

STATE OF NEW YORK  
DEPARTMENT OF TAXATION AND FINANCE  
COMMISSIONER OF TAXATION AND FINANCE  
ALBANY, NEW YORK

Pursuant to the authority contained in Tax Law section 171, subdivision First, and paragraph (c) of subdivision (2) of section 2023-a of the Education Law, the Commissioner of Taxation and Finance hereby makes and re-adopts as an emergency measure the following amendments to the Real Property Tax Administration regulations as published in Title 20 of the Official Compilation of Codes, Rules and Regulations of the State of New York, to read as follows:

Section 1. A new Part 8300 is added to read as follows:

Part 8300

(Statutory Authority: Tax Law section 171, subdivision First;  
Education Law section 2023-a (2)(c))

Capital Local Expenditures for School District's Share of Additional Budgeted Capital Local Expenditures  
Made by a Board of Cooperative Educational Services

Section 8300.1. Definition of Capital Local Expenditures.

(a) Pursuant to Education Law Section 2023-a, beginning in the 2020-2021 school year and each school year thereafter, school districts may increase their property tax levy above the levy limit for certain costs resulting from Capital Local Expenditures, including the allowable share of board of cooperative educational services (BOCES) capital expenditures.

(b) For purposes of this section, Capital Local Expenditures are defined as those expenditures, including a school district's allowable share of BOCES capital expenditures, resulting from the financing,

refinancing, acquisition, design, construction, reconstruction, rehabilitation, improvement, furnishing and equipping of, or otherwise providing for school district/BOCES capital facilities, school district/BOCES capital equipment, including debt service and lease expenditures, and transportation capital debt service, subject to the approval of the qualified voters where required by law.

(c) Capital Local Expenditures must be for projects with a period of probable usefulness as defined in Local Finance Law.

(d) Capital Local Expenditures do not include expenditures for maintenance or operations.

(e) For the purposes of calculating the levy limit for 2020-2021, a district's share of BOCES capital expenditures in 2019-2020 must be added to the calculation of the prior year capital local expenditures.

Dated: Albany, New York  
November 2, 2020

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Michael R. Schmidt  
Commissioner of Taxation and Finance