

HOW DOES THE TAX LEVY WORK?

What is a “tax levy limit?” Isn’t it called a “cap?”

For school districts, the “tax levy limit” is the highest allowable tax levy (before exemptions) that a school district can propose as part of its annual budget, which will require approval of a simple majority (more than 50% of voters.) New York state enacted a law that suggests school districts must keep their tax levy at or below 2% in order to be within the law. That is not true. The law does not hold school districts to a 2% “cap” of their tax levy. Each school district’s tax levy limit is determined by a complicated eight-step calculation. The legislation does not place a limit on any taxes a school district would levy to pay for expenditures related to specific “exempt” items, including some court orders, some pension costs and local capital expenditures.

Therefore, some schools will have a tax levy limit at or below 2%, but some will have a tax levy limit above 2%. Essentially, the “tax levy limit” sets a threshold requiring districts to obtain a higher level of community support for a proposed tax levy above a certain amount. Any proposed tax levy amount above a district’s allowable limit will require budget approval by a super majority (60% or more) of voters.

How is the “tax levy limit” determined for school districts?

The law dictates an eight-step formula that each school district must use to calculate its individual “tax levy limit.” In particular, the calculation adjusts a district’s tax levy to reflect growth in the local tax base (if any) and the rate of inflation, or 2%, whichever is lower. Tax levy limits are calculated by each district and will vary by district.

Does the law take into account that some expenses are currently outside a district’s control?

Yes. Taxes that school districts levy to pay for certain expenses are exempt from the tax levy limit calculation. In other words, after a school district calculates its tax levy limit, it then applies these exemptions to that amount. This allows the district to propose a tax levy greater than the amount set by the limit without triggering the need for approval by 60% of voters. These exemptions include: voter-approved local capital ex-

penditures; increases in the state-mandated employer contribution rates for teacher and employee pensions that exceed two percentage points; court orders/judgments resulting from tort actions of any amount that exceeds 5% of a district’s current levy. Tax certioraris, however, are not exempt. These exemptions seem to indicate an acknowledgement among lawmakers that schools have no ability to simply limit cost increases in these areas to the rate of inflation. As a result, a district’s final tax levy (after the levies for these exemptions are added in) could be greater than its published tax levy limit and yet still be considered, under the law, within that limit.

What is the difference between the tax levy and tax rate and how do they impact my tax bill?

To understand the answer to this question, it is important to know the difference between the terms tax levy and tax rate. Tax levy is part of the amount needed to fund a school district’s operations. Tax levy is only one factor in the calculation of an individual’s property tax bill. Tax rate is determined by the tax levy, the assessed value of a property and the equalization rate set by the town. In May, residents vote to adopt a budget with an estimated tax levy. In August, the board of education adopts a resolution to officially set the tax levy. It is also important to know that the new law applies to the tax levy, not to tax rates or individual tax bills. In addition, the law does not impose a universal 2% cap on taxes—or any other specific amount. The law does require a greater number of voters to approve a budget that exceeds a school district’s individual tax levy limit, as calculated by a complex formula. There are several factors that dictate how an individual’s school tax bill is calculated after a school district sets the final tax levy—none of which are within the district’s control. Tax bills continue to be calculated by using a property’s assessed value (as determined by the local town assessor), and the tax rate—or the amount paid in taxes per \$1,000 of assessed value. Tax rates are not solely determined by the tax levy approved by voters; they are often adjusted by the state using equalization rates, which are designed to equally distribute the tax burden across municipalities within a district. Tax bills can also be affected by STAR or other exemptions for which individual taxpayers may qualify.