

STATE OF NEW YORK

4038

2019-2020 Regular Sessions

IN ASSEMBLY

January 31, 2019

Introduced by M. of A. ENGLEBRIGHT -- read once and referred to the Committee on Real Property Taxation

AN ACT to amend the real property tax law and the tax law, in relation to the "Middle Class STAR" rebate program; to amend the tax law, in relation to creating the middle class circuit breaker tax credit; to amend the administrative code of the city of New York, in relation to an enhanced personal income tax credit in such city; and to amend the education law, in relation to establishing limitations upon school district tax levies

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

1 Section 1. The real property tax law is amended by adding two new
2 sections 1306-b and 1307 to read as follows:

3 § 1306-b. "Middle Class STAR" rebate program. 1. Tax rebates. (a) If a
4 parcel is entitled to the basic or enhanced STAR exemption authorized by
5 section four hundred twenty-five of this chapter for the two thousand
6 nineteen--two thousand twenty school year and each year thereafter,
7 except as provided in paragraph (g) of subdivision three of this
8 section, a local property tax rebate shall be provided to the owner or
9 owners of such parcel as shown on the final assessment roll for such
10 year, in an amount computed as prescribed by this section and section
11 one hundred seventy-eight of the tax law.

12 (b) It shall be the responsibility of the department to issue such tax
13 rebates to such owners in the manner provided by section one hundred
14 seventy-eight of the tax law. Nothing in this section shall be construed
15 as permitting partial or installment payments of taxes in a jurisdiction
16 which has not authorized the same pursuant to law.

17 2. Procedure. (a) On or before August fifteenth each year, the depart-
18 ment, or on or before July first each year, in the case of a city with a
19 population of one million or more, the commissioner of finance of such
20 city, or his or her designee, shall provide to the commissioner a report

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

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1 in a mutually agreeable format concerning those parcels which have been
2 granted an exemption authorized by section four hundred twenty-five of
3 this chapter on the assessment rolls used to generate the school tax
4 bills for the two thousand nineteen--two thousand twenty school tax year
5 and for each year thereafter; except as provided in paragraph (g) of
6 subdivision three of this section, provided however the information to
7 be provided on such report shall be obtained from the final assessment
8 roll data files used to generate the two thousand nineteen--two thousand
9 twenty school tax bills and each year thereafter, filed with the depart-
10 ment pursuant to section fifteen hundred ninety of this chapter on or
11 before July thirty-first of such year. Such report shall set forth the
12 names and mailing addresses of the owners of such parcels as shown on
13 such assessment roll data files, the identification numbers of such
14 parcels as shown on such assessment roll data files, and such other
15 information in the possession of the department, or in the case of a
16 city with a population of one million or more, the commissioner of
17 finance of such city, as the commissioner may deem necessary for the
18 effective administration of this program, including information regard-
19 ing cooperative apartment buildings and mobile home parks or similar
20 property. It shall be the responsibility of the assessor or assessors of
21 each assessing unit to ensure that the names and mailing addresses of
22 such owners are accurately recorded on such rolls and files to the best
23 of his or her ability, based upon the information contained in his or
24 her office. Nothing contained in this subdivision shall be construed as
25 affecting in any way the validity or enforceability of a real property
26 tax, or the applicability of interest or penalties with respect thereto,
27 when an owner's name or mailing address has not been accurately
28 recorded.

29 (b) (i) Notwithstanding the provisions of paragraph (a) of this subdivi-
30 vision, where an assessing unit contains one or more properties which
31 are receiving such exemption in relation to a prior year assessment roll
32 pursuant to paragraph (d) of subdivision six of section four hundred
33 twenty-five of this chapter, or contains one or more parcels with
34 respect to which such exemption was duly added or removed after the
35 filing of the final assessment roll pursuant to the provisions of title
36 three of article five of this chapter, the department may require the
37 assessor to file with it, on or before July thirty-first each year, or
38 such later date as the department may specify, a supplemental report
39 relating to such property or properties, so that information pertaining
40 to the owners thereof may be included in the report to be made to the
41 commissioner pursuant to this paragraph. When any information required
42 by this paragraph is received by the department after July thirty-first
43 each year, such information shall be transmitted as soon as reasonably
44 practicable to the commissioner for use in issuing local property tax
45 rebates pursuant to section one hundred seventy-eight of the tax law.

46 (ii) Where the ownership of a parcel that had been eligible for a
47 rebate pursuant to this section changes or an exemption under section
48 four hundred twenty-five of this chapter has been granted or removed,
49 the assessor shall notify the department of the change no later than
50 August first of the following year.

51 3. Rebate base. (a) The department shall calculate the rebate base
52 and certify the same no later than July first each year.

53 (b) Two rebate bases for the basic STAR exemption shall be determined
54 for each segment for the two thousand nineteen--two thousand twenty and
55 subsequent school years. Such rebate bases shall be computed by deter-
56 mining the exempt amount established for the segment for purposes of the

1 basic STAR exemption for the two thousand nineteen--two thousand twenty
2 and subsequent school years, multiplying that amount by the school
3 district tax rate applicable within that segment for purposes of the two
4 thousand nineteen--two thousand twenty and subsequent school years, as
5 reported by the school district. For the two thousand nineteen--two
6 thousand twenty and subsequent school years, such rebate bases shall be
7 computed by multiplying the product by sixty percent and forty-five
8 percent, respectively. The results shall be associated with the first
9 and second income brackets, respectively, that are applicable within
10 that segment.

11 (b-1) (i) The first income bracket shall be up to and including one
12 hundred twenty thousand dollars; the second income bracket shall be over
13 one hundred twenty thousand dollars up to and including one hundred
14 fifty thousand dollars.

15 (ii) Such brackets are subject to indexing for inflation pursuant to
16 subdivision fifteen of section one hundred seventy-eight of the tax law.

17 (c) One rebate base for the enhanced STAR exemption shall be deter-
18 mined for each segment for the two thousand nineteen--two thousand twen-
19 ty and subsequent school years. Such rebate bases shall be computed by
20 determining the exempt amount established for the segment for purposes
21 of the enhanced STAR exemption for the two thousand nineteen--two thou-
22 sand twenty school year. Such rebate bases shall be computed by multi-
23 plying that amount by the school district tax rate applicable within
24 that segment for purposes of that school year, as reported by the school
25 district, and then multiplying the product.

26 (d) For purposes of this section, the term "segment" means the part of
27 a city or town that is within a school district.

28 (e) In the case of school districts within special assessing units as
29 defined in section eighteen hundred one of this chapter, the school
30 district tax rate to be used for this purpose shall be the tax rate
31 applicable to class one properties as defined in article eighteen of
32 this chapter, as reported by the school district and the exempt amount
33 shall be established for the segment. In the case of school districts
34 within approved assessing units as defined in section nineteen hundred
35 one of this chapter which have adopted the provisions of section nine-
36 teen hundred three of this chapter, the school district tax rate to be
37 used for this purpose shall be the tax rate applicable to the homestead
38 class, as defined in article nineteen of this chapter, as reported by
39 the school district.

40 (f) Where the provisions of subparagraph (iv) of paragraph (k) of
41 subdivision two of section four hundred twenty-five of this chapter are
42 applicable, the applicable rebate amount shall be one-third of the
43 otherwise applicable rebate amount set forth in paragraph (b) or (c) of
44 this subdivision. The department shall calculate and certify the rebate
45 amounts applicable in such cases, along with the certification required
46 by paragraph (a) of this subdivision.

47 (g) For the purposes of the two thousand nineteen--two thousand twenty
48 school year and each year thereafter, tax rebates authorized pursuant to
49 this section shall apply only to those owners who:

50 (i) have attained the age of sixty-five years or older; and

51 (ii) have "affiliated income" as defined in paragraph (b) of subdivi-
52 sion six of section one hundred seventy-eight of the tax law equal to or
53 less than one hundred fifty thousand dollars.

54 § 1307. Limitations upon school district tax levies. 1. Generally.
55 Unless otherwise provided by law, the amount of taxes that may be levied
56 by or on behalf of any school district, other than a city school

district of a city with one hundred twenty-five thousand inhabitants or more, shall not exceed the tax levy limitations established pursuant to section two thousand twenty-three-c of the education law. It shall be the responsibility of the commissioner of education to annually determine the tax levy limit of each school district in accordance with the provisions of this section.

2. Definitions. As used in this section:

(a) "Available carryover" means the sum of the amounts by which the tax levy for each school year from the two thousand nineteen--two thousand twenty school year through the prior school year was below the applicable tax levy limit for such school year, if any.

(b) "Capital local expenditures" means the taxes associated with budgeted expenditures resulting from the construction, acquisition, reconstruction, rehabilitation or improvement of school buildings, including debt service and lease expenditures, subject to the approval of the qualified voters where required by law.

(c) "Capital tax levy" means the tax levy necessary to support capital local expenditures, if any.

(d) "Coming school year" means the school year for which tax levy limits are being determined pursuant to this section.

(e) "Inflation factor" means the percentage that represents the product of one hundred and the quotient of: (i) the average of the national consumer price indexes determined by the United States department of labor for the twelve month period preceding January first of the current year minus the average of the national consumer price indexes determined by the United States department of labor for the twelve-month period preceding January first of the prior year, divided by: (ii) the average of the national consumer price indexes determined by the United States department of labor for the twelve-month period preceding January first of the prior year, with the result expressed as a decimal to two places.

(f) "Levy growth factor" shall be the lesser of: (i) four percent; or (ii) one hundred twenty percent of the inflation factor.

(g) "Prior school year" means the school year immediately preceding the coming school year.

(h) "School district" means a common school district, union free school district, central school district, central high school district or a city school district in a city with less than one hundred twenty-five thousand inhabitants.

(i) "Tax levy base" means the amount of taxes a school district would be authorized to levy without the addition of any available carryover amount.

(j) "Tax levy limit" means the amount of taxes a school district is authorized to levy pursuant to this section, provided, however, that the tax levy limit shall not include the district's capital tax levy, if any.

3. Tax base growth factor. (a) No later than March first of each year, the department shall identify those school districts for which tax base growth factors must be determined for the coming school year, and shall notify the commissioner of education of the tax base growth factors so determined, if any.

(b) The department shall calculate a quantity change factor for each school district for the coming school year based upon the physical or quantity change, as defined by section twelve hundred twenty of this chapter, reported to the department by the assessor or assessors pursuant to section five hundred seventy-five of this chapter. The quantity change factor shall show the percentage by which the full value of the

1 taxable real property in the school district has changed due to physical
2 or quantity change between the second final assessment roll or rolls
3 preceding the final assessment roll or rolls upon which taxes are to be
4 levied, and the final assessment roll or rolls immediately preceding the
5 final assessment roll or rolls upon which taxes are to be levied.

6 (c) After determining the quantity change factor for a school
7 district, the department shall proceed as follows:

8 (i) If the quantity change factor is negative, the department shall
9 not determine a tax base growth factor for the school district.

10 (ii) If the quantity change factor is positive, the department shall
11 determine a tax base growth factor for the school district which is
12 equal to the quantity change factor, provided that in no case shall a
13 tax base growth factor be in excess of ten percent.

14 4. Computation of tax levy limits. (a) The tax levy base for each
15 school year shall be determined as follows:

16 (i) Ascertain the total amount of taxes levied for the prior school
17 year.

18 (ii) Add any payments in lieu of taxes that were receivable in the
19 prior school year.

20 (iii) Subtract the capital tax levy for the prior school year, if any.

21 (iv) Multiply the result by the levy growth factor.

22 (v) Multiply the result by the tax base growth factor, if any.

23 (b) The tax levy base shall be adjusted by adding the available carry-
24 over, if any, provided that in no event shall the amount of added carry-
25 over exceed one and one-half percent of the tax levy for the prior
26 school year.

27 (c) The tax levy limit for the coming school year shall be the
28 adjusted tax levy base, less any payments in lieu of taxes receivable in
29 the coming school year. No later than March first of each year, the
30 commissioner of education shall calculate the tax levy limit for each
31 school district, and shall notify each school district of the levy
32 growth factor, the district's tax base growth factor, if any, the
33 district's tax levy base and the district's tax levy limit.

34 5. Voter overrides. The qualified voters of a school district may
35 vote to reduce (or override) the limitations imposed by this section
36 for such school district for the coming school year in the manner
37 provided by section two thousand twenty-three-c of the education law.

38 6. Reorganized school districts. When two or more school districts
39 reorganize, the commissioner of education shall determine the tax levy
40 limit for the reorganized school district based on the respective tax
41 levy limits of the school districts that formed the reorganized district
42 from the last school year in which they were separate districts,
43 provided that in the event of formation of a new central high school
44 district, the tax levy limits for the new central high school district
45 and its component school districts shall be determined in accordance
46 with a methodology prescribed by the commissioner of education.

47 7. Erroneous levies. In the event a school district's actual tax levy
48 for a given school year exceeds the maximum allowable levy as estab-
49 lished pursuant to section two thousand twenty-three-c of the education
50 law due to clerical or technical errors, the school district shall place
51 the excess amount of the levy in reserve in accordance with such
52 requirements as the state comptroller may prescribe, and shall use such
53 funds and any interest earned thereon to offset the tax levy for the
54 ensuing school year.

55 § 2. The tax law is amended by adding a new section 178 to read as
56 follows:

1 § 178. "Middle Class STAR" rebate program. 1. The commissioner shall
2 issue the local property tax rebates authorized by section thirteen
3 hundred six-b of the real property tax law except as provided in para-
4 graph (g) of subdivision three of such section. For purposes of this
5 section the rebate shall be calculated using the computation formula set
6 forth in subdivision three of section thirteen hundred six-b of the real
7 property tax law.

8 2. On or before August fifteenth each year, the department, or on or
9 before July first each year in the case of a city with a population of
10 one million or more, the commissioner of finance, shall provide to the
11 commissioner a report in a mutually agreeable format concerning those
12 parcels which satisfy the criteria set forth in section thirteen hundred
13 six-b of the real property tax law.

14 3. The commissioner in consultation with, in the case of a city with a
15 population of one million or more, the commissioner of finance of such
16 city, is authorized to develop procedures necessary to provide for the
17 issuance of local property tax rebates to qualifying property owners,
18 and those qualifying property owners that did not receive them initial-
19 ly. If the commissioner is not satisfied that the property owner is
20 qualified for the local property tax rebate, the commissioner shall not
21 issue such rebate.

22 4. When the proper payment of a tax rebate under this section depends
23 upon construction of the meaning of the provisions of section thirteen
24 hundred six-b of the real property tax law (and any related provisions
25 of such law) or interpretation of the terms contained therein, it shall
26 be the responsibility of the department to provide the construction or
27 interpretation of any such provisions or terms.

28 5. By depositing a rebate issued pursuant to this section and author-
29 ized by section thirteen hundred six-b of the real property tax law, the
30 payee is certifying that he or she is the property owner, and that the
31 primary residence of such property owner is not subject to any delin-
32 quent school taxes.

33 6. Verification of "affiliated income" for "Middle Class STAR" rebate
34 program. (a) Generally. The determination of the "affiliated income" of
35 parcels for purposes of the "Middle Class STAR" rebate program as
36 authorized by subdivision three of section thirteen hundred six-b of the
37 real property tax law shall be made as provided by this section.

38 (b) For purposes of this subdivision, the term "income" shall have the
39 same meaning as set forth in subparagraph (ii) of paragraph (b) of
40 subdivision four of section four hundred twenty-five of the real prop-
41 erty tax law. The term "affiliated income" shall mean the combined income
42 of all of the owners of the parcel who resided primarily thereon on the
43 taxable status date for the assessment roll used to generate the appli-
44 cable school tax bills, and of any owners' spouses filing jointly or
45 spouses' residing primarily thereon in the cases of spouses' filing
46 separate returns on such taxable status date and shall be determined as
47 follows:

48 (i) For the two thousand nineteen--two thousand twenty school year,
49 affiliated income shall be determined based upon the parties' incomes
50 for the income tax year ending in two thousand eighteen. In each subse-
51 quent year, the applicable income tax year shall be advanced by one
52 year.

53 (ii) The department shall determine the affiliated income for each
54 parcel and shall assign a rebate amount for each parcel based upon such
55 determination. In any case where affiliated income cannot be determined,
56 a rebate shall not be issued.

1 7. Notification requirement. The department shall mail information
2 concerning the "Middle Class STAR" rebate program to owners of parcels
3 receiving a basic STAR exemption on the assessment roll used to generate
4 the two thousand nineteen--two thousand twenty school tax bill. Such
5 notification shall explain that property owners must file applications
6 with the department in order to obtain the rebate available under the
7 "Middle Class STAR" rebate program. Such notice shall further explain
8 how to obtain the application.

9 8. Applications. (a) In order to obtain the benefits of the "Middle
10 Class STAR" rebate program, the property owner must submit an applica-
11 tion to the department no later than December thirty-first, two thousand
12 nineteen. The applicant shall provide the department with such informa-
13 tion as may be necessary to determine the parcel's affiliated income.
14 The persons other than the applicant whose incomes are necessary to the
15 determination of the parcel's affiliated income shall be referred to in
16 this section as "affiliated persons." Recipients of the enhanced STAR
17 exemption shall not file an application to receive a rebate. The depart-
18 ment shall mail enhanced STAR rebate recipients their rebates in a time-
19 ly manner.

20 (b) If the applicant or any affiliated persons were not required to
21 file state income tax returns for the two thousand eighteen income tax
22 year because their incomes were below the threshold that necessitated
23 such filing, the application shall so indicate.

24 (c) If the applicant or any affiliated persons were not required to
25 file state income tax returns for the two thousand eighteen income tax
26 year because they did not reside in the state in such taxable year, the
27 application shall so indicate. Such persons shall provide with the
28 application any information that the department determines is necessary
29 to calculate the parcel's affiliated income under the "Middle Class
30 STAR" rebate program.

31 (d) After two thousand nineteen, applications shall be required only
32 when a new application for a basic STAR exemption for real property
33 taxation is filed pursuant to section four hundred twenty-five of the
34 real property tax law, or when there is a change of ownership which does
35 not necessitate the filing of a new application for a basic STAR
36 exemption. In either instance, an application shall be submitted to the
37 department on a timely basis.

38 (e) If an application for a "Middle Class STAR" rebate is received
39 after December thirty-first, two thousand nineteen, an otherwise eligi-
40 ble property owner shall not receive a rebate for such year. However,
41 such application shall be considered timely filed for a rebate in subse-
42 quent years provided the ownership of the parcel remains unchanged.

43 9. Processing of applications. (a) After receiving a timely applica-
44 tion, the department shall attempt to determine the affiliated income of
45 the parcel and the rebate amount to which the parcel is entitled, if
46 any.

47 (b) In the case of an application which indicates that the applicant
48 and any affiliated persons were not required to file state income tax
49 returns for the two thousand eighteen income tax year because their
50 incomes were below the threshold which necessitated the filing of a
51 state income tax return, the department may, subject to audit, issue a
52 rebate equal to the highest amount available for that school district
53 segment.

54 (c) In the case of an application which indicates that the applicant
55 and any affiliated persons were not required to file state income tax
56 returns for the two thousand eighteen income tax year because they did

1 not reside in the state in such taxable year, the applicant shall
2 provide such information regarding income as is requested by the depart-
3 ment. The department shall issue a rebate based upon the information
4 provided by the applicant and any other information to which the depart-
5 ment may have access concerning the income of such person or persons.

6 10. Reconsideration of rebate amount. In the event the department is
7 unable to determine the affiliated income for a parcel or the department
8 determines that a rebate shall not be issued for a parcel, the depart-
9 ment shall notify the applicant of that fact. A property owner may seek
10 reconsideration of the rebate amount determination for his or her parcel
11 on the grounds that the parcel's affiliated income was determined erro-
12 neously. A property owner may also seek reconsideration if no rebate was
13 issued because the parcel's affiliated income was undetermined. An
14 application for reconsideration of rebate amount shall be made in a
15 manner prescribed by the department, and shall be accompanied by such
16 documentation as the department may require. Such application shall be
17 filed no later than March thirty-first, two thousand twenty. If the
18 department finds after reviewing such an application that the rebate
19 amount determination for a parcel should be corrected, it shall issue an
20 amended or initial rebate check. If the department finds after reviewing
21 such an application that the rebate amount determination for the parcel
22 was correctly determined, it shall so notify the applicant. Such notifi-
23 cation shall include an explanation of the department's findings, indi-
24 cate that the applicant has the right to a proceeding under article
25 seventy-eight of the civil practice law and rules, and indicate the
26 statute of limitations associated with such proceedings. Such finding
27 shall be subject to review pursuant only to a proceeding under article
28 seventy-eight of the civil practice law and rules.

29 11. Special provisions relating to co-operative apartment units and
30 mobile homes. The department's determination of affiliated income shall
31 be made with respect to the tenant-shareholders or owners of the unit in
32 question rather than of the parcel.

33 12. Subsequent years. In each year subsequent to two thousand eigh-
34 teen, affiliated incomes shall continue to be determined as provided by
35 this section for purposes of the "Middle Class STAR" rebate program,
36 except that:

37 (a) The notification requirement of subdivision seven of this section
38 shall not be applicable;

39 (b) Applications shall be required only as provided in subdivision
40 eight of this section; and

41 (c) In each subsequent year, the applicable income tax year for deter-
42 minations under this section shall be advanced one year. All other
43 applicable dates and deadlines which reference a date in two thousand
44 eighteen shall be advanced and shall be deemed to reference dates in
45 that subsequent year, except that applications for reconsideration of
46 rebate amount determinations shall be submitted no later than March
47 thirty-first of the ensuing year.

48 13. Confidential information; disclosure prohibition. Information
49 regarding rebates issued to individuals shall not be subject to disclo-
50 sure; including names, addresses, and dollar amounts of rebates. In
51 addition, all applications submitted for rebates shall not be subject to
52 disclosure.

53 14. Deadline. If any applicable deadline shall fall on a Saturday,
54 Sunday or legal holiday, such deadline shall be advanced to the next
55 business day.

1 15. Affiliated income brackets; indexing. The department shall estab-
2 lish the affiliated income brackets to be associated with the rebate
3 amounts for the two thousand twenty-four--two thousand twenty-five
4 school year and each school year thereafter by applying the inflation
5 factor set forth in this subdivision to the figures that defined the
6 income brackets that were applicable to the two thousand twenty-three--
7 two thousand twenty-four school year, and rounding each result to the
8 nearest multiple of one hundred dollars. For purposes of this subdivi-
9 sion, the "inflation factor" for each income bracket shall be determined
10 by the percentage increase in the consumer price index for urban wage
11 earners and clerical workers (CPI-W) published by the United States
12 department of labor, bureau of labor statistics, for the third quarter
13 of the calendar year preceding the applicable school year, as compared
14 to the third quarter of the prior calendar year. If a base figure as so
15 determined is not exactly equal to a multiple of one hundred dollars, it
16 shall be rounded to the nearest multiple of one hundred dollars. In each
17 subsequent school year, the prior year's income brackets shall be
18 indexed using the above formula with each year advanced by one year.

19 § 3. Section 606 of the tax law is amended by adding a new subsection
20 (jjj) to read as follows:

21 (jjj) Middle class circuit breaker credit. (1) Definitions. For the
22 purposes of this subsection:

23 (A) "Qualified taxpayer" means a resident individual of the state who
24 owns or rents the residential real property in which he or she resides,
25 and has resided in such residential real property for not less than
26 three years.

27 (B) "Household" or "members of the household" means a qualified
28 taxpayer or qualified taxpayers and all other persons, not necessarily
29 related, who all reside in the residential real property owned by the
30 taxpayer or taxpayers, and share its furnishings, facilities and accom-
31 modations; provided that no person may be a member of more than one
32 household at one time.

33 (C) "Household gross income" means the aggregate adjusted gross income
34 of all members of the household for the taxable year as reported for
35 federal income tax purposes, or which would be reported as adjusted
36 gross income if a federal income tax return were required to be filed,
37 with the modifications in subsection (b) of section six hundred twelve
38 of this article but without the modifications in subsection (c) of such
39 section, plus any portion of the gain from the sale or exchange of prop-
40 erty otherwise excluded from such amount; earned income from sources
41 without the United States excludable from federal gross income by
42 section nine hundred eleven of the internal revenue code; support money
43 not included in adjusted gross income; nontaxable strike benefits;
44 supplemental security income payments; the gross amount of any pension
45 or annuity benefits to the extent not included in such adjusted gross
46 income (including, but not limited to, railroad retirement benefits and
47 all payments received under the federal social security act and veter-
48 ans' disability pensions); nontaxable interest received from the state
49 of New York, its agencies, instrumentalities, public corporations, or
50 political subdivisions (including a public corporation created pursuant
51 to agreement or compact with another state or Canada); workers' compen-
52 sation; the gross amount of "loss-of-time" insurance; and the amount of
53 cash public assistance and relief, other than medical assistance for the
54 needy, paid to or for the benefit of the qualified taxpayer or members
55 of his or her household. Household gross income shall not include
56 surplus foods or other relief in kind or payments made to individuals

1 because of their status as victims of Nazi persecution as defined in
2 public law 103-286 or any disability compensation received by veterans
3 on account of injury or illness incurred or aggravated during military
4 service in the wars in Afghanistan and Iraq since September eleventh,
5 two thousand one. Provided, further, household gross income shall only
6 include all such income received by all members of the household while
7 members of such household. For farm families earning at least fifty
8 percent of their income from farming, "adjusted gross income" shall be
9 replaced with "modified adjusted gross income" for federal tax purposes
10 as reported on the applicant's federal and state income tax returns for
11 the applicable income tax year.

12 (D) "Adjusted rent" means rent paid for the right of occupancy of a
13 residence.

14 (E) "Real property tax equivalent" means for taxable years beginning
15 in two thousand nineteen, fifteen percent of the adjusted rent actually
16 paid in the taxable year by a household solely for the right of occupan-
17 cy of its residence in the state for the taxable year. If (i) a resi-
18 dence is rented to two or more individuals as cotenants, or such indi-
19 viduals share in the payment of a single rent for the right of occupancy
20 of such residence, and (ii) each of such individuals is a member of a
21 different household, one or more of which individuals shares such resi-
22 dence, real property tax equivalent is that portion of fifteen percent
23 of the adjusted rent paid in the taxable year which reflects that
24 portion of the rent attributable to the qualified taxpayer and the
25 members of his or her household.

26 (F) "Net real property tax" means the real property taxes assessed on
27 the residential real property owned and occupied by the taxpayer or
28 taxpayers after any exemption or abatement received pursuant to the real
29 property tax law, or any rebate received pursuant to section thirteen
30 hundred six-b of such law.

31 (2) Credit. A qualified taxpayer shall be allowed a credit against the
32 taxes imposed by this article, equal to thirty percent of the amount by
33 which the taxpayer's net real property tax or the taxpayer's real prop-
34 erty tax equivalent exceeds the taxpayer's maximum real property tax, as
35 determined by paragraph three of this subsection. If such credit exceeds
36 the tax for such taxable year, as reduced by the other credits permitted
37 by this article, the qualified taxpayer may receive, and the comp-
38 troller, subject to a certificate of the department, shall pay as an
39 overpayment, without interest, any excess between such tax as so reduced
40 and the amount of the credit. If a qualified taxpayer is not required to
41 file a return pursuant to section six hundred fifty-one of this article,
42 a qualified taxpayer may nevertheless receive and the comptroller,
43 subject to a certificate of the department, shall pay as an overpayment
44 the full amount of the credit, without interest.

45 (3) Maximum real property tax. A qualified taxpayer's maximum real
46 property tax shall be determined as follows:

47 <u>Household gross income</u>	<u>Maximum real property tax</u>
48 <u>One hundred twenty thousand</u>	<u>Seven percent of the</u>
49 <u>dollars or less</u>	<u>household gross income</u>
50 <u>More than one hundred twenty</u>	<u>Seven percent of one hundred twenty</u>
51 <u>thousand dollars, but less than</u>	<u>thousand dollars plus eight</u>
52 <u>or equal to one hundred seventy-</u>	<u>percent of household gross income</u>
53 <u>five thousand dollars</u>	<u>above one hundred twenty thousand</u>
54	<u>dollars</u>

1	<u>More than one hundred seventy-</u>	<u>Seven percent of one hundred twenty</u>
2	<u>five thousand dollars, but less</u>	<u>thousand dollars plus eight</u>
3	<u>than or equal to two hundred fifty</u>	<u>percent of fifty-five thousand</u>
4	<u>thousand dollars</u>	<u>dollars plus nine percent of</u>
5		<u>household gross income above</u>
6		<u>one hundred seventy-five</u>
7		<u>thousand dollars</u>
8	<u>More than two hundred fifty</u>	<u>No limitation.</u>
9	<u>thousand dollars</u>	

10 § 4. Subsection (e) of section 1310 of the tax law, as added by
 11 section 135 of part A of chapter 389 of the laws of 1997, is amended by
 12 adding a new paragraph 3 to read as follows:

13 (3) Notwithstanding the schedule of credit in subparagraphs (A) and
 14 (B) of paragraph two of this subsection, starting in two thousand nine-
 15 teen taxpayers who:

16 (A) are sixty-five years or older as of December thirty-first, two
 17 thousand nineteen and for each subsequent tax year the applicable date
 18 shall be advanced by one year; and

19 (B) where the household gross income is less than one hundred fifty
 20 thousand dollars shall instead be entitled to a credit of three hundred
 21 thirty-five dollars for married individuals filing joint returns and
 22 surviving spouses and one hundred sixty-seven dollars and fifty cents
 23 for all others, including an unmarried individual, a head of household
 24 or a married individual filing a separate return. The rebate amounts and
 25 income limitations shall be adjusted annually by applying the inflation
 26 factor set forth in paragraph two of this subsection.

27 § 5. Subdivision (c) of section 11-1706 of the administrative code of
 28 the city of New York, as added by section 137 of part A of chapter 389
 29 of the laws of 1997, is amended by adding a new paragraph 3 to read as
 30 follows:

31 (3) Notwithstanding the schedule of credit in subparagraphs (A) and
 32 (B) of paragraph two of this subdivision, starting in two thousand nine-
 33 teen taxpayers who:

34 (A) are sixty-five years or older as of December thirty-first, two
 35 thousand nineteen and for each subsequent tax year the applicable date
 36 shall be advanced by one year; and

37 (B) where the household gross income is less than one hundred fifty
 38 thousand dollars shall instead be entitled to a credit of three hundred
 39 thirty-five dollars for married individuals filing joint returns and
 40 surviving spouses and one hundred sixty-seven dollars and fifty cents
 41 for all others, including an unmarried individual, a head of household
 42 or a married individual filing a separate return. The rebate amounts and
 43 income limitations shall be adjusted annually by applying the inflation
 44 factor set forth in paragraph two of this subdivision.

45 § 6. Section 1608 of the education law, as amended by section 5 of
 46 part A of chapter 436 of the laws of 1997, subdivisions 2 and 4 as
 47 amended by chapter 640 of the laws of 2008, subdivision 7 as amended by
 48 section 4 of part H of chapter 83 of the laws of 2002 and paragraph a of
 49 subdivision 7 as amended by section 1 of chapter 514 of the laws of
 50 2016, is amended to read as follows:

51 § 1608. Estimated expenses for ensuing year. 1. It shall be the duty
 52 of the trustees of each common school district to present at the annual
 53 budget hearing a detailed statement in writing of the amount of money
 54 which will be required for the ensuing year for school purposes, speci-

1 fying the several purposes and the amount for each. Where a proposition
2 to override a tax levy limitation has been approved pursuant to section
3 two thousand twenty-three-c of this title, the trustees shall present at
4 the annual budget hearing a budget that complies with the approved
5 override proposition. The amount for each purpose estimated necessary
6 for payments to boards of cooperative educational services shall be
7 shown in full, with no deduction of estimated state aid. The amount of
8 state aid provided and its percentage relationship to the total expendi-
9 tures shall also be shown. This section shall not be construed to
10 prevent the trustees from presenting such statement at a budget hearing
11 held not less than seven nor more than fourteen days prior to a special
12 meeting called for the purpose, nor from presenting a supplementary and
13 amended statement or estimate at any time.

14 2. Such statement shall be completed at least seven days before the
15 budget hearing at which it is to be presented and copies thereof shall
16 be prepared and made available, upon request and at the school district
17 offices, at any public library or free association library within the
18 district and on the school district's internet website, if one exists,
19 to residents within the district during the period of fourteen days
20 immediately preceding the annual meeting [~~and election or special~~
21 ~~district meeting at which the budget vote will occur~~] and at such meet-
22 ing or hearing. The board shall also as a part of the notice required by
23 section two thousand three of this [~~chapter~~] title give notice of the
24 date, time and place of the budget hearing and that a copy of such
25 statement may be obtained by any resident in the district at each
26 schoolhouse in the district in which school is maintained during certain
27 designated hours on each day other than a Saturday, Sunday or holiday
28 during the fourteen days immediately preceding such meeting. The board
29 shall include notice of the availability of such statement at least once
30 during the school year in any district-wide mailing distributed.

31 3. Commencing with the proposed budget for the nineteen hundred nine-
32 ty-seven--ninety-eight school year, such proposed budget shall be in
33 plain language and shall be consistent with regulations promulgated by
34 the commissioner pursuant to subdivision twenty-six of section three
35 hundred five of this chapter. Categorization of and format for revenue,
36 including payments in lieu of taxes, property tax refunds from certior-
37 ari proceedings, expenditure, transfer, and fund balance information and
38 changes in such data from the prior year and, in the case of [~~a resub-~~
39 ~~mitted or~~] an amended budget, changes in such information from the prior
40 year's submitted budget, shall be complete and accurate and set forth in
41 such a manner as to best promote public comprehension and readability.

42 4. Commencing with the proposed budget for the nineteen hundred nine-
43 ty-eight--ninety-nine school year, such proposed budget shall be
44 presented in three components: a program component, a capital component
45 and an administrative component which shall be separately delineated in
46 accordance with regulations of the commissioner after consultation with
47 local school district officials. The administrative component shall
48 include, but need not be limited to, office and central administrative
49 expenses, traveling expenses and all compensation, salaries and benefits
50 of all school administrators and supervisors, including business admin-
51 istrators, superintendents of schools and deputy, assistant, associate
52 or other superintendents under all existing employment contracts or
53 collective bargaining agreements, any and all expenditures associated
54 with the operation of the office of trustee or board of trustees, the
55 office of the superintendent of schools, general administration, the
56 school business office, consulting costs not directly related to direct

1 student services and programs, planning and all other administrative
2 activities. The program component shall include, but need not be limited
3 to, all program expenditures of the school district, including the sala-
4 ries and benefits of teachers and any school administrators or supervi-
5 sors who spend a majority of their time performing teaching duties, and
6 all transportation operating expenses. The capital component shall
7 include, but need not be limited to, all transportation capital, debt
8 service, and lease expenditures; costs resulting from judgments in tax
9 certiorari proceedings or the payment of awards from court judgments,
10 administrative orders or settled or compromised claims; and all facili-
11 ties costs of the school district, including facilities lease expendi-
12 tures, the annual debt service and total debt for all facilities
13 financed by bonds and notes of the school district, and the costs of
14 construction, acquisition, reconstruction, rehabilitation or improvement
15 of school buildings, provided that such budget shall include a rental,
16 operations and maintenance section that includes base rent costs, total
17 rent costs, operation and maintenance charges, cost per square foot for
18 each facility leased by the school district, and any and all expendi-
19 tures associated with custodial salaries and benefits, service
20 contracts, supplies, utilities, and maintenance and repairs of school
21 facilities. ~~[For the purposes of the development of a budget for the
22 nineteen hundred ninety eight ninety nine school year, the trustee or
23 board of trustees shall separate the district's program, capital and
24 administrative costs for the nineteen hundred ninety seven ninety eight
25 school year in the manner as if the budget for such year had been
26 presented in three components.]~~

27 5. The trustee or board of trustees shall append to the statement of
28 estimated expenditures a detailed statement of the total compensation to
29 be paid to the superintendent of schools, and any assistant or associate
30 superintendents of schools in the ensuing school year, including a
31 delineation of the salary, annualized cost of benefits and any in-kind
32 or other form of remuneration. The trustees shall also append a list of
33 all other school administrators and supervisors, if any, whose annual
34 salary will be eighty-five thousand dollars or more in the ensuing
35 school year, with the title of their positions and annual salary identi-
36 fied; provided however, that the commissioner may adjust such salary
37 level to reflect increases in administrative salaries after June thirti-
38 eth, nineteen hundred ninety-eight. The trustees shall submit a copy of
39 such list and statement, in a form prescribed by the commissioner, of
40 compensation to the commissioner within five days after their prepara-
41 tion. The commissioner shall compile such data, together with the data
42 submitted pursuant to subdivision three of section seventeen hundred
43 sixteen of this ~~[chapter]~~ **title**, into a single statewide compilation,
44 which shall be made available to the governor, the legislature, and
45 other interested parties upon request.

46 6. Each year, the board of education shall prepare a school district
47 report card, pursuant to regulations of the commissioner, and shall make
48 it publicly available by transmitting it to local newspapers of general
49 circulation, appending it to copies of the proposed budget made publicly
50 available as required by law, making it available for distribution at
51 the annual meeting, and otherwise disseminating it as required by the
52 commissioner. Such report card shall include measures of the academic
53 performance of the school district, on a school by school basis, and
54 measures of the fiscal performance of the district, as prescribed by the
55 commissioner. Pursuant to regulations of the commissioner, the report
56 card shall also compare these measures to statewide averages for all

1 public schools, and statewide averages for public schools of comparable
2 wealth and need, developed by the commissioner. Such report card shall
3 include, at a minimum, any information on the school district regarding
4 pupil performance and expenditure per pupil required to be included in
5 the annual report by the regents to the governor and the legislature
6 pursuant to section two hundred fifteen-a of this chapter; and any other
7 information required by the commissioner. School districts (i) identi-
8 fied as having fifteen percent or more of their students in special
9 education, or (ii) which have fifty percent or more of their students
10 with disabilities in special education programs or services sixty
11 percent or more of the school day in a general education building, or
12 (iii) which have eight percent or more of their students with disabili-
13 ties in special education programs in public or private separate educa-
14 tional settings shall indicate on their school district report card
15 their respective percentages as defined in this ~~[subparagraph]~~ paragraph
16 and ~~[subparagraphs]~~ paragraphs (i) and (ii) of this ~~[paragraph]~~ subdivi-
17 sion as compared to the statewide average.

18 7. a. Each year, commencing with the proposed budget for the two thou-
19 sand--two thousand one school year, the trustee or board of trustees
20 shall prepare a property tax report card, pursuant to regulations of the
21 commissioner, and shall make it publicly available by transmitting it to
22 local newspapers of general circulation, appending it to copies of the
23 proposed budget made publicly available as required by law, making it
24 available for distribution at the annual ~~[meeting]~~ budget hearing, and
25 otherwise disseminating it as required by the commissioner. Such report
26 card shall include: (i) the amount of total spending and total estimated
27 school tax levy that would result from adoption of the proposed budget
28 and the percentage increase or decrease in total spending and total
29 school tax levy from the school district budget for the preceding school
30 year; and (ii) the district's tax levy limit and tax levy base deter-
31 mined pursuant to section thirteen hundred seven of the real property
32 tax law, the tax levy proposed by the district, and the proposed capital
33 tax levy, if any; and (iii) the district's tax levy limit determined
34 pursuant to section two thousand twenty-three-a of this title, and the
35 estimated school tax levy, excluding any levy necessary to support the
36 expenditures pursuant to subparagraphs (i) through (iv) of paragraph i
37 of subdivision two of section two thousand twenty-three-a of this title,
38 that would result from adoption of the proposed budget; and ~~[(iii)]~~ (iv)
39 the projected enrollment growth for the school year for which the budget
40 is prepared, and the percentage change in enrollment from the previous
41 year; and ~~[(iv)]~~ (v) the percentage increase in the consumer price
42 index, as defined in paragraph c of this subdivision; and ~~[(v)]~~ (vi) the
43 projected amount of the unappropriated unreserved fund balance that will
44 be retained if the proposed budget is adopted, the projected amount of
45 the reserved fund balance, the projected amount of the appropriated fund
46 balance, the percentage of the proposed budget that the unappropriated
47 unreserved fund balance represents, the actual unappropriated unreserved
48 fund balance retained in the school district budget for the preceding
49 school year, and the percentage of the school district budget for the
50 preceding school year that the actual unappropriated unreserved fund
51 balance represents, and a schedule of reserve funds, setting forth the
52 name of each reserve fund, a description of its purpose, the balance as
53 of the close of the third quarter of the current school district fiscal
54 year and a brief statement explaining any plans for the use of each such
55 reserve fund for the ensuing fiscal year.

b. A copy of the property tax report card prepared for the annual ~~[district meeting]~~ budget hearing shall be submitted to the department in the manner prescribed by the department by the end of the business day next following approval of the report card by the trustee or board of trustees, but no later than twenty-four days prior to the statewide uniform voting day. The department shall compile such data for all school districts ~~[whose budgets are subject to a vote of the qualified voters]~~ subject to a tax levy limitation pursuant to section thirteen hundred seven of the real property tax law and shall make such compilation available electronically at least ten days prior to the statewide uniform voting day.

c. For purposes of this subdivision, "percentage increase in the consumer price index" shall mean the percentage that represents the product of one hundred and the quotient of: (i) the average of the national consumer price indexes determined by the United States department of labor for the twelve-month period preceding January first of the current year minus the average of the national consumer price indexes determined by the United States department of labor for the twelve-month period preceding January first of the prior year, divided by (ii) the average of the national consumer price indexes determined by the United States department of labor for the twelve-month period preceding January first of the prior year, with the result expressed as a decimal to two places.

§ 7. Paragraph a of subdivision 7 of section 1608 of the education law, as amended by section 1-a of chapter 514 of the laws of 2016, is amended to read as follows:

a. Each year, commencing with the proposed budget for the two thousand--two thousand one school year, the trustee or board of trustees shall prepare a property tax report card, pursuant to regulations of the commissioner, and shall make it publicly available by transmitting it to local newspapers of general circulation, appending it to copies of the proposed budget made publicly available as required by law, making it available for distribution at the annual ~~[meeting]~~ budget hearing, and otherwise disseminating it as required by the commissioner. Such report card shall include: (i) the amount of total spending and total estimated school tax levy that would result from adoption of the proposed budget and the percentage increase or decrease in total spending and total school tax levy from the school district budget for the preceding school year; and (ii) the district's tax levy limit and tax levy base determined pursuant to section thirteen hundred seven of the real property tax law, the tax levy proposed by the district, and the proposed capital tax levy, if any; and (iii) the projected enrollment growth for the school year for which the budget is prepared, and the percentage change in enrollment from the previous year; and ~~[(iii)]~~ (iv) the percentage increase in the consumer price index, as defined in paragraph c of this subdivision; and ~~[(iv)]~~ (v) the projected amount of the unappropriated unreserved fund balance that will be retained if the proposed budget is adopted, the projected amount of the reserved fund balance, the projected amount of the appropriated fund balance, the percentage of the proposed budget that the unappropriated unreserved fund balance represents, the actual unappropriated unreserved fund balance retained in the school district budget for the preceding school year, and the percentage of the school district budget for the preceding school year that the actual unappropriated unreserved fund balance represents; and ~~[(v)]~~ (vi) a schedule of reserve funds, setting forth the name of each reserve fund, a description of its purpose, the balance as of the close of the

1 third quarter of the current school district fiscal year and a brief
2 statement explaining any plans for the use of each such reserve fund for
3 the ensuing fiscal year.

4 § 8. Section 1716 of the education law, as amended by section 7 of
5 part A of chapter 436 of the laws of 1997, subdivisions 2 and 4 as
6 amended by chapter 640 of the laws of 2008, subdivision 7 as amended by
7 section 5 of part H of chapter 83 of the laws of 2002 and paragraph a of
8 subdivision 7 as amended by section 2 of chapter 514 of the laws of
9 2016, is amended to read as follows:

10 § 1716. Estimated expenses for ensuing year. 1. It shall be the duty
11 of the board of education of each district to present at the annual
12 budget hearing a detailed statement in writing of the amount of money
13 which will be required for the ensuing year for school purposes, speci-
14 fying the several purposes and the amount for each. Where a proposition
15 to override a tax levy limitation has been approved pursuant to section
16 two thousand twenty-three-c of this title, the board of education shall
17 present at the annual budget hearing a budget that complies with the
18 approved override proposition. The amount for each purpose estimated
19 necessary for payments to boards of cooperative educational services
20 shall be shown in full, with no deduction of estimated state aid. The
21 amount of state aid provided and its percentage relationship to the
22 total expenditures shall also be shown. This section shall not be
23 construed to prevent the board from presenting such statement at a budg-
24 et hearing held not less than seven nor more than fourteen days prior to
25 a special meeting called for the purpose, nor from presenting a supple-
26 mentary and amended statement or estimate at any time.

27 2. Such statement shall be completed at least seven days before the
28 budget hearing at which it is to be presented and copies thereof shall
29 be prepared and made available, upon request and at the school district
30 offices, at any public library or free association library within the
31 district and on the school district's internet website, if one exists,
32 to residents within the district during the period of fourteen days
33 immediately preceding the annual meeting [~~and election or special~~
34 ~~district meeting at which the budget vote will occur~~] and at such meet-
35 ing or hearing. The board shall also as a part of the notice required by
36 section two thousand four of this [~~chapter~~] title give notice of the
37 date, time and place of the budget hearing and that a copy of such
38 statement may be obtained by any resident in the district at each
39 schoolhouse in the district in which school is maintained during certain
40 designated hours on each day other than a Saturday, Sunday or holiday
41 during the fourteen days immediately preceding such meeting. The board
42 shall include notice of the availability of such statement at least once
43 during the school year in any district-wide mailing distributed.

44 3. Commencing with the proposed budget for the nineteen hundred nine-
45 ty-seven--ninety-eight school year, such proposed budget shall be in
46 plain language and shall be consistent with regulations promulgated by
47 the commissioner pursuant to subdivision twenty-six of section three
48 hundred five of this chapter. Categorization of and format for revenue,
49 including payments in lieu of taxes, property tax refunds from certior-
50 ari proceedings, expenditure, transfer, and fund balance information and
51 changes in such data from the prior year and, in the case of [~~a resub-~~
52 ~~mitted or~~] an amended budget, changes in such information from the prior
53 year submitted budget, shall be complete and accurate and set forth in
54 such a manner as to best promote public comprehension and readability.

55 4. Commencing with the proposed budget for the nineteen hundred nine-
56 ty-eight--ninety-nine school year, such proposed budget shall be

presented in three components: a program component, a capital component and an administrative component which shall be separately delineated in accordance with regulations of the commissioner after consultation with local school district officials. The administrative component shall include, but need not be limited to, office and central administrative expenses, traveling expenses and all compensation, salaries and benefits of all school administrators and supervisors, including business administrators, superintendents of schools and deputy, assistant, associate or other superintendents under all existing employment contracts or collective bargaining agreements, any and all expenditures associated with the operation of the board of education, the office of the superintendent of schools, general administration, the school business office, consulting costs not directly related to direct student services and programs, planning and all other administrative activities. The program component shall include, but need not be limited to, all program expenditures of the school district, including the salaries and benefits of teachers and any school administrators or supervisors who spend a majority of their time performing teaching duties, and all transportation operating expenses. The capital component shall include, but need not be limited to, all transportation capital, debt service, and lease expenditures; costs resulting from judgments in tax certiorari proceedings or the payment of awards from court judgments, administrative orders or settled or compromised claims; and all facilities costs of the school district, including facilities lease expenditures, the annual debt service and total debt for all facilities financed by bonds and notes of the school district, and the costs of construction, acquisition, reconstruction, rehabilitation or improvement of school buildings, provided that such budget shall include a rental, operations and maintenance section that includes base rent costs, total rent costs, operation and maintenance charges, cost per square foot for each facility leased by the school district, and any and all expenditures associated with custodial salaries and benefits, service contracts, supplies, utilities, and maintenance and repairs of school facilities. ~~[For the purposes of the development of a budget for the nineteen hundred ninety-eight ninety-nine school year, the board of education shall separate the district's program, capital and administrative costs for the nineteen hundred ninety seven ninety eight school year in the manner as if the budget for such year had been presented in three components.]~~

5. The board of education shall append to the statement of estimated expenditures a detailed statement of the total compensation to be paid to the superintendent of schools, and any assistant or associate superintendents of schools in the ensuing school year, including a delineation of the salary, annualized cost of benefits and any in-kind or other form of remuneration. The board shall also append a list of all other school administrators and supervisors, if any, whose annual salary will be eighty-five thousand dollars or more in the ensuing school year, with the title of their positions and annual salary identified; provided however, that the commissioner may adjust such salary level to reflect increases in administrative salaries after June thirtieth, nineteen hundred ninety-eight. The board of education shall submit a copy of such list and statement, in a form prescribed by the commissioner, of compensation to the commissioner within five days after their preparation. The commissioner shall compile such data, together with the data submitted pursuant to subdivision four of section sixteen hundred eight of this ~~chapter~~ title, into a single statewide compilation, which shall be

1 made available to the governor, the legislature, and other interested
2 parties upon request.

3 6. Each year, the board of education shall prepare a school district
4 report card, pursuant to regulations of the commissioner, and shall make
5 it publicly available by transmitting it to local newspapers of general
6 circulation, appending it to copies of the proposed budget made publicly
7 available as required by law, making it available for distribution at
8 the annual meeting, and otherwise disseminating it as required by the
9 commissioner. Such report card shall include measures of the academic
10 performance of the school district, on a school by school basis, and
11 measures of the fiscal performance of the district, as prescribed by the
12 commissioner. Pursuant to regulations of the commissioner, the report
13 card shall also compare these measures to statewide averages for all
14 public schools, and statewide averages for public schools of comparable
15 wealth and need, developed by the commissioner. Such report card shall
16 include, at a minimum, any information of the school district regarding
17 pupil performance and expenditure per pupil required to be included in
18 the annual report by the regents to the governor and the legislature
19 pursuant to section two hundred fifteen-a of this chapter; and any other
20 information required by the commissioner. School districts (i) identi-
21 fied as having fifteen percent or more of their students in special
22 education, or (ii) which have fifty percent or more of their students
23 with disabilities in special education programs or services sixty
24 percent or more of the school day in a general education building, or
25 (iii) which have eight percent or more of their students with disabili-
26 ties in special education programs in public or private separate educa-
27 tional settings shall indicate on their school district report card
28 their respective percentages as defined in this paragraph and paragraphs
29 (i) and (ii) of this subdivision as compared to the statewide average.

30 7. a. Each year, commencing with the proposed budget for the two
31 thousand--two thousand one school year, the board of education shall
32 prepare a property tax report card, pursuant to regulations of the
33 commissioner, and shall make it publicly available by transmitting it to
34 local newspapers of general circulation, appending it to copies of the
35 proposed budget made publicly available as required by law, making it
36 available for distribution at the annual ~~meeting~~ budget hearing, and
37 otherwise disseminating it as required by the commissioner. Such report
38 card shall include: (i) the amount of total spending and total estimated
39 school tax levy that would result from adoption of the proposed budget
40 and the percentage increase or decrease in total spending and total
41 school tax levy from the school district budget for the preceding school
42 year; and (ii) the district's tax levy limit and tax levy base deter-
43 mined pursuant to section thirteen hundred seven of the real property
44 tax law, and the tax levy proposed by the district, and the proposed
45 capital tax levy, if any; and (iii) the district's tax levy limit deter-
46 mined pursuant to section two thousand twenty-three-a of this title, and
47 the estimated school tax levy, excluding any levy necessary to support
48 the expenditures pursuant to subparagraphs (i) through (iv) of paragraph
49 i of subdivision two of section two thousand twenty-three-a of this
50 title, that would result from adoption of the proposed budget; and
51 ~~(iii)~~ (iv) the projected enrollment growth for the school year for
52 which the budget is prepared, and the percentage change in enrollment
53 from the previous year; and ~~(iv)~~ (v) the percentage increase in the
54 consumer price index, as defined in paragraph c of this subdivision; and
55 ~~(v)~~ (vi) the projected amount of the unappropriated unreserved fund
56 balance that will be retained if the proposed budget is adopted, the

1 projected amount of the reserved fund balance, the projected amount of
2 the appropriated fund balance, the percentage of the proposed budget
3 that the unappropriated unreserved fund balance represents, the actual
4 unappropriated unreserved fund balance retained in the school district
5 budget for the preceding school year, a schedule of reserve funds,
6 setting forth the name of each reserve fund, a description of its
7 purpose, the balance as of the close of the third quarter of the current
8 school district fiscal year and a brief statement explaining any plans
9 for the use of each such reserve fund for the ensuing fiscal year and
10 the percentage of the school district budget for the preceding school
11 year that the actual unappropriated unreserved fund balance represents.

12 b. A copy of the property tax report card prepared for the annual
13 ~~[district meeting]~~ budget hearing shall be submitted to the department
14 in the manner prescribed by the department by the end of the business
15 day next following approval of the report card by the board of educa-
16 tion, but no later than twenty-four days prior to the statewide uniform
17 voting day. The department shall compile such data for all school
18 districts ~~[whose budgets are subject to a vote of the qualified voters]~~
19 subject to a tax levy limitation pursuant to section thirteen hundred
20 seven of the real property tax law and shall make such compilation
21 available electronically at least ten days prior to the statewide
22 uniform voting day.

23 c. For purposes of this subdivision, "percentage increase in the
24 consumer price index" shall mean the percentage that represents the
25 product of one hundred and the quotient of: (i) the average of the
26 national consumer price indexes determined by the United States depart-
27 ment of labor for the twelve-month period preceding January first of the
28 current year minus the average of the national consumer price indexes
29 determined by the United States department of labor for the twelve-month
30 period preceding January first of the prior year, divided by (ii) the
31 average of the national consumer price indexes determined by the United
32 States department of labor for the twelve-month period preceding January
33 first of the prior year, with the result expressed as a decimal to two
34 places.

35 § 9. Paragraph a of subdivision 7 of section 1716 of the education
36 law, as amended by section 2-a of chapter 514 of the laws of 2016, is
37 amended to read as follows:

38 a. Each year, commencing with the proposed budget for the two thou-
39 sand--two thousand one school year, the board of education shall prepare
40 a property tax report card, pursuant to regulations of the commissioner,
41 and shall make it publicly available by transmitting it to local newspa-
42 pers of general circulation, appending it to copies of the proposed
43 budget made publicly available as required by law, making it available
44 for distribution at the annual ~~[meeting]~~ budget hearing, and otherwise
45 disseminating it as required by the commissioner. Such report card shall
46 include: (i) the amount of total spending and total estimated school tax
47 levy that would result from adoption of the proposed budget and the
48 percentage increase or decrease in total spending and total school tax
49 levy from the school district budget for the preceding school year; and
50 (ii) the district's tax levy limit and tax base determined pursuant to
51 section thirteen hundred seven of the real property tax law, and the tax
52 levy proposed by the district, and the proposed capital tax levy, if
53 any; and (iii) the projected enrollment growth for the school year for
54 which the budget is prepared, and the percentage change in enrollment
55 from the previous year; and ~~[(iii)]~~ (iv) the percentage increase in the
56 consumer price index, as defined in paragraph c of this subdivision; and

1 ~~[(iv)]~~ (v) the projected amount of the unappropriated unreserved fund
2 balance that will be retained if the proposed budget is adopted, the
3 projected amount of the reserved fund balance, the projected amount of
4 the appropriated fund balance, the percentage of the proposed budget
5 that the unappropriated unreserved fund balance represents, the actual
6 unappropriated unreserved fund balance retained in the school district
7 budget for the preceding school year, a schedule of reserve funds,
8 setting forth the name of each reserve fund, a description of its
9 purpose, the balance as of the close of the third quarter of the current
10 school district fiscal year and a brief statement explaining any plans
11 for the use of each such reserve fund for the ensuing fiscal year and
12 the percentage of the school district budget for the preceding school
13 year that the actual unappropriated unreserved fund balance represents.

14 § 10. Section 2008 of the education law is amended by adding a new
15 subdivision 4 to read as follows:

16 4. Notwithstanding any other provision of law to the contrary, it
17 shall not be within the powers of the voters of a school district to
18 submit a proposition that requires the expenditure of money, provided
19 that the voters may submit a tax levy limit override proposition as
20 authorized pursuant to subdivision two of section two thousand twenty-
21 three-c of this part or a proposition to change the mileage limitations
22 on transportation pursuant to subdivision nineteen of section two thou-
23 sand twenty-one of this part.

24 § 11. Section 2022 of the education law, as amended by section 7 of
25 part A of chapter 97 of the laws of 2011, subdivision 7 as added by
26 chapter 514 of the laws of 2016, is amended to read as follows:

27 § 2022. ~~[Vote-on]~~ Adoption of school district budgets ~~[and on the]~~;
28 annual district meeting and election of school district trustees and
29 board of education members. 1. Notwithstanding any law, rule or regu-
30 lation to the contrary, the annual district meeting and election of
31 trustees or members of the board of education, and the tax levy proposi-
32 tion vote ~~[upon the appropriation of the necessary funds to meet the~~
33 ~~estimated expenditures,]~~ in any common school district, union free
34 school district, central school district or central high school district
35 shall be held ~~[at the annual meeting and election]~~ on the third Tuesday
36 in May, provided, however, that such election shall be held on the
37 second Tuesday in May if the commissioner at the request of a local
38 school board certifies no later than March first that such election
39 would conflict with religious observances. The sole trustee, board of
40 trustees or board of education of every common, union free, central or
41 central high school district and every city school district to which
42 this article applies shall hold a budget hearing not less than seven nor
43 more than fourteen days prior to the annual meeting and election ~~[or~~
44 ~~special district meeting at which a school budget vote will occur]~~, and
45 shall prepare and present to the voters at such budget hearing a
46 proposed school district budget for the ensuing school year. If the
47 qualified voters have approved a tax levy proposition or override
48 proposition in accordance with section two thousand twenty-three-c of
49 this part, such trustees or board of education shall adopt a budget that
50 complies with such proposition. If no tax levy proposition or override
51 proposition has been approved by the qualified voters, then the trustees
52 or board of education shall adopt a budget that requires a tax levy,
53 excluding any capital tax levy, that is no greater than the tax levy
54 base determined pursuant to section thirteen hundred seven of the real
55 property tax law.

1 2. [~~Except as provided in subdivision four of this section, nothing~~
2 Nothing in this section shall preclude the trustees or board of educa-
3 tion, in their discretion, from submitting additional items of expendi-
4 ture to the voters for approval as separate propositions or the voters
5 from submitting propositions pursuant to sections two thousand eight and
6 two thousand thirty-five of this part; provided however that such propo-
7 sitions shall be subject to the requirements set forth in subdivision
8 nine of section two thousand twenty-three-a of this part.

9 2-a. Every common, union free, central, central high school district
10 and city school district to which this article applies shall mail a
11 school budget notice to all qualified voters of the school district
12 after the date of the budget hearing, but no later than six days prior
13 to the annual meeting and election [~~or special district meeting at which~~
14 ~~a school budget vote will occur~~]. The school budget notice shall compare
15 the percentage increase or decrease in total spending under the proposed
16 budget over total spending under the school district budget adopted for
17 the current school year, with the percentage increase or decrease in the
18 consumer price index, from January first of the prior school year to
19 January first of the current school year, and shall also include the
20 [~~information required by paragraphs a and b of this subdivision. The~~
21 ~~notice shall also set forth the date, time and place of the school budg-~~
22 ~~et vote, in the same manner as in the notice of annual meeting, and~~
23 ~~shall also include the district's tax levy limit pursuant to section two~~
24 ~~thousand twenty-three-a of this part, and the estimated school tax levy,~~
25 ~~excluding any levy necessary to support the expenditures pursuant to~~
26 ~~subparagraphs (i) through (iv) of paragraph i of subdivision two of~~
27 ~~section two thousand twenty-three-a of this part, that would result from~~
28 ~~adoption of the proposed budget]~~ district's tax levy limit and tax levy
29 base determined pursuant to section thirteen hundred seven of the real
30 property tax law, and the tax levy proposed by the district, and the
31 proposed capital tax levy, if any. Such notice shall be in a form
32 prescribed by the commissioner.

33 [~~a. Commencing with the proposed budget for the two thousand one--two~~
34 ~~thousand two school year, such notice shall also include a description~~
35 ~~of how total spending and the tax levy resulting from the proposed budg-~~
36 ~~et would compare with a projected contingency budget adopted pursuant to~~
37 ~~section two thousand twenty-three of this article, assuming that such~~
38 ~~contingency budget is adopted on the same day as the vote on the~~
39 ~~proposed budget. Such comparison shall be in total and by component~~
40 ~~(program, capital and administrative), and shall include a statement of~~
41 ~~the assumptions made in estimating the projected contingency budget.~~

42 ~~b.]~~ Commencing with the proposed budget for the two thousand eight--
43 two thousand nine school year, such notice shall also include, in a
44 format prescribed by the commissioner, an estimate of the tax savings
45 that would be available to an eligible homeowner under the basic school
46 tax relief (STAR) exemption authorized by section four hundred twenty-
47 five of the real property tax law if the proposed budget were adopted.
48 Such estimate shall be made in the manner prescribed by the commission-
49 er, in consultation with the office of real property services.

50 3. In all elections for trustees or members of boards of education or
51 votes or propositions involving the expenditure of money, or authorizing
52 the levy of taxes, or votes on propositions to override a tax levy
53 limitation pursuant to section two thousand twenty-three-c of this part,
54 the vote thereon shall be by ballot, or, in school districts that prior
55 to nineteen hundred ninety-eight conducted their vote at the annual

1 meeting, may be ascertained by taking and recording the ayes and noes of
2 such qualified voters attending and voting at such district meetings.

3 4. The budget adoption process shall conform to the requirements set
4 forth in section two thousand twenty-three-a of this part. ~~[In the event
5 that the original proposed budget is not approved by the voters, the
6 sole trustee, trustees or board of education may adopt a final budget
7 pursuant to subdivision five of this section or resubmit to the voters
8 the original or a revised budget pursuant to subdivision three of
9 section two thousand seven of this part. Upon one defeat of such resub-
10 mitted budget, the sole trustee, trustees or board of education shall
11 adopt a final budget pursuant to subdivision five of this section.]~~

12 Notwithstanding any other provision of law to the contrary, ~~[the school
13 district budget for any school year, or any part of such budget or]~~ any
14 propositions involving the expenditure of money for such school year
15 shall not be submitted for a vote of the qualified voters more than
16 twice.

17 5. ~~[If the qualified voters fail to approve the proposed school
18 district budget upon resubmission or upon a determination not to resub-
19 mit for a second vote pursuant to subdivision four of this section, the
20 sole trustee, trustees or board of education, after applying thereto the
21 public school moneys and other moneys received or to be received for
22 that purpose, shall levy a tax for the sum necessary for teachers' sala-
23 ries and other ordinary contingent expenses in accordance with the
24 provisions of this subdivision and sections two thousand twenty-three
25 and two thousand twenty-three a of this article.]~~

26 6. ~~Notwithstanding the provisions of subdivision four of section eigh-
27 teen hundred four and subdivision five of section nineteen hundred six
28 of this title, subdivision one of section two thousand two of this arti-
29 cle, subdivision one of this section, subdivision two of section twen-
30 ty-six hundred one a of this title and any other provision of law to the
31 contrary, the annual district meeting and election of every common,
32 union free, central and central high school district and the annual
33 meeting of every city school district in a city having a population of
34 less than one hundred twenty-five thousand inhabitants that is scheduled
35 to be held on the third Tuesday of May, two thousand three is hereby
36 adjourned until the first Tuesday in June, two thousand three. The trus-
37 tees or board of education of each such school district shall provide
38 notice of such adjourned meeting to the qualified voters in the manner
39 prescribed for notice of the annual meeting, and such notice shall
40 provide for an adjourned budget hearing. The adjourned district meeting
41 or district meeting and election shall be deemed the annual meeting or
42 annual meeting and election of the district for all purposes under this
43 title and the date of the adjourned meeting shall be deemed the state-
44 wide uniform voting day for all purposes under this title. Notwith-
45 standing the provisions of subdivision seven of section sixteen hundred
46 eight or subdivision seven of section seventeen hundred sixteen of this
47 title or any other provision of law, rule or regulation to the contrary,
48 in two thousand three the property tax report card shall be submitted to
49 the department no later than twenty days prior to the date of the
50 adjourned meeting and the department shall make its compilation avail-
51 able electronically at least seven days prior to such date.]~~

52 7.] Each school district shall post on its website, if any, a final
53 annual budget and any multi-year financial plan adopted by the board of
54 education or trustees.

55 § 12. Section 2022 of the education law, as amended by section 23 of
56 part A of chapter 436 of the laws of 1997, subdivisions 1 and 3 as

1 amended by section 8 of part C of chapter 58 of the laws of 1998, subdivi-
2 vision 2-a as amended by section 3 of part A of chapter 60 of the laws
3 of 2000, paragraph b of subdivision 2-a as amended by section 5 of part
4 W of chapter 57 of the laws of 2008, subdivision 4 as amended by section
5 7 of part M of chapter 57 of the laws of 2005, subdivision 6 as added by
6 chapter 61 of the laws of 2003 and subdivision 7 as added by chapter 514
7 of the laws of 2016, is amended to read as follows:

8 § 2022. ~~[Vote on]~~ Adoption of school district budgets ~~[and on the];~~
9 annual district meeting and election of school district trustees and
10 board of education members. 1. Notwithstanding any law, rule or regu-
11 lation to the contrary, the annual district meeting and election of
12 trustees or members of the board of education, and the tax levy proposi-
13 tion vote ~~[upon the appropriation of the necessary funds to meet the~~
14 ~~estimated expenditures,~~ in any common school district, union free
15 school district, central school district or central high school district
16 shall be held ~~[at the annual meeting and election]~~ on the third Tuesday
17 in May, provided, however, that such election shall be held on the
18 second Tuesday in May if the commissioner at the request of a local
19 school board certifies no later than March first that such election
20 would conflict with religious observances. ~~[When such election or vote~~
21 ~~is taken by recording the ayes and noes of the qualified voters attend-~~
22 ~~ing, a majority of the qualified voters present and voting, by a hand or~~
23 ~~voice vote, may determine to take up the question of voting the neces-~~
24 ~~sary funds to meet the estimated expenditures for a specific item sepa-~~
25 ~~rately, and the qualified voters present and voting may increase the~~
26 ~~amount of any estimated expenditures or reduce the same, except for~~
27 ~~teachers' salaries, and the ordinary contingent expenses of the~~
28 ~~schools.]~~ The sole trustee, board of trustees or board of education of
29 every common, union free, central or central high school district and
30 every city school district to which this article applies shall hold a
31 budget hearing not less than seven nor more than fourteen days prior to
32 the annual meeting and election ~~[or special district meeting at which a~~
33 ~~school budget vote will occur]~~, and shall prepare and present to the
34 voters at such budget hearing a proposed school district budget for the
35 ensuing school year. If the qualified voters have approved a tax levy
36 proposition or override proposition in accordance with section two
37 thousand twenty-three-c of this part, such trustees or board of educa-
38 tion shall adopt a budget that complies with such proposition. If no
39 tax levy proposition or override proposition has been approved by the
40 qualified voters, then the trustees or board of education shall adopt a
41 budget that requires a tax levy, excluding any capital tax levy, that is
42 no greater than the tax levy base determined pursuant to section thir-
43 teen hundred seven of the real property tax law.

44 2. ~~[Except as provided in subdivision four of this section, nothing]~~
45 Nothing in this section shall preclude the trustees or board of educa-
46 tion, in their discretion, from submitting additional items of expendi-
47 ture to the voters for approval as separate propositions or the voters
48 from submitting propositions pursuant to ~~[section]~~ sections two thousand
49 eight and two thousand thirty-five of this ~~[article]~~ part.

50 2-a. Every common, union free, central, central high school district
51 and city school district to which this article applies shall mail a
52 school budget notice to all qualified voters of the school district
53 after the date of the budget hearing, but no later than six days prior
54 to the annual meeting and election ~~[or special district meeting at which~~
55 ~~a school budget vote will occur]~~. The school budget notice shall compare
56 the percentage increase or decrease in total spending under the proposed

1 budget over total spending under the school district budget adopted for
2 the current school year, with the percentage increase or decrease in the
3 consumer price index, from January first of the prior school year to
4 January first of the current school year, and shall also include the
5 ~~[information required by paragraphs a and b of this subdivision. The~~
6 ~~notice shall also set forth the date, time and place of the school budg-~~
7 ~~et vote, in the same manner as in the notice of annual meeting]~~
8 district's tax levy limit and tax levy base determined pursuant to
9 section thirteen hundred seven of the real property tax law, and the tax
10 levy proposed by the district, and the proposed capital tax levy, if
11 any. Such notice shall be in a form prescribed by the commissioner.

12 ~~[a. Commencing with the proposed budget for the two thousand one two~~
13 ~~thousand two school year, such notice shall also include a description~~
14 ~~of how total spending and the tax levy resulting from the proposed budg-~~
15 ~~et would compare with a projected contingency budget adopted pursuant to~~
16 ~~section two thousand twenty three of this article, assuming that such~~
17 ~~contingency budget is adopted on the same day as the vote on the~~
18 ~~proposed budget. Such comparison shall be in total and by component~~
19 ~~(program, capital and administrative), and shall include a statement of~~
20 ~~the assumptions made in estimating the projected contingency budget.~~

21 ~~b.]~~ Commencing with the proposed budget for the two thousand eight--
22 two thousand nine school year, such notice shall also include, in a
23 format prescribed by the commissioner, an estimate of the tax savings
24 that would be available to an eligible homeowner under the basic school
25 tax relief (STAR) exemption authorized by section four hundred twenty-
26 five of the real property tax law if the proposed budget were adopted.
27 Such estimate shall be made in the manner prescribed by the commission-
28 er, in consultation with the office of real property services.

29 3. In all elections for trustees or members of boards of education or
30 votes on propositions involving the expenditure of money, or authorizing
31 the levy of taxes, or votes on propositions to override a tax levy
32 limitation pursuant to section two thousand twenty-three-c of this part,
33 the vote thereon shall be by ballot, or, in school districts that prior
34 to nineteen hundred ninety-eight conducted their vote at the annual
35 meeting, may be ascertained by taking and recording the ayes and noes of
36 such qualified voters attending and voting at such district meetings.

37 4. ~~[In the event that the original proposed budget is not approved by~~
38 ~~the voters, the sole trustee, trustees or board of education may adopt a~~
39 ~~final budget pursuant to subdivision five of this section or resubmit to~~
40 ~~the voters the original or a revised budget pursuant to subdivision~~
41 ~~three of section two thousand seven of this part. Upon one defeat of~~
42 ~~such resubmitted budget, the sole trustee, trustees or board of educa-~~
43 ~~tion shall adopt a final budget pursuant to subdivision five of this~~
44 ~~section.]~~ Notwithstanding any other provision of law to the contrary,
45 ~~[the school district budget for any school year, or any part of such~~
46 ~~budget or]~~ any propositions involving the expenditure of money for such
47 school year shall not be submitted for a vote of the qualified voters
48 more than twice.

49 5. ~~[If the qualified voters fail to approve the proposed school~~
50 ~~district budget upon resubmission or upon a determination not to resub-~~
51 ~~mit for a second vote pursuant to subdivision four of this section, the~~
52 ~~sole trustee, trustees or board of education, after applying thereto the~~
53 ~~public school moneys and other moneys received or to be received for~~
54 ~~that purpose, shall levy a tax for the sum necessary for teachers' sala-~~
55 ~~ries and other ordinary contingent expenses in accordance with the~~

~~provisions of this subdivision and section two thousand twenty three of this article.~~

~~6. Notwithstanding the provisions of subdivision four of section eighteen hundred four and subdivision five of section nineteen hundred six of this title, subdivision one of section two thousand two of this article, subdivision one of this section, subdivision two of section twenty six hundred one a of this title and any other provision of law to the contrary, the annual district meeting and election of every common, union free, central and central high school district and the annual meeting of every city school district in a city having a population of less than one hundred twenty five thousand inhabitants that is scheduled to be held on the third Tuesday of May, two thousand three is hereby adjourned until the first Tuesday in June, two thousand three. The trustees or board of education of each such school district shall provide notice of such adjourned meeting to the qualified voters in the manner prescribed for notice of the annual meeting, and such notice shall provide for an adjourned budget hearing. The adjourned district meeting or district meeting and election shall be deemed the annual meeting or annual meeting and election of the district for all purposes under this title and the date of the adjourned meeting shall be deemed the statewide uniform voting day for all purposes under this title. Notwithstanding the provisions of subdivision seven of section sixteen hundred eight or subdivision seven of section seventeen hundred sixteen of this title or any other provision of law, rule or regulation to the contrary, in two thousand three the property tax report card shall be submitted to the department no later than twenty days prior to the date of the adjourned meeting and the department shall make its compilation available electronically at least seven days prior to such date.~~

~~7.] Each school district shall post on its website, if any, a final annual budget and any multi-year financial plan adopted by the board of education or trustees.~~

§ 13. The education law is amended by adding a new section 2023-c to read as follows:

§ 2023-c. Voter approval of tax levy limitations. 1. The tax levy for any school district subject to the tax levy limitations established by section thirteen hundred seven of the real property tax law shall be approved by the qualified voters of the school district as provided in this section. As used in this section, the term "tax levy proposition" means a proposition to authorize a tax levy sufficient to support the proposed school district budget, excluding any proposed capital tax levy; the term "override proposition" means a proposition to impose a more restrictive tax levy limit upon a school district than the tax levy limit established pursuant to section thirteen hundred seven of the real property tax law; and the term "general purpose state aid" means all forms of state aid which are payable to a school district as general support for the public schools, with the exception of building aid, library aid, computer hardware and software aid, universal pre-kindergarten aid and textbook aid. The director of the budget shall annually certify the amount of general purpose state aid payable to each school district.

2. a. The qualified voters of a common school district, union free school district, central school district, central high school district or a city school district in a city with less than one hundred twenty-five thousand inhabitants, upon filing of a valid petition pursuant to paragraph b of this subdivision, may vote to impose tax levy limits for the ensuing school year that are more restrictive than those otherwise

1 imposed by section thirteen hundred seven of the real property tax law.
2 No such vote shall apply to more than one school year.

3 b. Upon the filing with the trustee, trustees or board of education of
4 one or more petitions pursuant to this subdivision requesting that an
5 override proposition be submitted for a vote at a special district
6 meeting, such officers shall call a special district meeting to be held
7 on the first Tuesday in May, or the last Tuesday in April where there
8 would be a conflict with religious observances, in accordance with the
9 applicable provisions of subdivision three of section two thousand seven
10 of this part, for the purpose of submitting to the qualified voters an
11 override proposition. Such officers shall submit for a vote of the
12 qualified voters the proposition that was signed by the greatest number
13 of qualified voters, or, if there is a tie, the proposition signed by
14 the greatest number of qualified voters that was filed first. A petition
15 for an override proposition shall be signed by: (i) at least ten
16 percent of the registered voters of the school district based on the
17 register prepared at the last annual meeting and election of the school
18 district; or (ii) if the school district does not provide for the
19 personal registration of voters, by two hundred fifty qualified voters
20 or twenty percent of the number of voters who voted in the previous
21 annual election of the members of the board of education or trustees,
22 whichever is less. Such petition shall be filed in the office of the
23 clerk of the district between the hours of nine a.m. and five p.m., not
24 later than the twentieth day preceding the special district meeting at
25 which an override vote may occur.

26 c. Where a proposition to override a tax levy limitation is to be
27 submitted for a vote at a special district meeting called for this
28 purpose, the clerk of the district shall give notice of the time and
29 place of the special district meeting by publishing a notice at least
30 fourteen days prior to the special district meeting in two newspapers if
31 there shall be two, or in one newspaper if there shall be but one,
32 having general circulation within such district, provided, however, that
33 if there is no newspaper having general circulation within the district,
34 the said notice shall be posted in at least twenty of the most public
35 places in said district fourteen days before the time of such meeting.

36 d. An override proposition shall be a separate proposition in
37 substantially the following form:

38 "Shall the _____ school district be required to impose a tax levy
39 for the _____ school year, excluding any capital tax levy, that is no
40 greater than _____, even though the statutory tax levy limit for that
41 school year is _____?"

42 e. An override proposition shall be approved if over fifty percent of
43 the votes cast thereon are in the affirmative. If such override propo-
44 sition is approved by the qualified voters, the tax levy limit imposed
45 thereby shall be deemed to be the tax levy limit for the school district
46 for the coming school year for purposes of section thirteen hundred
47 seven of the real property tax law, and the trustees or board of educa-
48 tion shall adopt a budget that complies with such tax levy limit. Upon
49 approval of an override proposition, no other tax levy proposition may
50 be submitted to the voters for that same school year.

51 3. a. Unless an override proposition has been approved pursuant to
52 subdivision two of this section, the trustee, trustees or board of
53 education of a school district shall present at the annual meeting and
54 election a tax levy proposition in substantially the following form:

55 "Shall the _____ school district be authorized to impose a tax
56 levy for the _____ school year, excluding any capital tax levy,

1 of _____, when the statutory tax levy limit for that school year
2 is _____?"

3 b. Except as otherwise provided in section thirteen hundred seven of
4 the real property tax law, if the proposed tax levy does not exceed the
5 tax levy limit determined pursuant to section thirteen hundred seven of
6 the real property tax law, then the proposition shall be approved if
7 over fifty percent of the votes cast thereon are in the affirmative. If
8 the proposed tax levy would exceed the tax levy limit determined pursu-
9 ant to section thirteen hundred seven of the real property tax law, then
10 the proposition shall be approved if over fifty-five percent of votes
11 cast thereon are in the affirmative.

12 If the amount of general purpose state aid which will be payable to a
13 school district for the coming school year has not been certified by the
14 director of the budget, then fifty percent of the votes cast on the
15 proposition by qualified voters must be in the affirmative in order for
16 the proposition to be approved.

17 c. If the tax levy proposition is approved by the qualified voters,
18 the tax levy limit imposed thereby shall be deemed to be the tax levy
19 limit for the school district for the coming school year, and the trus-
20 tees or board of education shall adopt a budget that complies with such
21 tax levy limit. If, however, the tax levy proposition is not approved by
22 the qualified voters, then the trustees or board of education shall
23 adopt a budget that requires a tax levy excluding any capital tax levy,
24 that is no greater than the tax levy base determined pursuant to section
25 thirteen hundred seven of the real property tax law.

26 § 14. This act shall take effect immediately; provided, however, that:

27 (a) the amendments to paragraph a of subdivision 7 of section 1608 of
28 the education law, made by section six of this act, shall be subject to
29 the expiration and reversion of such paragraph pursuant to section 13 of
30 part A of chapter 97 of the laws of 2011, as amended, when upon such
31 date the provisions of section seven of this act shall take effect;

32 (b) the amendments to paragraph a of subdivision 7 of section 1716 of
33 the education law, made by section eight of this act, shall be subject
34 to the expiration and reversion of such paragraph pursuant to section 13
35 of part A of chapter 97 of the laws of 2011, as amended, when upon such
36 date the provisions of section nine of this act shall take effect; and

37 (c) the amendments to section 2022 of the education law, made by
38 section eleven of this act, shall be subject to the expiration and
39 reversion of such section pursuant to section 13 of part A of chapter 97
40 of the laws of 2011, as amended, when upon such date the provisions of
41 section twelve of this act shall take effect.