

STATE OF NEW YORK

4572

2023-2024 Regular Sessions

IN ASSEMBLY

February 17, 2023

Introduced by M. of A. DURSO -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the legislative law and the executive law, in relation to establishing a temporary moratorium on unfunded mandates

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. This act shall be known and may be cited as the "Mandate
2 Relief and Permanent Real Property Tax Cap Act".

3 § 2. The legislative law is amended by adding a new section 51-a to
4 read as follows:

5 § 51-a. Temporary moratorium on unfunded mandates. 1. Definitions. As
6 used in this section, the following terms shall have the following mean-
7 ings:

8 (a) "Local government" means a county, city, town, village, school
9 district, or special district.

10 (b) "Net additional cost" means the cost or costs incurred or antic-
11 ipated to be incurred within a one year period by a local government in
12 performing or administering any program, project, or activity after
13 subtracting therefrom any revenues received or receivable by such local
14 government in relation to such program, project, or activity, including
15 but not limited to:

16 (i) fees charged to the recipients of such program, project, or activ-
17 ity;

18 (ii) state or federal funds received for such program, project, or
19 activity; and

20 (iii) an offsetting savings resulting from the diminution or elimi-
21 nation of any other program, project, or activity that state law
22 requires such local government to provide or undertake.

23 (c) "Unfunded mandate" means:

24 (i) any state law that requires a local government to provide or
25 undertake any new program, project or activity that results in an annual

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 net additional cost to any local government in excess of ten thousand
2 dollars or an aggregate annual net additional cost to all local govern-
3 ments within the state in excess of one million dollars; or

4 (ii) any state law that requires a local government to provide a high-
5 er level of service or funding for an existing program, project or
6 activity that results in an annual net additional cost to any local
7 government in excess of ten thousand dollars or an aggregate annual net
8 additional cost to all local governments within the state in excess of
9 one million dollars; or

10 (iii) any state law that requires a local government to grant any new
11 property tax exemption or that broadens the eligibility or increases the
12 dollar amount of any existing property tax exemption, on property that
13 otherwise would have generated revenue under the current property tax
14 rate of such local government in excess of ten thousand dollars in any
15 local government or in excess of one million dollars statewide; or

16 (iv) any state law with a legal requirement that would otherwise like-
17 ly have the effect of raising property taxes in excess of ten thousand
18 dollars in any local government or in excess of one million dollars
19 statewide.

20 2. Moratorium on unfunded mandates. For a three year period beginning
21 the January next succeeding the effective date of this section, and
22 notwithstanding any other provision of law, unfunded mandates shall not
23 be enacted.

24 3. Exemptions. A state law shall not be considered an unfunded mandate
25 where such law:

26 (a) is required by a court order or judgment;

27 (b) is provided at the option of the local government under a law that
28 is permissive rather than mandatory;

29 (c) results from the passage of a home rule message whereby a local
30 government requests authority to implement the program or service speci-
31 fied in the statute, and the statute imposes costs only upon that local
32 government which requests the authority to impose the program or
33 service;

34 (d) is required by statute or executive order that implements a feder-
35 al law or regulation and results from costs mandated by the federal
36 government to be borne at the local level, unless the statute or execu-
37 tive order results in costs which exceed the costs mandated by the
38 federal government;

39 (e) is imposed on both government and non-government entities in the
40 same or substantially similar circumstances;

41 (f) repeals or revises a state law to ease an existing requirement
42 that a local government provide or undertake a program, project, or
43 activity, or reapportions the costs of activities between local govern-
44 ments; or

45 (g) is necessary to protect against an immediate threat to public
46 health or safety.

47 § 3. The executive law is amended by adding a new section 50-a to read
48 as follows:

49 § 50-a. Report on unfunded mandates. (1) The comptroller, in consulta-
50 tion with the commissioner of taxation and finance, shall issue a report
51 on the annual fiscal impact enacted state legislation has on the reven-
52 ues and expenses of local municipal corporations in the state.

53 (2) The report issued by the comptroller shall include, at minimum:

54 (i) annual expenses of each municipal corporation in the state attrib-
55 utable to statewide legislation enacted by the state legislature;

1 (ii) an analysis of the effect the temporary unfunded mandate morato-
2 rium, established pursuant to section fifty-one-a of the legislative
3 law, had on local municipal corporation revenues and expenditures; and

4 (iii) recommendations as to whether the temporary unfunded mandate
5 moratorium enacted pursuant to section fifty-one-a of the legislative
6 law shall be extended, made permanent, or allowed to expire.

7 (3) The comptroller shall provide a final copy of the report required
8 by this section to the legislature no later than the first of January
9 fourth succeeding the effective date of this section, and shall publish
10 a full copy of the report for the public to view on the comptroller's
11 official website.

12 § 4. This act shall take effect immediately.