



NEW YORK STATE SENATOR

Darrel J. Aubertine

18 Senators—Republican and Democrat from across state—Sign Letter Opposing Freeze of State Property Tax Payments for Forest Lands

DARREL J. AUBERTINE March 18, 2009

ALBANY (March 19, 2009)—State Sen. Darrel J. Aubertine, joined by 17 colleagues in both political parties from Long Island, New York City and throughout Upstate New York, has called on Majority Leader Malcolm A. Smith to oppose an executive budget proposal that would freeze state payments of local property taxes on State owned land.

“This proposal would set two tax rates in every municipality with state forest land: One for the state and one for private citizens,” Sen. Aubertine said. “If property owners unilaterally decided not to pay taxes above what they paid last year, they would lose their property in a foreclosure proceeding. Particularly in a time of economic stress the state must not shift the burden to local government and must continue to pay its fair share.”

Since 1886, when the Legislature passed its historic measure to preserve New York’s wild lands in the Adirondack and Catskill parks, the State has paid its share of the municipal property taxes on these lands. The Executive Budget proposal would cap the state’s payments at 2007 levels by amending Section 544 of Real Property Tax Law.

“Everyone understands the financial difficulties we face as a state, but capping state payments on these lands would directly shift the state’s financial difficulties on local

governments,” Sen. Aubertine said. “The members who signed this letter, both Democrats and Republicans from across the state, are disappointed that the Division of the Budget seems to have confused paying the property taxes this state owes on its lands with the aid it provides municipalities.”

The state paid more than \$170 million in property taxes to counties, municipalities, school and special districts in 2007. If the Division of Budget’s proposal is adopted, any property tax increases will not affect the state, leaving private land owners to make up the difference in the levy. This would mean any increase to the levy would translate to a decrease in the tax rate for the state and a substantial increase for private property owners.

In some towns, the state is the primary property owner and state land comprises 70 percent or more of a town’s land base. In these towns the impact of even the smallest property tax increase to pay for essential services could make owning property too expensive. State land in these towns cannot be developed. The state’s refusal to pay its fair share of property taxes breaches the agreement it made with these towns.

In the letter, Sen. Aubertine and his colleagues point out that the recent court case *Dillenberg vs. New York State* upheld and further buttressed the right of municipalities to assess and collect property taxes on State owned lands within their borders. The letter calls the proposal of “questionably legality at best” and states that this proposal sets a “dangerous precedent by creating two separate ad valorem tax rates.” The letter closes with the Senators stating that “We as lawmakers cannot ethically conserve our wild places if we do not preserve the integrity of our rural communities.”

The letter is signed by Sens. Aubertine, David J. Valesky, William T. Stachowski, Bill Perkins, Craig M. Johnson, Neil D. Breslin, Suzi Oppenheimer, Andrea Stewart-Cousins, James L. Seward, Bill Larkin, Elizabeth O. Little, Hugh T. Farley, Diane J. Savino, Thomas P. Morahan,

Velmanette Montgomery, John L. Sampson, Pedro Espada, and John J. Bonacic.

In addition to these 18 Senators, the following groups are among the many which have also spoken out in opposition to this proposal: Association of Towns of the State of New York, New York State School Boards Association, New York State Association of Counties, Adirondack Mountain Club, Empire State Forest Products Association, The Nature Conservancy, Adirondack Council, Catskill Center for Conservation and Development, Adirondack Landowners Association, Open Space Institute, Adirondack Local Government Review Board, Association for the Protection for the Adirondacks, Wildlife Conservation Society, Adirondack Association of Towns and Villages, Adirondack North Country Association, Audubon New York, Catskill Forest Association, and the Residents' Committee to Protect the Adirondacks.