

# **Topics for Today's Session**

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

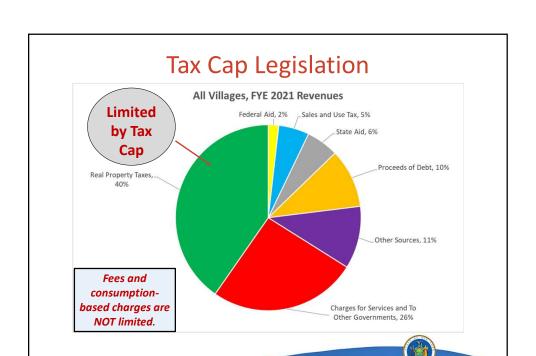


# Property Tax Cap – Summary

- 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.

THOMAS P. DINAPOLI

THOMAS P. DINAPOLI



# **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)

THOMAS P. DINAPOLI

Tax Cap Formula Reserve Tort exclusion amount Tax base fiscal receivable in growth factor\* amount, prior reserve (including the prior fiscal offset fiscal year interest earned) PHOTS Allowable Available X levy growth receivable Tax Levy in coming factor (1.00 Limit 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 Function (as resulting from tort + actuarial contribution = Adjusted for Transfers, Plus actions for any amount in excess of 5% of the determined by rate (or normal Exclusions OSC) contribution rate) of 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 1.0200; it is tied to the actual rate of inflation.

Fiscal Year Beginning 2022					
Fiscal Year Period	Inflation Factor	Allowable Levy Growth Factor			
January 1 - December 31	2.30%	1.0200			
March 1 - February 28	3.00%	1.0200			
April 1 - March 31	3.33%	1.0200			
June 1 - May 31	4.23%	1.0200			
August 1 - July 31	5.21%	1.0200			



Tax Cap Legislation Allowable Levy Growth Factor – for 5/31 Villages 1.0250 1.0200 1.0200 1.0200 1.0200 1.0200 Allowable Levy Growth Factor 1.0168 1.0150 1.0100 1.0050 1.0000 2014 2015 2016 THOMAS P. DINAPOLI

### 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).

NYS COMPTROLLER THOMAS P. DINAPOLI

9

# Fiscal Year Beginning 2021

# 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%	7	12.3%
City	61	58	95.1%	17	29.3%
Town	933	909	97.4%	187	20.6%
Village	533	509	95.5%	116	22.8%
School District	676	676	100.0%	23	3.4%
Fire District	897	842	93.9%	121	14.4%
<b>Grand Total</b>	3157	3051	96.6%	471	15.4%



LO

### 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.

THOMAS P. DINAPOLI

11

### **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



2

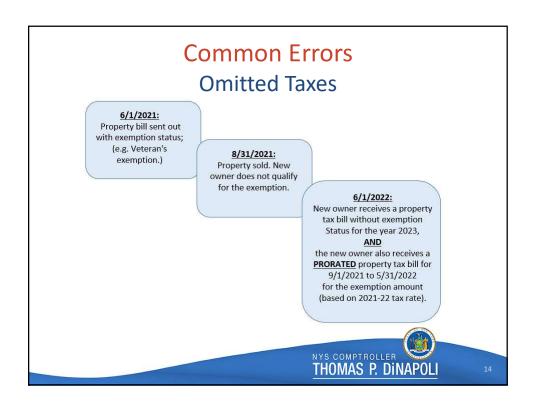
### **Common Errors**

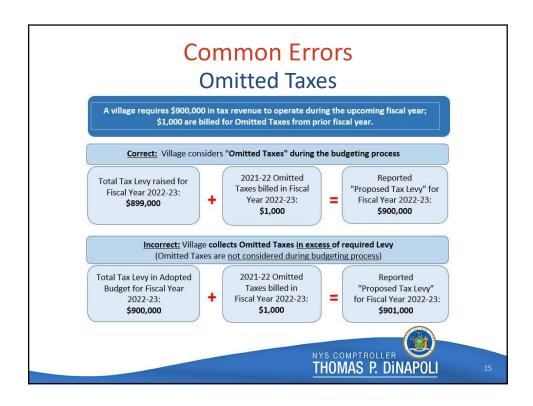
### **Omitted Taxes**

- "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.



13





### **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.



# Reporting Requirements

Who Must File Property Tax Data 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



17

# 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.



.8

# **Reporting Requirements**

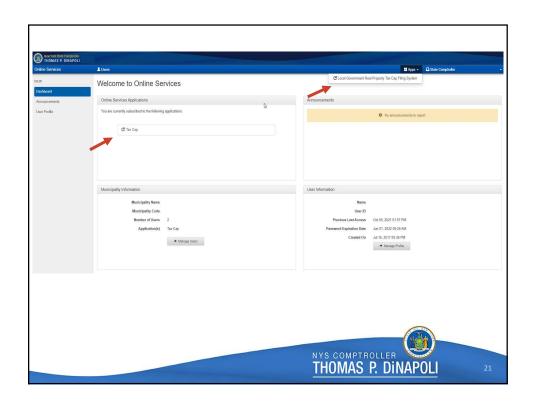
# **Online Reporting Application**

- 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="http://www.osc.state.ny.us/localgov/realprop/pdf/Enrollm">http://www.osc.state.ny.us/localgov/realprop/pdf/Enrollm</a>
     entInstructions.pdf

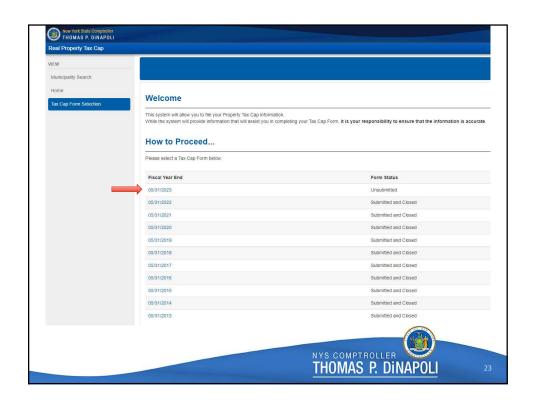


19

# OSC Online Reporting System Passacros Online Services Online Services Online Services Online Services Announcements Loge Veer 10: Welp Topics • Need an account? Passacro • Stoppinn Viser D • Sto

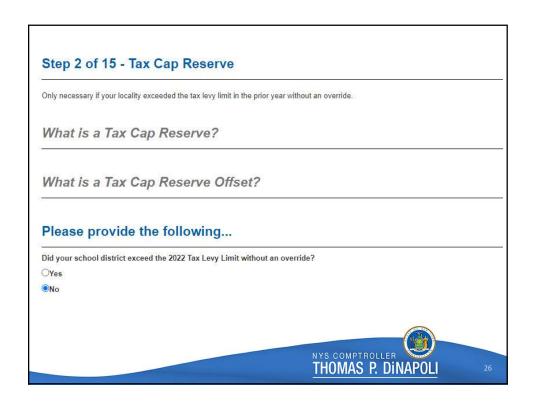


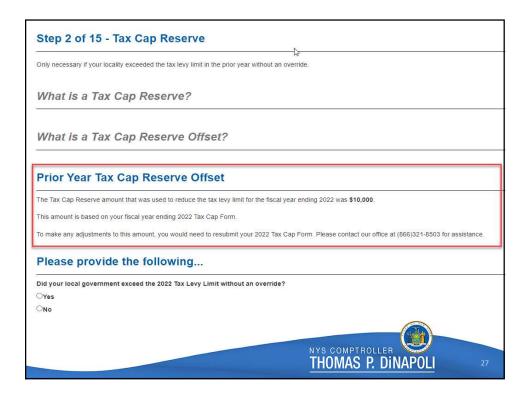






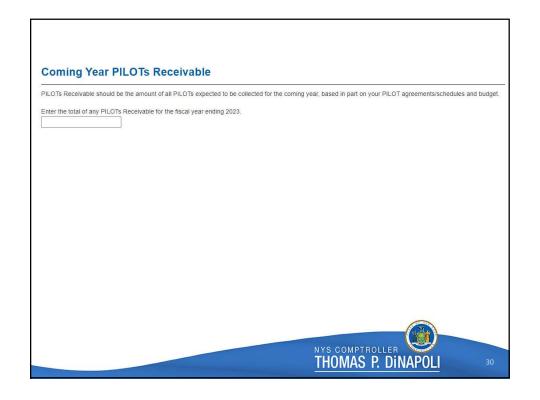




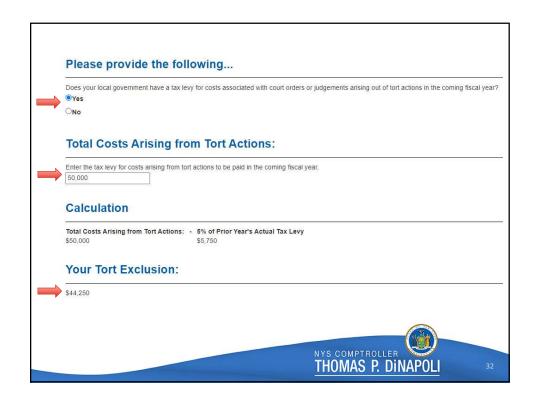




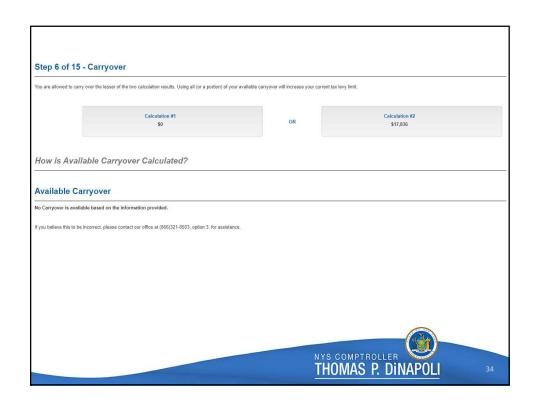








	the two calculation results. Using all (or a portion) of y	our available carryover will increase your current ta	clevy limit	
	Calculation #1 \$89,039	OR	Calculation #2 \$17,836	
low is Available Carry	over Calculated?			
the total property taxes levied was less the for year levy limit without exclusions (Cal		or school district is permitted to carryover the lesser	of the difference between what was actually levied and t	he levy limit without exclusions (Calculation #1), or 1.5 percent of the
		AND	portion of the Available Carryover in the current year's co	alculation will increase your current year tax levy limit.
	nd this amount is incorrect, you may calculate your ca the information you have entered in both your prior ye		office to resubmit your prior-year form.	
Calculation #1: 2022 Levy Limit -2022 Actual Levy + Reserve Offset	\$1,189,039 - <u>\$1,100,000</u> \$89,039		Calculation #2: 2022 Levy Limit x1.5%	\$1,189,039 ×0150 \$17,836
vailable Carryover		_		
ne maximum Available Carryover that you  If will carry over the full amount of \$17,83	a can apply to this year's tax cap calculation is \$17,83	6.		
Will carry over a lesser amount.				



### Step 7 of 15 - Teachers' Retirement System Exclusion

For the fiscal year ending 2023, there is no exclusion for the Teachers' Retirement System.

### Step 8 of 15 - Employees' Retirement System Exclusion

For the fiscal year ending 2023, there is no exclusion for the Employees' Retirement System.

### Step 9 of 15 - Police and Fire Retirement System Exclusion

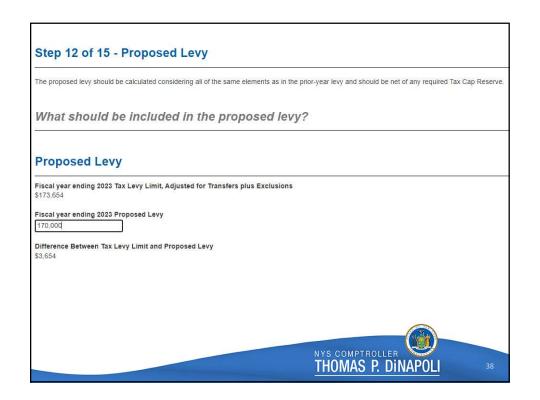
For the fiscal year ending 2023, there is no exclusion for the Police and Fire Retirement System.

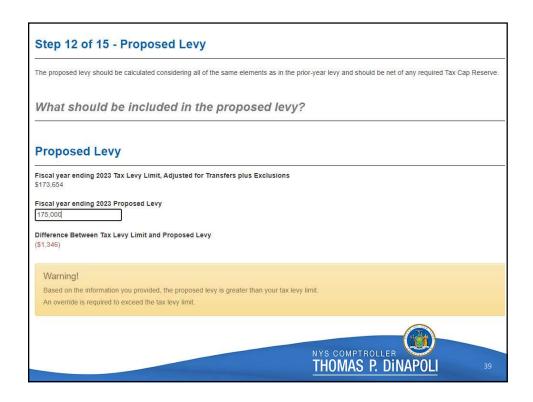


3!

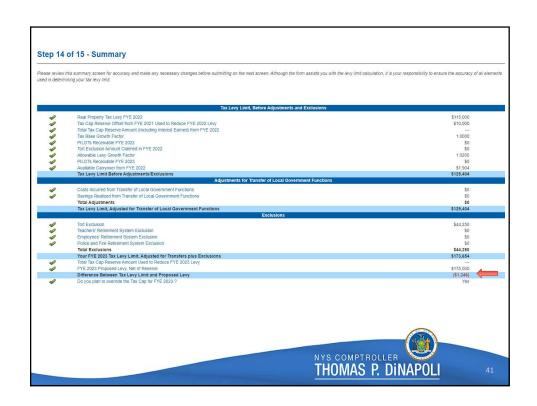
# Step 10 of 15 - Transfer of Local Government Functions OSC determines the associated costs/savings and adds it to the form. What is a Transfer of Function? Transfer of Local Government Functions Processed No Transfer of Functions have been entered for your local government. Reporting a Transfer of Local Government Functions Has your local government had a Transfer of Function? \*\*(\*\*e\*) No\* No\* Have you already reported the Transfer of Function to our office? \*\*(\*\*e\*) \*\*No\* \*\*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 contact you. \*\*NYS.COMPTROLLER THOMAS P. DINAPOLI\*

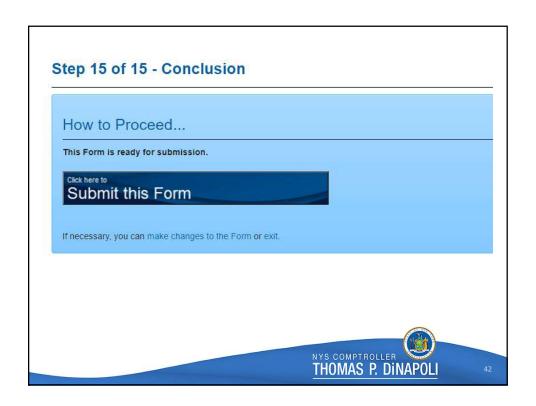


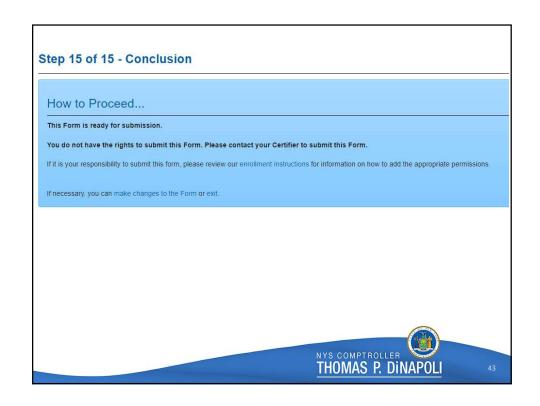


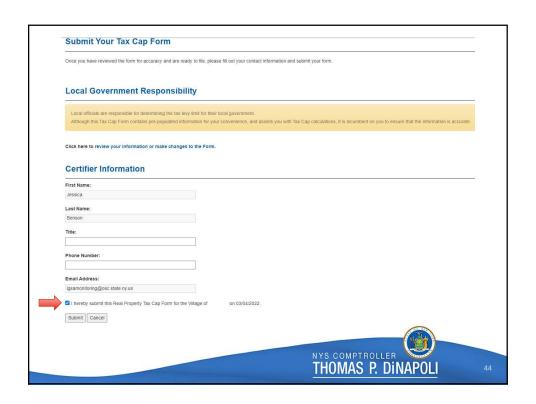














# **Agency Responsibilities**

# 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
  - 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



16

