



State of New York

Executive Chamber

No. 22

E X E C U T I V E O R D E R

APPOINTING THE NEW YORK STATE COMMISSION ON PROPERTY TAX RELIEF

WHEREAS, high local property taxes impose a tremendous burden on New York taxpayers, including forcing seniors out of their homes, driving our young people out of our state, and discouraging the formation and expansion of businesses; and

WHEREAS, New York's per capita local tax burden is the highest in the nation, and is more than twice the national average; and

WHEREAS, school district property taxes account for 61% of the property taxes paid by New Yorkers outside of New York City, and these taxes have been growing by an average of 7.3% annually; and

WHEREAS, local property taxes have continued to rise, despite last year's historic increase in state education funding and numerous State efforts to relieve the property tax burden; and

WHEREAS, there is a need to uncover the root causes of high property taxes, with particular examination of unfunded mandates on both school districts and municipalities;

WHEREAS, the State's annual investment of \$5 billion to lessen the impact of property taxes through the School Tax Relief (STAR) program has not mitigated the need for school districts to raise taxes over the past few years; and

WHEREAS, consideration must be given to the implementation of a fair and effective cap on school district property taxes while maintaining educational quality; and

NOW, THEREFORE, I, Eliot Spitzer, Governor of the State of New York, by virtue of the authority vested in me by the Constitution and laws of the State of New York, including

section six of the Executive Law, do hereby establish the New York State Commission on Property Tax Relief, with the following membership, responsibilities and powers:

1. The Commission shall be comprised of the following seven members: Thomas R. Suozzi, who shall be the Chair, Shirley Strum Kenny, Basil A. Paterson, Nicholas J. Pirro, Michael A. Solomon, Merryll H. Tisch, and Paul A. Tokasz.

2. The Commission shall examine and investigate the management and affairs of any and all departments, boards, bureaus or commissions of the State of New York with respect to the issue of local property taxes, including, but not limited to:

- (a) the root causes of New York's high property tax burden, including the expenditures of local governments and school districts, unfunded mandates imposed by the State, and other factors driving the growth of local property tax levies;
- (b) the impact of increased state financial support and state taxpayer relief and rebate programs on local school district budgets and tax levies;
- (c) the extent of public involvement in the development and approval of school and other local government budgets;
- (d) the effectiveness of the various state mechanisms to provide property tax relief to different classes of taxpayers;
- (e) the effectiveness of property tax caps as a mechanism to control growth in school district tax levies, the experience of other states in implementing such caps, and the potential impact of such caps on educational achievement; and
- (f) the most effective approach to imposing a limit on local school property tax growth in New York State without adversely impacting the ability of school districts to provide a quality education to all students.

3. The Commission is hereby empowered to subpoena and enforce the attendance of witnesses, to administer oaths or affirmations and examine witnesses under oath, to require the production of any books, records or papers deemed relevant or material, and to perform any other functions that are necessary or appropriate to fulfill its duties and responsibilities, and I hereby give and grant to the Commissioners all powers and authorities that may be given or granted to persons appointed by me for such purpose under authority of section six of the Executive Law.

4. The Commission shall be assisted by an Executive Director and such other staff as shall be designated by the Governor, including but not limited to staff from the Office of Real Property Services, the Governor's Office of Regulatory Review, the Division of the Budget and the Department of State.

5. A majority of the total members of the Commission shall constitute a quorum, and all recommendations of the Commission shall require approval of a majority of the total members of the Commission. Members of the Commission shall serve without compensation but shall be reimbursed for all actual and necessary expenses incurred in the performance of their duties. No member of the Commission shall be disqualified from holding any public office or employment, nor shall he or she forfeit any

such office or employment by virtue of his or her appointment hereunder.

6. Every agency, department, office, division, public authority or political subdivision of the State shall cooperate with the Commission and furnish such information and assistance as the Commission determines is reasonably necessary to accomplish its purposes.

7. The Commission shall issue a final report no later than December 1, 2008, setting forth its findings and conclusions and making such recommendations as it shall deem necessary and proper. In addition, the Commission shall issue such interim reports as it shall deem necessary, including an interim report no later than May 15, 2008 setting forth the Commission's recommendations with respect to a statutory school property tax cap.

G I V E N under my hand and the
 Privy Seal of the State
 in the City of Albany
 this twenty-third day
 of January in the year
 two thousand eight.



BY THE GOVERNOR

W. H. Brown

Secretary to the Governor

Chris A.