

# STATE OF NEW YORK

10889

## IN ASSEMBLY

April 8, 2026

Introduced by M. of A. MILLER -- read once and referred to the Committee on Ways and Means

AN ACT to amend the general municipal law and the education law, in relation to prohibiting the establishment of certain programs mandated for municipal corporations and school districts unless such programs are fully funded by the state; and to establish the New York state mandate review council

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

1 Section 1. The general municipal law is amended by adding a new  
2 section 26 to read as follows:

3 § 26. Funding of mandates. 1. Definitions. As used in this section,  
4 the following terms shall have the following meanings unless the context  
5 shall otherwise require:

6 (a) "Mandate" means:

7 (i) any state law, rule or regulation which establishes a new program  
8 or requires a higher level of service for an existing program which a  
9 municipal corporation is required to provide; or

10 (ii) any provision of general law which grants a new property tax  
11 exemption or abatement or increases an existing property tax exemption  
12 or abatement which a municipal corporation is required to provide.

13 (b) "Unfunded mandate" shall mean:

14 (i) any state law, rule or regulation which establishes a new program  
15 or requires a higher level of service for an existing program which a  
16 municipal corporation is required to provide, and which results in a net  
17 additional cost to such municipal corporation;

18 (ii) any alteration in funding provided to a municipal corporation for  
19 the purpose of defraying the costs of a program which it is required to  
20 provide, thereby resulting in a net additional cost to such municipal  
21 corporation; or

22 (iii) any provision of general law which grants a new property tax  
23 exemption or abatement or increases an existing property tax exemption  
24 or abatement which any municipal corporation is required to provide,

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

LBD09052-01-5

1 thereby resulting in a net additional cost to such municipal corpo-  
2 ration.

3 (c) "Net additional cost" means the increased cost or costs incurred  
4 or anticipated to be incurred within a one year period by a municipal  
5 corporation in performing or administering a mandate after subtracting  
6 therefrom any revenues received or receivable by such municipal corpo-  
7 ration on account of the mandated program or service, including but not  
8 limited to:

9 (i) fees charged to the recipients of the mandated program or service;

10 (ii) state or federal aid paid specifically or categorically in  
11 connection with the program or service; and

12 (iii) an offsetting savings resulting from the diminution or elimi-  
13 nation of any other program or service directly attributable to the  
14 performance or administration of the mandated program.

15 2. Funding of municipal corporation mandates. Notwithstanding any  
16 other provision of law to the contrary, no unfunded mandate shall be  
17 enacted which creates an increased annual net additional cost to any  
18 municipal corporation. Each mandate which imposes a net additional cost  
19 upon a municipal corporation shall provide for compensation or funding  
20 by the state of the full amount of the net additional cost thereof. In  
21 the event such compensation or funding is not provided, the mandate  
22 shall be void.

23 3. Exemptions to the funding of municipal corporation mandates  
24 requirement. (a) The state shall not be required to fund any mandate if:

25 (i) The mandate is required by a court order or judgment;

26 (ii) The mandate is provided at the option of the local government  
27 under a law, regulation, rule or order that is permissive rather than  
28 mandatory;

29 (iii) The mandate results from the enactment of legislation requested  
30 by the municipal corporation in a home rule message requesting authority  
31 to implement the program or service specified in the statute, and the  
32 statute imposes costs only upon that municipal corporation which  
33 requests the authority to implement the program or service;

34 (iv) The mandate is required by, or arises from, an executive order of  
35 the governor exercising their emergency powers; or

36 (v) The mandate is required by statute or executive order that imple-  
37 ments a federal law or regulation and results from costs mandated by the  
38 federal government to be borne at the local level, unless the statute or  
39 executive order results in costs which exceed the costs mandated by the  
40 federal government.

41 (b) Every statute, rule or regulation establishing a mandate shall  
42 provide that the effective date of any such mandate imposed on municipal  
43 corporations shall be consistent with the needs of the state and municip-  
44 al corporations to plan implementation thereof and be consistent with  
45 the availability of required funds.

46 § 2. The education law is amended by adding a new section 1527-b to  
47 read as follows:

48 § 1527-b. Funding of mandates imposed on school districts. 1. Defi-  
49 nitions. As used in this section, the following terms shall have the  
50 following meanings unless the context shall otherwise require:

51 (a) "Mandate" means:

52 (i) any state law, rule or regulation which establishes a new program  
53 or requires a higher level of service for an existing program which a  
54 school district is required to provide; or

1 (ii) any provision of general law which grants a new property tax  
2 exemption or abatement or increases an existing property tax exemption  
3 or abatement which a school district is required to provide.

4 (b) "Unfunded mandate" shall mean:

5 (i) any state law, rule or regulation which establishes a new program  
6 or requires a higher level of service for an existing program which a  
7 school district is required to provide and which results in a net addi-  
8 tional cost to such school district;

9 (ii) any alteration in funding provided to a school district for the  
10 purpose of defraying the costs of a program which it is required to  
11 provide, thereby resulting in a net additional cost to such school  
12 district; or

13 (iii) any provision of general law which grants a new property tax  
14 exemption or abatement or increases an existing property tax exemption  
15 or abatement which a school district is required to provide, thereby  
16 resulting in a net additional cost to such school district.

17 (c) "Net additional cost" means the increased cost or costs incurred  
18 or anticipated to be incurred within a one year period by a school  
19 district in performing or administering a mandate after subtracting  
20 therefrom any revenues received or receivable by such school district on  
21 account of the mandated program or service, including but not limited  
22 to:

23 (i) fees charged to the recipients of the mandated program or service;

24 (ii) state or federal aid paid specifically or categorically in  
25 connection with the program or service; and

26 (iii) an offsetting savings resulting from the diminution or elimi-  
27 nation of any other program or service directly attributable to the  
28 performance or administration of the mandated program.

29 2. Funding of school district mandates. Notwithstanding any other  
30 provision of law to the contrary, no unfunded mandate shall be enacted  
31 which creates a net additional cost to any school district. Each  
32 mandate which imposes a net additional cost upon a school district shall  
33 provide for compensation or funding by the state of the full amount of  
34 the net additional costs thereof. In the event such compensation or  
35 funding is not provided, the mandate shall be void.

36 3. Exemptions to the funding of school district mandates requirement.

37 (a) The state shall not be required to fund any mandate for school  
38 districts if:

39 (i) The mandate is required by a court order or judgment;

40 (ii) The mandate is provided at the option of the school district  
41 under a law, regulation, rule or order that is permissive rather than  
42 mandatory;

43 (iii) The mandate results from the enactment of legislation requested  
44 by the school district in a home rule message requesting authority to  
45 implement the program or service specified in the statute, and the stat-  
46 ute imposes costs only upon that school district which requests the  
47 authority to implement the program or service;

48 (iv) The mandate is required by, or arises from, an executive order of  
49 the governor exercising their emergency powers; or

50 (v) The mandate is required by statute or executive order that imple-  
51 ments a federal law or regulation and results from costs mandated by the  
52 federal government to be borne at the local level, unless the statute or  
53 executive order results in costs which exceed the costs mandated by the  
54 federal government.

55 (b) Every statute, rule or regulation establishing a mandate shall  
56 provide that the effective date of any such mandate imposed on school

1 districts shall be consistent with the needs of the state and school  
2 districts to plan implementation thereof, and be consistent with the  
3 availability of required funds.

4 § 3. New York state mandate review council. 1. There shall be estab-  
5 lished a New York state mandate review council. Such council shall  
6 consist of fifteen members as follows: eight members appointed by the  
7 governor; three members appointed by the state comptroller; one member  
8 appointed by the temporary president of the senate; one member appointed  
9 by the speaker of the assembly; one member appointed by the minority  
10 leader of the senate; and one member appointed by the minority leader of  
11 the assembly. Such members shall be appointed and the council shall  
12 first convene no later than ninety days after this act shall have become  
13 law.

14 2. The members of the council shall include: at least one current or  
15 former county executive; at least one current or former county comp-  
16 troller; at least one current or former county legislator; at least one  
17 current or former mayor; at least one current or former city comp-  
18 troller; at least one current or former city councilmember; at least one  
19 current or former town supervisor; at least one current or former school  
20 superintendent; and at least one current or former member of a school  
21 board.

22 3. The council shall hold at least two hearings in each of New York's  
23 regional economic development council regions. No single county, city,  
24 town or village may host both hearings. Additionally, the council shall  
25 meet in the state capitol as often as necessary to draft the report  
26 required pursuant to subdivision 5 of this section.

27 4. The council shall review all mandates in the state and compile a  
28 report outlining all mandates which have no cost on either the state or  
29 localities, all mandates whose costs are covered by the state, and all  
30 mandates which counties, cities, towns and villages are required to pay  
31 for. The council shall have the authority to eliminate or suspend any  
32 mandate; provided, however that the council shall not be allowed to add  
33 any new mandates or refine any existing mandates other than to eliminate  
34 or suspend such mandates.

35 5. The council shall draft a report which provides information on all  
36 mandates in the state, indicating those mandates imposed by the state on  
37 localities, the cost of each mandate, the percentage of each county's  
38 budget which accounts for state-imposed mandates, legislative recommen-  
39 dations, and any other information that the council deems relevant.

40 6. The report required pursuant to subdivision 5 of this section shall  
41 be provided to the governor, the state comptroller, the speaker of the  
42 assembly, the temporary president of the senate, the assembly minority  
43 leader, and the senate minority leader and shall be published on the  
44 website of the state comptroller on the same day that such report is  
45 provided to such state officials.

46 § 4. No new mandates may be imposed on localities until the report of  
47 the New York state mandate review council required pursuant to section  
48 three of this act has been published.

49 § 5. This act shall take effect immediately and sections one and two  
50 of this act shall apply to mandates enacted on or after such effective  
51 date.