



## Department of Taxation and Finance

### **Report on State-Owned Lands as Required by Chapter 222 of 2018.**

Chapter 222 of the Laws of 2018 required the Department of Taxation and Finance to conduct a study of State-owned lands within the Counties of Dutchess, Putnam, and Westchester. As required, this study sets out the current methods of compensating local governments and school districts whose tax bases included State-owned land and the payments currently made by the State pursuant to Real Property Tax Law §§ 532, 533, 534 and 536 and Environmental Conservation Law § 15-2115. This study also projects the fiscal impacts of making payments to local governments and school districts for State-owned land that is currently tax-exempt.

#### Statutes Governing Local Taxation of State-owned Land

By default, land owned by New York State is immune from local taxation under the doctrine of sovereign immunity. Therefore, a local government or school district may not impose taxes upon State land within its borders unless the State has statutorily waived its sovereign immunity and affirmatively consented to pay those taxes. The main statutes that authorize the taxation of State-owned land are Real Property Tax Law (RPTL) §§ 532, 533, 534 and 536. Section 532 subjects State land in certain jurisdictions to taxation for all purposes. Section 533 provides for taxation of certain state-held conservation easements. Section 534 subjects State reforestation land to taxation for all purposes other than county purposes. Section 536 subjects State land in certain jurisdictions to taxation for school purposes only. In addition, § 15-2115 of the Environmental Conservation Law authorizes the taxation of State lands under the jurisdiction of the Hudson River-Black River Regulating District.

#### State-Owned Land subject to Local Taxation

The amount of State-owned land that is subject to taxation is about 3.9 million acres. In addition, the State now has acquired taxable conservation easements on more than 800,000 acres, primarily in the Adirondack and Catskill Parks, where it pays a share of the underlying fee title holders' taxes. The breakdown by county of the 3.9 million taxable State-owned acres is found in Appendix A-1, which shows the acreage of State-owned lands that are already taxable by four broad categories corresponding to different statutory provisions. Appendix A-2 shows the value of State-owned lands by County.

**Appendix A-1**  
**Acres of Taxable State-Owned Lands**  
**New York State by County — 2016**

County <sup>1</sup>	Forest Preserve Lands <sup>2</sup>	Land Taxable for School Purposes Only <sup>3</sup>	Reforested Lands <sup>4</sup>	Other <sup>5</sup>
	Acres	Acres	Acres	Acres
New York State	2,906,007	48,549	599,087	320,652
Albany	—	—	3,228	—
Allegany	—	—	43,501	—
Broome	—	64	7,321	—
Cattaraugus	—	593	27,885	62,689
Cayuga	—	—	8,041	—
Chautauque	—	—	15,177	—
Chemung	—	—	518	—
Chenango	—	—	56,307	19,473
Clinton	69,447	1,041	9,432	—
Columbia	—	—	3,708	—
Cortland	—	—	25,971	—
Delaware	42,350	—	16,110	—
Dutchess	—	6,878	835	—
Erie	—	364	—	—
Essex	560,689	—	—	—
Franklin	266,779	—	20,273	—
Fulton	79,529	—	1,450	20,047
Greene	79,600	1,006	4,897	—
Hamilton	801,643	—	—	486
Herkimer	355,915	2,389	3,265	3,403
Jefferson	—	—	5,756	14,371
Lewis	60,078	—	68,357	15,753
Livingston	—	1,733	2,591	2,003
Madison	—	130	20,700	—
Monroe	—	840	—	—
Montgomery	—	—	6,753	—
Nassau	—	—	—	434
Oneida	9,176	6,668	36,472	4
Onondaga	—	—	2,199	—
Ontario	—	—	—	5,057
Orange	—	70	8,589	48,064
Orleans	—	208	—	—
Oswego	—	—	14,859	13,521
Otsego	—	—	16,212	1,894
Putnam	—	—	—	25,013
Queens	—	—	—	174
Rensselaer	—	—	3,566	7,627
Rockland	—	—	—	33,968
St. Lawrence	172,095	—	54,122	—
Saratoga	18,202	1,289	1,338	8,452
Schoharie	—	—	32,006	—
Schuyler	—	—	16,499	—
Seneca	—	667	—	—
Steuben	—	—	18,842	—
Suffolk	—	18,824	—	—
Sullivan	19,305	848	1,366	9,893
Tioga	—	—	9,453	—
Tompkins	—	—	18,694	—
Ulster	157,030	1,578	5,202	22,788
Warren	191,369	—	1,318	—
Washington	22,789	1,833	5,512	—
Westchester	—	83	—	—
Wyoming	—	1,652	—	—
Yates	—	—	670	5,568

— Represents zero.

<sup>1</sup> Includes only the counties in which New York State owns taxable land.

<sup>2</sup> Taxable for all purposes under Sections 532 (a) and (b) of the Real Property Tax Law.

<sup>3</sup> Taxable for school district purposes under Section 536 of the Real Property Tax Law.

<sup>4</sup> Taxable for all except county purposes under Section 534 of the Real Property Tax Law.

<sup>5</sup> Taxable for all purposes under Sections 532 (c) - (j) of the Real Property Tax Law and Section 15-2115 of the Environmental Conservation Law.

<sup>6</sup> Represents the sum of city and town assessment roll market values determined by local assessors rather than appraisal values formerly reported by the State Office of Real Property Tax Services market survey. The change results from the "Shandaken Decision": Town of Shandaken v. SEEA, 62 N.Y. 2d 442 (1994).

SOURCE: New York State Department of Taxation and Finance - Office of Real Property Tax Services



**Appendix A-2**  
**Market Value of Taxable State-Owned Lands**  
**New York State by County — 2016**

County <sup>1</sup>	Forest Preserve Lands <sup>2</sup>	Land Taxable for School Purposes Only <sup>3</sup>	Reforested Lands <sup>4</sup>	Other <sup>5</sup>
	Value <sup>6</sup>	Value <sup>6</sup>	Value <sup>6</sup>	Value <sup>6</sup>
New York State	\$3,243,604,879	\$1,365,337,796	\$663,368,886	\$2,169,117,003
Albany	—	—	3,750,387	—
Allegany	—	—	47,698,800	—
Broome	—	513,000	5,570,385	—
Cattaraugus	—	972,100	49,568,400	141,672,600
Cayuga	—	—	11,662,100	—
Chautauque	—	—	23,906,600	—
Chemung	—	—	534,200	—
Chenango	—	—	71,983,189	33,522,695
Clinton	67,717,300	2,663,700	5,568,600	—
Columbia	—	—	11,668,500	—
Cortland	—	—	37,532,200	—
Delaware	73,461,214	—	23,501,358	—
Dutchess	—	80,202,200	3,058,674	—
Erie	—	685,000	—	—
Essex	537,532,228	—	—	—
Franklin	388,803,714	—	10,034,479	—
Fulton	57,530,782	—	1,366,660	27,223,400
Greene	100,262,873	1,959,500	8,464,600	—
Hamilton	790,604,366	—	—	1,904,000
Herkimer	262,539,539	2,523,000	3,067,600	2,796,200
Jefferson	—	—	3,953,600	9,562,400
Lewis	34,594,800	—	42,892,600	9,330,200
Livingston	—	4,972,600	3,800,100	2,617,400
Madison	—	381,600	30,965,900	—
Monroe	—	1,133,100	—	—
Montgomery	—	—	8,775,300	—
Nassau	—	—	—	131,208,500
Oneida	7,054,021	9,549,727	28,268,778	121,709
Onondaga	—	—	2,403,400	—
Ontario	—	—	—	15,484,800
Orange	—	2,129,582	41,770,521	228,207,611
Orleans	—	408,600	—	—
Oswego	—	—	14,792,300	12,914,000
Otsego	—	—	15,670,204	929,516
Rutland	—	—	—	173,996,406
Queens	—	—	—	412,918,010
Rensselaer	—	—	3,240,547	11,446,137
Rockland	—	—	—	827,794,211
St. Lawrence	182,219,960	—	26,659,537	—
Saratoga	19,024,300	27,650,100	1,445,600	71,387,902
Schoharie	—	—	31,562,521	—
Schuyler	—	—	17,647,100	—
Seneca	—	3,687,800	—	—
Stauben	—	—	18,245,700	—
Suffolk	—	1,179,998,083	—	—
Sullivan	29,031,583	940,100	650,700	15,289,366
Tioga	—	—	11,035,700	—
Tompkins	—	—	29,144,500	—
Ulster	293,599,220	6,142,184	5,263,604	33,431,440
Warren	295,413,150	—	1,767,800	—
Washington	104,215,629	2,273,600	3,798,522	—
Westchester	—	33,703,200	—	—
Wyoming	—	2,818,000	—	—
Yates	—	—	625,300	5,359,500

— Represents zero.

<sup>1</sup> Includes only the counties in which New York State owns taxable land.

<sup>2</sup> Taxable for all purposes under Sections 532 (a) and (b) of the Real Property Tax Law.

<sup>3</sup> Taxable for school district purposes under Section 536 of the Real Property Tax Law.

<sup>4</sup> Taxable for all except county purposes under Section 534 of the Real Property Tax Law.

<sup>5</sup> Taxable for all purposes under Sections 532 (c) - (j) of the Real Property Tax Law and Section 15-2115 of the Environmental Conservation Law.

<sup>6</sup> Represents the sum of city and town assessment roll market values determined by local assessors rather than appraisal values formerly reported by the State Office of Real Property Tax Services market survey. The change results from the "Shandaken Decision": Town of Shandaken v. SEBA, 62 N.Y. 2d 442 (1984).

SOURCE: New York State Department of Taxation and Finance - Office of Real Property Tax Services

### Current State Real Property Taxes Payments

The State's overall liability for State-land related payments, including both ordinary tax payments and payments in lieu of taxes, has grown substantially over the years. The overall annual cost to the State has almost tripled over the last 20 years, increasing from about \$100 million to about \$250 million in the current fiscal year.

Appendix B shows data on tax payments for 2016 by county.

### **Taxes Paid on State-Owned Lands (2016) - By County**

COUNTY	AMT	COUNTY	AMT
Albany	\$161,687	Nassau	12,169,891
Allegany	\$1,410,866	Oneida	\$973,099
Broome	\$185,471	Onondaga	\$82,780
Cattaraugus	\$5,440,102	Ontario	\$400,650
Cayuga	\$258,695	Orange	12,339,811
Chautauqua	\$530,711	Orleans	\$7,962
Chemung	\$12,142	Oswego	\$891,743
Chenango	\$3,208,178	Otsego	\$404,409
Clinton	\$2,175,371	Putnam	4,697,779
Columbia	\$201,357	Rensselaer	\$415,864
Cortland	\$999,636	Rockland	45,030,520
Delaware	\$2,125,958	St Lawrence	7,180,631
Dutchess	\$2,444,584	Saratoga	3,615,300
Erie	\$15,952	Schoharie	\$933,438
Essex	21,235,512	Schuyler	\$434,310
Franklin	\$8,871,703	Seneca	\$65,929
Fulton	\$3,626,682	Steuben	\$483,273
Greene	\$2,976,963	Suffolk	7,897,890
Hamilton	20,591,478	Sullivan	1,920,328
Herkimer	\$8,268,065	Tioga	\$345,951
Jefferson	\$296,219	Tompkins	\$813,994
Lewis	\$2,251,474	Ulster	9,541,004
Livingston	\$431,433	Warren	\$6,844,737
Madison	\$802,642	Washington	2,933,887
Monroe	\$23,025	Westchester	\$959,613
Montgomery	\$200,047	Wyoming	\$42,404
NYC-Queens	\$18,303,680	Yates	\$179,913



## Fiscal Impact of Waiving Immunity from Taxation

While the Department has developed a detailed inventory of State lands that are subject to taxation, the same is not true for State lands that are wholly exempt from taxation, since the Department has no statutory duties in relation to such lands. The identification of parcels owned by the various entities comprising the State of New York is subject to local variation, though identification is made somewhat easier by the presence of exemption codes and property classification codes that are used by local assessors to describe each parcel. The accuracy of these codes is critical in determining the potential taxable status of a given parcel. Appendix C shows value State-owned land broken out by county.

**Market Value of State-owned Lands**

County	Full Market Value	County	Full Market Value
Albany	\$651,143,309	Oneida	\$43,997,996
Allegany	\$33,499,681	Onondaga	\$111,504,983
Broome	\$73,510,822	Ontario	\$32,809,419
Cattaraugus	\$11,854,380	Orange	\$118,321,288
Cayuga	\$17,375,073	Orleans	\$14,360,207
Chautauqua	\$70,070,605	Oswego	\$31,373,855
Chemung	\$8,076,068	Otsego	\$18,544,743
Chenango	\$4,400,785	Putnam	\$5,271,425
Clinton	\$33,594,200	Rensselaer	\$20,761,296
Columbia	\$45,758,801	Rockland	\$7,373,270
Cortland	\$22,209,862	St Lawrence	\$31,911,416
Delaware	\$7,454,790	Saratoga	\$57,077,824
Dutchess	\$102,870,547	Schenectady	\$10,385,058
Erie	\$225,191,217	Schoharie	\$4,017,216
Essex	\$68,034,825	Schuyler	\$7,438,500
Franklin	\$11,821,079	Seneca	\$44,928,161
Fulton	\$6,406,678	Steuben	\$9,733,773
Genesee	\$12,897,718	Suffolk	\$2,964,341,111
Greene	\$2,082,602	Sullivan	\$23,943,063
Hamilton	\$3,142,611	Tioga	\$2,695,432
Herkimer	\$2,682,611	Tompkins	\$70,938,800
Jefferson	\$163,496,270	Ulster	\$32,413,140
Lewis	\$5,903,003	Warren	\$34,136,489
Livingston	\$25,215,049	Washington	\$17,055,322
Madison	\$14,038,793	Wayne	\$25,124,655
Monroe	\$65,060,290	Westchester	\$903,491,068
Montgomery	\$6,128,238	Wyoming	\$15,416,550
Nassau	\$3,354,643,441	Yates	\$17,769,449
Niagara	\$94,713,638	New York City	\$2,898,837,937



Appendix D shows the estimated the State fiscal impact by county for year 2017 of paying taxes for all purposes on all currently exempt State-owned land.

#### **Additional State Liability on Current Exempt Lands**

County	Additional Liability	County	Additional Liability
Albany	\$15,079,909	Oneida	\$1,417,003
Allegany	\$1,570,544	Onondaga	\$3,323,401
Broome	\$3,124,210	Ontario	\$967,878
Cattaraugus	\$344,629	Orange	\$3,801,127
Cayuga	\$510,695	Orleans	\$329,236
Chautauqua	\$1,203,870	Oswego	\$1,082,202
Chemung	\$258,253	Otsego	\$450,635
Chenango	\$168,990	Putnam	\$166,577
Clinton	\$1,078,374	Rensselaer	\$678,894
Columbia	\$1,092,361	Rockland	\$256,177
Cortland	\$919,488	St Lawrence	\$1,103,407
Delaware	\$166,843	Saratoga	\$1,236,585
Dutchess	\$3,257,145	Schenectady	\$370,870
Erie	\$6,861,333	Schoharie	\$145,021
Essex	\$1,291,036	Schuyler	\$183,731
Franklin	\$298,577	Seneca	\$1,217,907
Fulton	\$199,888	Steuben	\$341,554
Genesee	\$265,135	Suffolk	\$64,808,149
Greene	\$54,772	Sullivan	\$843,927
Hamilton	\$47,453	Tioga	\$91,375
Herkimer	\$64,956	Tompkins	\$2,381,931
Jefferson	\$3,325,489	Ulster	\$1,040,837
Lewis	\$149,346	Warren	\$593,975
Livingston	\$890,091	Washington	\$446,849
Madison	\$499,781	Wayne	\$949,712
Monroe	\$2,563,133	Westchester	\$9,128,093
Montgomery	\$236,808	Wyoming	\$485,621
Nassau	\$98,620,575	Yates	\$397,122
Niagara	\$3,168,274	New York City	\$115,482,308



It is important to note that the projected tax liabilities contained in this report are based upon the assessed values appearing on the assessment rolls of the jurisdictions involved. As a general proposition, however, the assessed values placed upon wholly exempt properties by local assessors are not necessarily as reliable as the assessed values of taxable properties. That is because, by definition, the tax liability of a wholly exempt property will be zero no matter what its assessed value is. Assessors, as one would expect, rightly devote their limited resources to conducting valuations of taxable properties. Thus, these projections are necessarily general estimates based upon the data that is currently available. Were such lands to become taxable, the Department would need to undertake an program to verify the accuracy of these assessments in the exercise of its annual administrative review process.

Given the aforementioned caveats, staff of ORPTS estimates that subjecting all State-owned lands to taxation for all purposes would more than double the current reimbursements to local governments, likely increasing the cost by over \$350 million annually.

#### State-owned Land in Dutchess, Putnam and Westchester Counties

As indicated in Appendix A-1, Dutchess County currently has 6,878 acres of State-owned lands that are taxable for school purposes only pursuant to RPTL § 536(a) and (b), and another 835 acres of reforestation lands that are taxable for all but County purposes pursuant to RPTL § 534. There are currently 25,013 acres of State-owned lands in Putnam County that are taxable for all purposes pursuant to RPTL § 532(d). Westchester County has just 83 acres of State-owned lands that are currently taxable for school purposes only pursuant to RPTL § 536(a).

Appendix E, F, G and H, show the fiscal impact were the State to waive immunity from local taxation for its land holdings within Dutchess, Putnam and Rockland Counties.

#### **Appendix E - Additional Tax Liability - County Purposes**

County	Additional Tax Liability
Westchester	\$ 1,488,583.10
Dutchess	\$ 726,180.83
Putnam	\$ -

Note: State-owned lands in Putnam already subject to taxation



# Appendix F - Additional Tax Liability - By Municipality

Municipality	Additional Tax Liability
<b>Dutchess</b>	
Amenia	\$14,890
Beacon (City)	\$28,730
Beekman	\$30,702
Clinton	\$2,508
Dover	\$15,484
East Fishkill	\$24,812
Fishkill	\$209,056
Hyde Park	\$126,301
La Grange	\$44,394
Milan	\$2,103
Northeast	\$122,611
Pawling	\$399
Pine Plains	\$1,761
Pleasant Valley	\$900
Poughkeepsie	\$79,530
Poughkeepsie (City)	\$24,751
Red Hook	\$15,532
Stanford	\$3,402
Union Vale	\$999
Wappinger	\$18,537
Washington	\$815
<b>Westchester</b>	
Bedford	\$40,720
Bronxville	\$19,272
Cortlandt	\$33,230
Eastchester	\$12,291
Greenburgh	\$10,782
Harrison	\$132,623
Mamaroneck	\$2,700
Mount Kisco	\$26,825
Mount Pleasant	\$13,281
New Castle	\$8,273
New Rochelle (City)	\$21,450
North Castle	\$842
North Salem	\$35,672
Ossining	\$191,067
Peekskill (City)	\$11,138
Rye	\$219
Rye (City)	\$2,348
Scarsdale	\$15,016
Sleepy Hollow	\$10,925
Somers	\$1,168
White Plains (City)	\$26,318
Yonkers (City)	\$62,533
Yorktown	\$83,626



**Appendix G - Additional Tax Liability By School District**

<b>School District Name</b>	<b>Additional Tax Liability</b>
<b>Dutchess</b>	
Arlington	\$322,073
Beacon	\$314,734
Carmel	\$5,192
Copake-Taconic Hills	\$189,136
Dover	\$114,163
Hyde Park	\$99,218
Millbrook	\$36,387
Northeast	\$258,061
Pawling	\$8,199
Pine Plains	\$40,746
Poughkeepsie	\$31,360
Red Hook	\$150,560
Rhinebeck	\$1,871
Spackenkill	\$0
Wappingers	\$191,046
<b>Westchester</b>	
Ardsley UFSD	\$219
Bedford CSD	\$155,389
Blind Brook Rye UFSD	\$112,017
Briarcliff Manor UFSD	\$3,695
Bronxville UFSD	\$7,308
Chappaqua CSD	\$50,635
Croton-Harmon SD	\$24,472
Dobbs Ferry UFSD	\$70,561
Greenburgh Central 7 SD	\$262,781
Harrison CSD	\$300,711
Hasting-On-Hudson UFSD	\$25,440
Hendrick Hudson CSD	\$13,602
Irvington UFSD	\$29,082
Katonah-Lewisboro UFSD	\$48,925
Lakeland CSD	\$1,559,922
Mamaroneck UFSD	\$88,266
Mount Pleasant CSD	\$105,718
New Rochelle CSD	\$74,927
North Salem CSD	\$163,651
Ossining CSD	\$55,649
Peekskill CSD	\$10,486
Pleasantville UFSD	\$69,742
Potantico Hills CSD	\$1,050,973
Rye CSD	\$8,504
Scarsdale UFSD	\$51,886
Somers CSD	\$12,821
Tuckahoe UFSD	\$521,411
UFSD of the Tarrytowns	\$822,974
Valhalla UFSD	\$1,316
White Plains CSD	\$80,269
Yonkers CSD	\$138,892
Yorktown CSD	\$484,629



**Appendix H – Additional Tax Liability – by Village**

<b>Village</b>	<b>Additional Tax &amp; Liability</b>
Bronxville	\$1,701
Ossining	\$373,539
Sleepy Hollow	\$95,076