STATE OF NEW YORK

4098

2021-2022 Regular Sessions

IN ASSEMBLY

February 1, 2021

Introduced by M. of A. SCHMITT, MANKTELOW, GOODELL, BYRNES, ASHBY, WALCZYK, PALMESANO, McDONOUGH, DeSTEFANO, M. MILLER -- read once and referred to the Committee on Governmental Operations

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

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

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

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

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

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

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

(i) fees charged to the recipients of such program, project, or activity;

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

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

(c) "Unfunded mandate" means:

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

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(i) any state law that requires a local government to provide or undertake any new program, project or activity that results in an annual net additional cost to any local government in excess of ten thousand dollars or an aggregate annual net additional cost to all local governments within the state in excess of one million dollars; or

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

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

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

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

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

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

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

(c) results from the passage of a home rule message whereby a local government requests authority to implement the program or service specified in the statute, and the statute imposes costs only upon that local government which requests the authority to impose the program or service;

(d) is required by statute or executive order that implements a federal law or regulation and results from costs mandated by the federal government to be borne at the local level, unless the statute or executive order results in costs which exceed the costs mandated by the federal government;

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

(f) repeals or revises a state law to ease an existing requirement that a local government provide or undertake a program, project, or activity, or reapportions the costs of activities between local governments; or

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

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

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

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

(i) annual expenses of each municipal corporation in the state attributable to statewide legislation enacted by the state legislature;

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

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

(3) The comptroller shall provide a final copy of the report required by this section to the legislature no later than January first, two thousand twenty-five, and shall publish a full copy of the report for the public to view on the comptroller's official website.

§ 4. This act shall take effect immediately.