

Don't cap Forest Preserve taxes

A letter to the governor

By the Adirondack Common Ground Alliance

POSTED: January 13, 2009

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Re: Proposal to cap property taxes on the Forest Preserve in the Adirondack Park

Dear Governor Paterson:

We, the undersigned members of the Adirondack Common Ground Alliance, respectfully request that, within the thirty day amendment period of your proposed budget, you rescind your amendment to Section 544 of the real property tax law, new subdivision 3, which proposes to cap property taxes on State lands. If New York State caps its payment of taxes on the approximately 3.0 million acres Forest Preserve lands in the Adirondack Park, the economic impact on our rural communities will be devastating.

The Common Ground Alliance is composed of a diversity of local leaders from the Adirondacks, including elected officials, private enterprises, and education, economic development, health and environmental non-profit organizations who are dedicated to identifying solutions that benefit Adirondack communities, their economies and the environment.

While we all understand the economic difficulties that the State is facing, we are opposed to your plan to trim State spending by capping the state's property tax payments on Forest Preserve lands to Adirondack towns, counties and school districts. It would be far more constructive for State government to work cooperatively with local governments and school districts, reduce state mandates and help them reduce property taxes for everyone. At a time when every municipality is struggling to provide much needed services to their residents, the additional burden of funding basic services on the Forest Preserve that are enjoyed by all New Yorkers would be a hard and unfair bill to pay.

The State has a legal obligation to pay Forest Preserve property taxes. The Legislature made a commitment in 1886 to pay full local property taxes on publicly owned Adirondack Forest Preserve lands, which today make up about half of the land within the Adirondack Park. (It made a similar commitment in the Catskill Park.) For more than a century, the Forest Preserve has provided a multitude of environmental, economic and recreational benefits for all New Yorkers, but this tax cap plan would shift the burden of maintaining these crucial resources to residents of these sparsely populated areas. We view the payment of taxes on the Forest Preserve as a permanent, essential and inviolate commitment from the people of New York State, who benefit so greatly from the Preserve, to the taxing districts in which those State lands are located.

The legitimacy of the State's tax payments on the Forest Preserve was upheld by the NYS Supreme Court's Appellate Division in 2008, in the case of Dillenburg vs. NYS. In that case, both the State and its supporters who filed amicus briefs reminded the court that the 1886 law granting the payment of property taxes on the Forest Preserve was not arbitrary and capricious, but was the legitimate right of the state to compensate local governments for basic services they provided on the Forest Preserve, as well as to compensate for tax receipts foregone by local government by the state's removing opportunities for development on Forest Preserve property. The outcome in that case gave all Adirondack and Catskill communities some assurance that State land taxes on the Forest Preserve would continue to be paid by the state as specified in the 1886 law.

We are disappointed by the idea that the Division of Budget would confuse their obligation to pay ad valorem property taxes with state aid to local communities. The decision to cap State land property taxes is conceptually flawed. Clearly, private individuals living on tight budgets don't have the option of deciding how much property tax they pay, and neither should the State. State tax payments are compensation for the prohibition against commercial use of the Forest Preserve, and in partial recognition of the services provided by local taxpayers (e.g., road maintenance, police, fire, courts, etc.).

The proposed tax cap would set a dangerous precedent by creating two separate ad valorem tax rates, one for the State and another for private property owners. The State has an obligation to pay its fair share of taxes. Not doing so would shift the State's financial responsibility unfairly to local taxpayers, many of whom are struggling to afford to remain in their homes. The damage done to local taxpayers and local economies would be dramatic, hitting hardest those towns with the fewest residents and the greatest amount of State land, which is often 70 percent to 80 percent of an Adirondack town's land base. When our hardworking Adirondack taxpayers are struggling to meet their financial obligations, it seems only right that the State would continue to be a good neighbor and honor the commitment to pay full taxes on the millions of acres it owns in the Adirondack Park.

This proposal is bad public policy that is already undermining local support for open space protection in the Adirondacks. The State's commitment to communities who host Forest Preserve lands is critically important for the continuation of New York's successful open space protection program. Continuing to support our local governments in the Forest Preserve will ensure the State can continue to protect our watersheds and ecologically and recreationally significant tracts of land, and allow all New Yorkers to connect with these special places.

Governor Paterson, we urge you to eliminate this injurious proposal to cap property taxes on the Forest Preserve within the thirty day amendment period of your proposed budget. The economic survival of our small rural communities depends on your leadership to do what is right. Thank you for your consideration.

Respectfully,

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