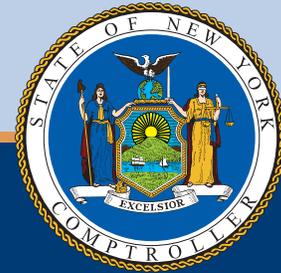


Office of the New York State Comptroller

Thomas P. DiNapoli • State Comptroller



Tax Cap Compliance

(Including Property Tax Relief Credit and Property Tax Freeze Programs)

Instructions for Reporting and/or Certification

May 2016

Taxing jurisdictions subject to the Property Tax Relief Credit or the Property Tax Freeze laws that adopt a budget within the Tax Levy Limit must certify to the State Comptroller, the Commissioner of Taxation and Finance and the Commissioner of the State Education Department (in the case of school districts) that the adopted budget is tax cap compliant. In addition, taxing jurisdictions must submit proposed and adopted budget information. **The law requires that all taxing jurisdictions, regardless of whether they are tax cap compliant, must report budget information to OSC.**

For specific information on current Tax Cap Compliance programs visit:

<http://www.osc.state.ny.us/localgov/realprop/taxcapcompliance.htm>

OSC has developed an online application that will assist local officials in meeting these reporting requirements. A summary of the data fields is provided below.

Override Section (Does Not Apply to School Districts)

CEOs or budget officers of local governments and independent special districts will be required to answer questions about whether or not they have passed a local law or resolution to override the tax cap. Those who passed an override must certify that they have repealed the local law or resolution in order to be considered tax cap compliant. Please note these fields do not apply to school districts.

Tax Cap Override:

The CEO or budget officer indicates whether the taxing jurisdiction has passed a local law or resolution authorizing an override of the property tax cap. If override legislation was not passed, there will be no further questions to answer in this section. If an override was passed, then additional information will be required.

Tax Cap Override Repeal:

If the CEO or budget officer indicated that override legislation was passed, then they will be asked whether the override law or resolution has been repealed.

Tax Cap Override Declaration:

If override legislation was passed, but it has been subsequently repealed, then the CEO or budget officer will need to check a box to certify that the override legislation was actually repealed.

Acknowledgement of Non-Repeal of Tax Cap Override:

If the CEO or budget officer indicates that the override legislation was not repealed, then they will need to check a box acknowledging that they are not tax cap compliant.

Tax Levy Section

In this section of the form, tax levy limit and information on taxes to be levied will be collected, along with the certification of tax cap compliance, or the acknowledgement that the budget is not tax cap-compliant.

Tax Levy Limit:

This is the actual tax levy limit from your tax cap form, for the listed fiscal year. Indicate if the amount displayed is correct. If there have been changes to the tax levy limit calculation since the filing of the tax cap form, then you may indicate the levy information is not correct. This will allow you to enter a different tax levy limit. If a different figure is entered, then you should update the tax cap form to match; this will not occur automatically.

If the taxing jurisdiction has not filed a tax cap form, then this section will state "Not Filed" and the user will have to enter the levy limit in the blank field.

Taxes to Be Levied:

This is the amount to be levied on the tax rolls. Please calculate this figure in the same manner as it is calculated for tax cap purposes. If the amount entered here is greater than the tax levy limit, then the taxing jurisdiction will not be able to certify that the budget is tax cap-compliant.

Certification of Tax Cap Compliant Budget:

In instances where the levy amount is within the limit, a certification statement will appear. In the case of school districts, the CEO (Superintendent) is required to select the checkbox certifying that the adopted budget does not exceed the tax levy limit. For a local government, the CEO or budget officer may perform this certification.

Acknowledgement of Tax Cap Non-Compliant Budget:

If the taxes to be levied are greater than the levy limit, then there will be no option provided to certify for tax cap compliance purposes. Instead, an acknowledgement will be made by the CEO (or budget officer in the case of local governments) that the local government or school district is not tax cap-compliant.

Need Assistance?

If you need assistance in completing the Tax Cap Compliance Submission, please contact the Monitoring and Analysis unit at (518) 408-4934 or toll free 1-866-321-8503 (option 3) or email: LGSAMonitoring@osc.state.ny.us

If you need assistance with accessing the form (password or log in issues), please select option 1 from the automated telephone menu or email LOCALGOV@osc.state.ny.us



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