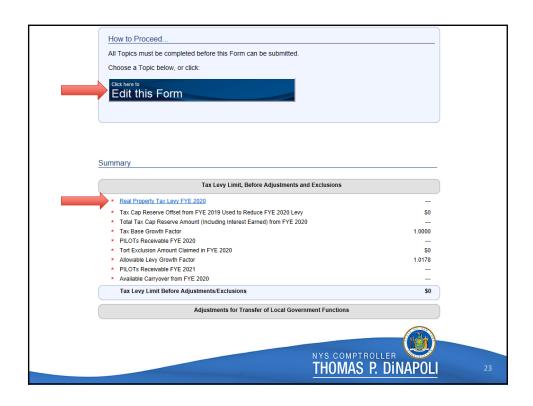
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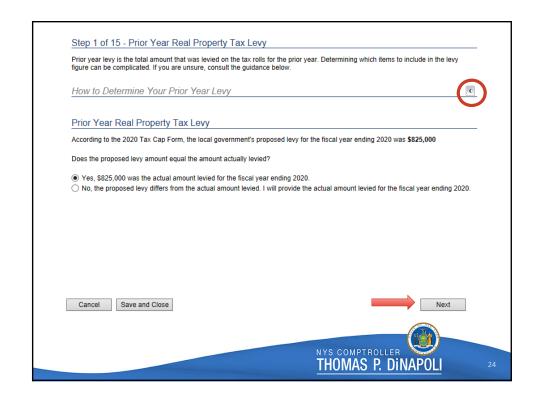










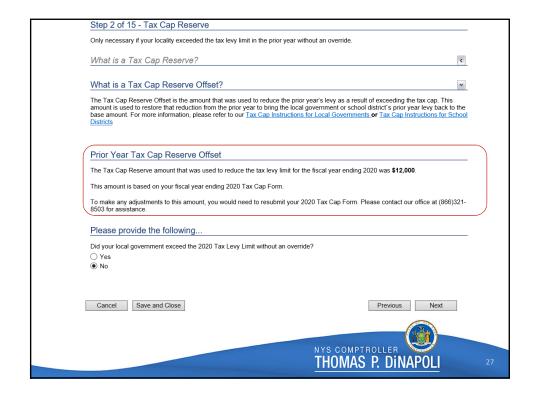


Prior Year Levy Re-Cap

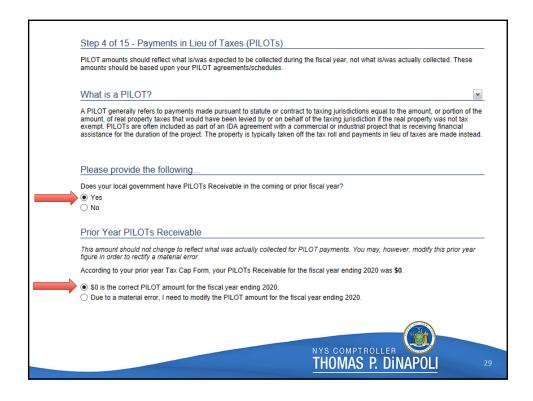
- Include:
 - General Fund Levy
 - Omitted Taxes
 - Dependent Special District property taxes
 - Benefit Assessments and Special Ad Valorem levies
- Do NOT Include:
 - Independent Special District taxes
 - User Fees
 - Re-Levy Amounts



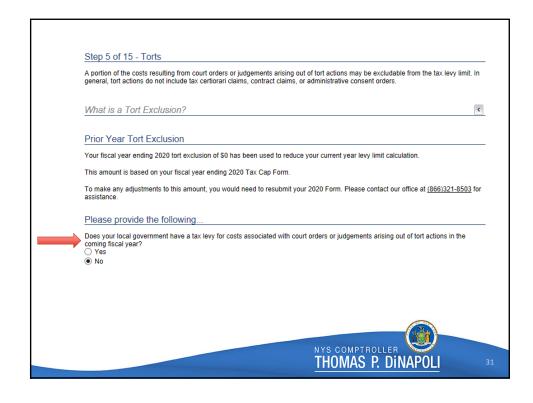


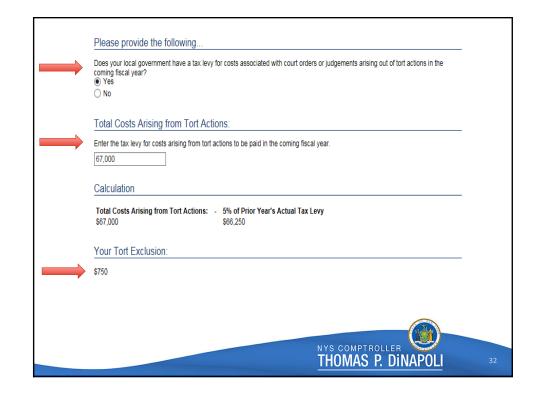


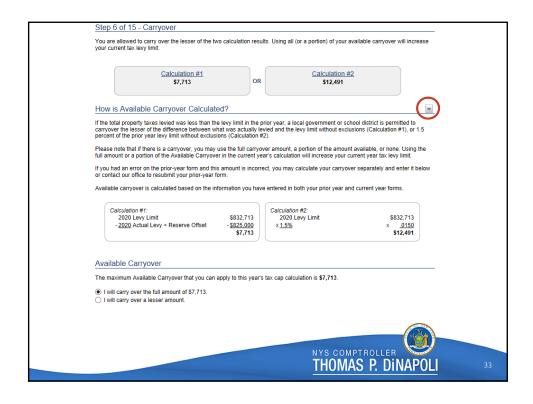


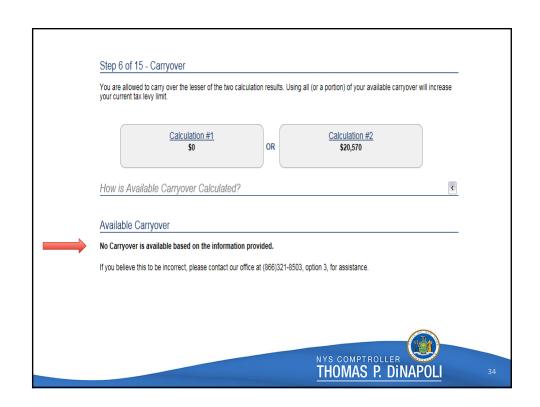


Coming Year PILOTs Receivable PILOTs Receivable should be the amount of all PILOTs expected to be collected for the coming year, based in part on your PILOT agreements/schedules and budget. Enter the total of any PILOTs Receivable for the fiscal year ending 2021. NYS COMPTROLLER THOMAS P. DINAPOLL

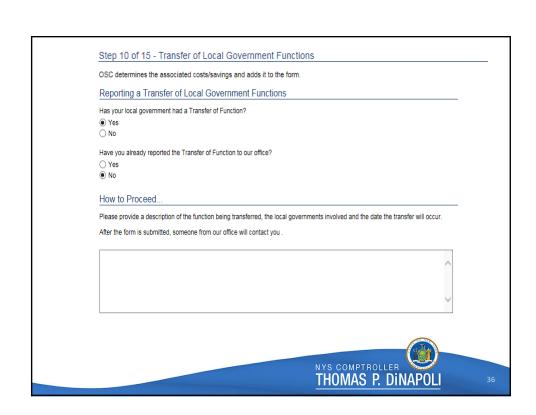


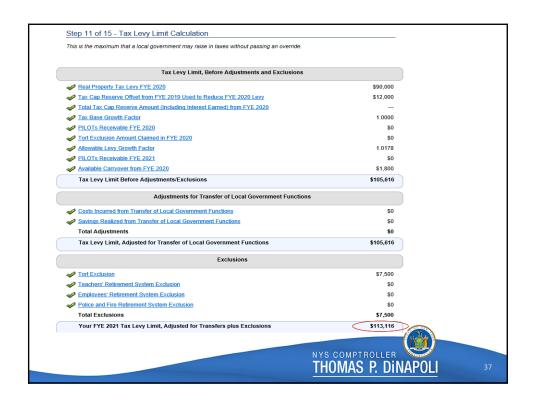


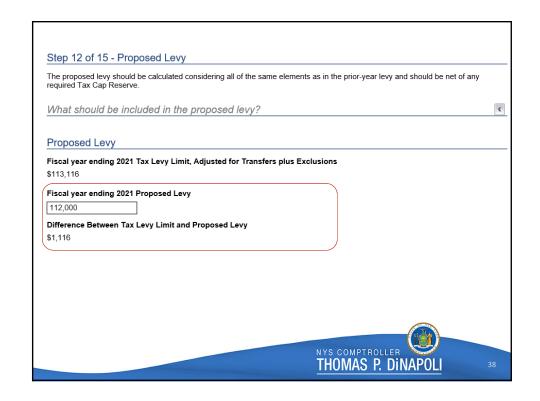




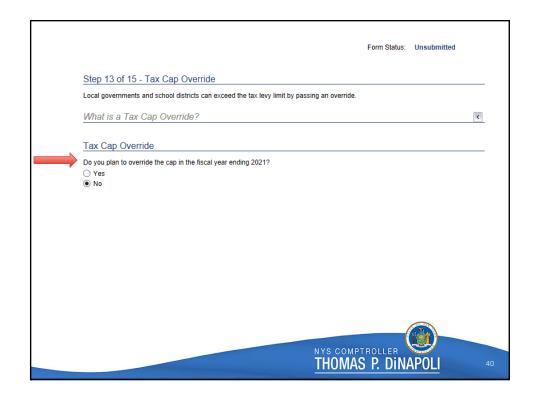
Step 7 of 15 - Teachers' Retirement System Pension Exclusion For the fiscal year ending 2021, there is no exclusion for the Teachers' Retirement System. Step 8 of 15 - Employees' Retirement System Exclusion For the fiscal year ending 2021, there is no exclusion for the Employees' Retirement System. Step 9 of 15 - Police and Fire Retirement System Exclusion For the fiscal year ending 2021, there is no exclusion for the Police and Fire Retirement System.

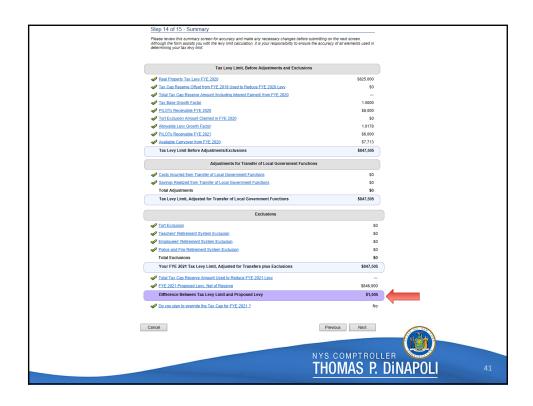


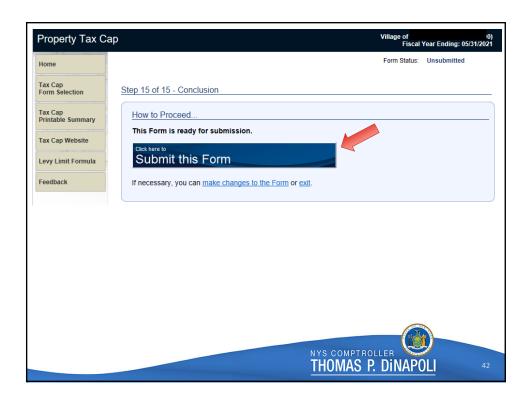














Contact Information

- Department of Taxation and Finance
 - Tax Base Growth Factor 518-591-5233
 - https://www.tax.ny.gov/research/property/cap.htm
- Office of the State Comptroller
 - 1-866-321-8503
 - Option 1 Technical, Enrollment, Password Issues
 - Option 3 Tax Cap application questions
 - Email: LGSAMonitoring@osc.ny.gov
 - www.osc.state.ny.us/localgov/realprop/index.htm



