New York's Tax Levy "Cap" Formula:

How does it add up?

Although often referred to as a "2 percent tax cap," New York's tax levy "cap" law does not restrict any proposed tax levy increase to 2 percent. Pursuant to the law, each school district must follow an 8-step calculation, outlined below, to calculate its individual "tax levy limit." That limit then determines what level of voter support is required for budget approval.

THE BASE FORMULA

The "quantity change factor," determined by the Dept. of Taxation and Finance for each district by Feb. 1. It's the year-to-year increase in the full value of taxable real property in a school district due to physical or quantity change (e.g., new construction). Increases in full value due solely to assessment changes are not included. This factor will not be less than 1.000, even if a district sees a decrease in its full property value.

The amount of the school district's current-year tax levy (2013-14) necessary to pay for court orders or judgments arising out of tort actions. Applies only to the portion that exceeds 5% of the school district's total prior-year tax levy. Tax certioraries do not qualify.

This factor, which accounts for inflationary change, is limited to the lesser of 2 percent or the change in the consumer price index.

For the 2014-15 budget year, this factor

For the 2014-15 budget year, this factor is 1.46% (change in consumer price index) for all school districts.

The highest allowable tax levy (before exclusions; see below) that a school district can propose as part of its annual budget and need only a simple majority of voters (50% + 1) to pass the budget. Each school district will calculate and report its own tax levy limit.

PRIOR SCHOOL-YEAR TAX LEVY

X

TAX BASE GROWTH FACTOR

PILOTS RECEIVED IN PRIOR SCHOOL YEAR

TAX LEVY TO PAY FOR <u>SOME</u> COURT ORDERS/JUDGMENTS

TAX LEVY TO PAY FOR LOCAL CAPITAL COSTS

X

ALLOWABLE LEVY GROWTH FACTOR

PILOTS RECEIVABLE IN COMING SCHOOL YEAR

AVAILABLE CARRYOVER (IF ANY)

TAX LEVY LIMIT

The total amount of property tax revenue levied by the district for 2013-14 school year (the year *prior to* budget year 2014-15), adjusted for any excess tax levy that was identified for a previous year, including any interest earned.

The amount of revenue receivable by the school district in the 2013-14 school year from "payments in lieu of taxes," or PILOTs. Certain commercial property owners (usually large corporations) enter into PILOT agreements to make annual payments instead of paying property taxes for a negotiated period of time.

The amount of the school district's currentyear tax levy (2013-14) necessary to pay for construction/renovation of capital facilities or capital equipment (including debt service and lease expenditures) and transportation capital debt service (e.g., bus leases and purchases). Refers only to the portion paid with local tax dollars (i.e., does not include state building or transportation aid received).

The amount of revenue the school district expects to receive in the 2014-15 school year from "payments in lieu of taxes," or PILOTs.

If a district's 2013-14 tax levy was less than its 2013-14 tax levy limit, it must increase the 2014-15 tax levy limit by that amount or 1.5% of the 2013-14 tax levy limit, whichever is less.

EXCLUSIONS TO BE ADDED

The law excludes certain portions of a school district's tax levy from the calculation above. A district can add these exclusions (described below) to its tax levy limit, increasing the amount of taxes the district is allowed to levy while still needing only a simple majority of voters for budget approval.

TAX LEVY TO PAY FOR SOME PENSION CONTRIBUTION COSTS

Applies only when the employer contribution rates set by the statewide pension systems (TRS and ERS) increase by more than 2 percentage points from one year to the next. Even with this exclusion, most—if not all—pension costs must be funded within a school district's tax levy limit. For the 2014-15 budget year, the ERS rate is decreasing 0.8 percentage points and the TRS contribution rate is increasing 1.28 percentage points. This means that for the first time since the tax cap was implemented, the state's school districts will not have a portion of their pension contributions to either system excluded from their tax levy cap calculation.

TAX LEVY TO PAY FOR SOME COURT ORDERS/JUDGMENTS

The amount of the school district's coming-year tax levy (2014-15) necessary to pay for court orders or judgments arising out of tort actions. Only the amount that exceeds 5% of the school district's prior-year total tax levy can be excluded from the tax levy limit. Tax certioraries cannot be excluded.

TAX LEVY TO PAY FOR SOME LOCAL CAPITAL COSTS

The amount of the school district's comingyear tax levy (2014-15) necessary to pay for construction/renovation of capital facilities or equipment (including debt service and lease expenditures) and transportation capital debt service. This exclusion refers only to the portion paid with local tax dollars (i.e., does not include state building or transportation aid received).

MAXIMUM ALLOWABLE TAX LEVY

The tax levy limit plus exclusions. This is the highest total tax levy that a school district can propose as part of its annual budget for which only the approval of a simple majority of voters (50% + 1) is required.



