

State Programs Funded By County Property Taxes



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STATE PROGRAMS FUNDED BY COUNTY PROPERTY TAXES

INTRODUCTION

Counties in New York have long served as the principal partner in administering the State's most critical programs in areas such as health, human services and public protection. But over time, the State has required county property taxpayers to subsidize an increasing amount of the State's program and services. In fact, in 2012 more than \$11 billion in local taxes will be used to subsidize State spending decisions. This represents 16 percent of the State's total general fund.

History has demonstrated that when the State experiences budget deficits, the State shifts costs to county taxpayers. This effectively requires county taxpayers to subsidize State programs. These subsidies to the State have forced property tax increases for more than four decades—and driven businesses and families out of New York at the same time.

Recognizing the correlation between high property taxes and a decreasing population and business infrastructure, last year State leaders enacted a cap on the growth of property taxes. County officials applaud the Governor and State lawmakers for focusing on the escalating property tax crisis we have in New York State. Now State leaders must take responsibility for their part of the property tax problem by reforming State programs funded through increased property taxes.

Last year, county leaders identified 9 State mandates that consume 90 percent of the entire county property tax levy collected statewide. But there are other State mandates that also eat into the county spending plan. This document addresses how property taxes are used to pay for State programs.

MEDICAID

The program that exists in New York today bears little resemblance to the program initiated by Governor Rockefeller and the State Legislature in the mid-1960s. The New York Medicaid program was initiated by Governor Rockefeller in the 1960's, when New York State opted into the Federal healthcare safety net. At that time, Medicaid was built on the platform of county services to provide for the health and welfare of its residents. New York was one of few States in the nation to require counties to share in the cost of the program, and the only one to require counties to fund a full half of the State's cost in the program.

More than four decades later, Medicaid in New York has grown into the nation's largest, and most complex state system of healthcare funding and finance. Despite a 3 percent growth cap for counties instituted in 2005, local costs continue to rise by \$180 million each year—automatically.

In 2012, local taxpayers will fund \$7.5 billion of the State's Medicaid program—a far cry from the \$112 million in local funds provided in 1966.

PUBLIC ASSISTANCE

Temporary Assistance to Needy Families

Public assistance includes a variety of programs in New York but the core Family Assistance Program provides time-limited cash assistance and support services to low income families to help them achieve self-sufficiency. Funding for Family Assistance (TANF) in New York is currently reimbursed 100 percent by federal funds. It is unknown how long this funding will continue due to the caseload increases. That funding mechanism went into place in SFY 2011-12.

Safety Net

New York's Safety Net program provides assistance to non-families (childless adult couples, single adults, people that have exceeded their five year limit on Family assistance and others). Cash assistance and other supportive services similar to Family Assistance are provided in this program. Currently, Safety Net Assistance is funded at 71 percent counties and 29 percent state. That went into effect SFY 2011-12. Together, the different funding percentage advantaged some counties (lowered costs) while in others, it was a disadvantage (raised costs). The primary reason behind the impact was based on percentage of the caseload in the different programs—if most of a county's cases were non-TANF, then it was likely that the shift in funding cost that county additional money. There is no timeline for how long Safety Net will be funded at the 71/29 split (it was one-year language).

Child Welfare

Child Welfare, Protective and Preventive Services

Counties administer and fund a share of the costs of providing child welfare services to children and families in need. These activities include services, interventions and investigations designed to help prevent child abuse and protect children's welfare. Prevention services can cover a wide array of activities and family supports. Child protection services are required in more intensive cases and are often provided at the direction of the court system. Currently, the State funds about 62 percent of the non-federal share of these services and counties and New York City cover 38 percent. In recent years the State Legislature and Governor have cut State support for child welfare services and forced counties and New York City to make up the cuts out of local budgets. Over the last two budget cycles the State has cut its share of funding, shifting about \$60 million in costs to counties. These cost shifts and cuts have come with minimal relief from State mandates in these programs resulting in direct cost increases for local taxpayers to support State programs.

STATE PROGRAMS FUNDED BY COUNTY PROPERTY TAXES

Emergency Assistance for Families and Individuals

County departments of social services provide emergency assistance including aid, care and services to meet the emergency needs of a child or a household in which a child is living.

Foster care

Where a child is identified by a county social services department as being considered for placement in foster care, within thirty days from the date of such identification, an assessment of the child and his or her family circumstances must be performed. Where a child is removed from their home, within thirty days of such removal the county department of social services must perform an assessment of the child and his or her family circumstances, or update any assessment performed when the child was considered for placement. Children are placed in foster care either by order of a court (involuntary) or because their parents are willing to have them cared for temporarily outside the home (voluntary).

An involuntary placement occurs when a child has been abused or neglected (or may be at risk of abuse or neglect) by his or her parent or someone else in the household, or because a court has determined that the child is a “person in need of supervision” or a juvenile delinquent. The court orders the child removed from the home and determines the length of the placement.

A voluntary placement occurs when parents decide that they are temporarily unable to care for their child for reasons other than abuse or neglect. For example, the family is experiencing a serious medical, emotional, and/or financial problem. The parents sign a voluntary placement agreement that lists the responsibilities of the parents and the agency during the child’s placement. In the case of a voluntary surrender, however, the parents voluntarily and permanently give up all parental rights and transfer “custody and guardianship” to an authorized agency.

Adoption Services

County departments of social services must provide adoption services for each child in their care. These services may be provided directly or through the purchase of service. These services are to include the evaluation of a child’s placement needs and pre-placement planning, recruitment of and homestudy for prospective adoptive parents, training of adoptive parents, placement planning, and supervision and post adoption services.

Enforcement of Child Support: County departments of social services must establish a single organizational unit to assist the state in the location of absent parents, establishment of paternity and enforcement and collection of support in accordance with the regulations of the department. To aid in the enforcement and collection of support, each social services district must establish a support collection unit to collect, account for and disburse funds paid pursuant to any order of child support.

Other Social Services

Supported Employment

Supported Employment services are support services that are needed by individuals with severe disabilities to obtain and sustain supported employment. Supported employment services also include transitional employment services for individuals with severe and persistent mental illness.

Adult Protective Services

Adult protective services are those services provided to individuals without regard to income who, because of mental or physical impairments, are unable to manage their own resources, carry out the activities of daily living, or protect themselves from physical abuse, sexual abuse, emotional abuse, active, passive or self neglect, financial exploitation or other hazardous situations without assistance from others and have no one available who is willing and able to assist them responsibly.

Domestic Violence

To the extent that such shelter and services are available and necessary, social services districts must offer and provide emergency shelter and services at a residential program for victims of domestic violence who are eligible for public assistance or applied for public assistance and care during the time they resided in a residential program for victims of domestic violence.

Personal Care Assistance

Counties are responsible for costs associated with providing assistance and instruction in managing and maintaining a household, dressing, feeding, and incidental household tasks for persons at home because of illness, incapacity, or the absence of a caretaker relative. Such services shall be provided by persons who meet the standards established by the department of social services.

STATE PROGRAMS FUNDED BY COUNTY PROPERTY TAXES

The following is a list that captures the major state mandated functions within the above stated social services programs, but are by no means the only social services mandated facing County departments of social services

1) All counties must provide the State with all local welfare administration rules, regulations, and procedures of DSS operation; 2) the State has the authority to approve or deny the rules, regulations and procedures provided by the county; 3) guidelines over employee duties and responsibilities regarding confidentiality of clients is controlled by the state, 4) each county is required to establish and maintain a local advisory counsel 5) the requirement of the creation and operation of a child support collection office and staff 6) the requirement of the creation and operation of a child support enforcement office; 7) the process in which a county determines and implements public assistance needs; 8) the requirement to create and the fashion in which public assistance case records are maintained; 9) the requirement and function of distributing and making available informational documents and forms; 10) the form and function of notification of and the ability to provide a fair hearing process for DSS clients; 11) the process to determine eligibility and then provide the service for the following resident needs-medical assistance (Medicaid), case management of pregnant or parenting adolescences, child assistance programs aid to aged, blind or disabled, Family Assistance, Safety Net assistance, public institutional care, emergency assistance to needy families with children, refugee financial and medical assistance, food stamp programs, home energy assistance, family and children services 12) Form and function of fraud prevention and enforcement.

These statutory mandates have promulgated hundreds of additional regulatory requirements that county departments of social services must follow.

PRESCHOOL SPECIAL EDUCATION AND EARLY INTERVENTION

Pre-School Special Education

Chapter 23 of the Laws of 1989 established the Preschool Program for Children with Handicapping Conditions-Educational Program as Section 4410 of the Education Law. This law included a provision to reduce the county fiscal liability to 25 percent by the 1993-94 school year. Instead, counties now pay 40.5 percent of the program costs and 100 percent of the costs over the State mandated cap on the costs for transporting these children to their service providers. At the same time that counties' share has grown, the total costs for this mandated program have grown exponentially, from \$96 million in 1989 to over \$1 billion in 2010, with the county's 40.5 percent share being \$420 million. The federal and state law places responsibility for the program with the educational system and gives decision-making authority to school districts, even though counties continue to bear the financial burden for service and programmatic decisions.

Early Intervention

The New York State Early Intervention Program (EIP) is part of the national Early Intervention Program for infants and toddlers with disabilities and their families. First created by Congress in 1986 under the Individuals with Disabilities Education Act (IDEA), the EIP is administered by the New York State Department of Health through the Bureau of Early Intervention. In New York State, the Early Intervention Program is established in Article 25 of the Public Health Law and has been in effect since July 1, 1993. To be eligible for services, children must be under three years of age and have a confirmed disability or established developmental delay, as defined by the State, in one or more of the following areas of development: physical, cognitive, communication, social-emotional, and/or adaptive. There is no income eligibility for the Early Intervention Program. Counties are responsible to pay 100 percent of the cost of Early Intervention services in the first instance, with the State reimbursing counties 49 percent after a nine month lag.

PUBLIC SAFETY—INDIGENT DEFENSE

Indigent Defense Services

Under federal constitutional mandate to the State, in 1965, New York enacted Article 18-B of the County Law. This law required each county and New York City to establish a plan to provide counsel to indigent defendants.

The law allowed these municipalities to choose between several options to provide such service including; 1. public defender office, 2. designation of a legal aid society, 3. adopt a local bar association plan or 4. a combination of the above options. The law mandated that each plan provide for investigative, expert and other services necessary for adequate defense. One of the major problems with this system was that it placed significant financial burden on the counties

Though challenged both legally and criticized through reports of the statewide associations and the chief judge this system is still in place though the statewide partial reimbursement mechanism has been changed for the 2011 fiscal year. In addition a new oversight body has been created.

STATE PROGRAMS FUNDED BY COUNTY PROPERTY TAXES

PUBLIC SAFETY—PROBATION

Probation Services, Leandra's Law compliance

Probation services are provided by counties as mandated under NYS Executive Law. Local probation departments provide services including intake, diversion, investigation, supervision of probationers and other special or related programs. Probation supervision is performed by probation officers to ensure probationers abide by and remain accountable for the conditions set for the by the court in their sentence. Probation is a rehabilitative service and a critical alternative to incarceration (ATI) program in New York State.

Over the last several decades, State reimbursement to counties for probation has dwindled, leaving counties to shoulder an increasing share of the costs for this program—now 88% of costs are now supported by county taxpayers. Meanwhile, probation officers are enduring greater caseloads due to the creation of more State programs which have increased the number of individuals sentenced to probation. These include the ignition interlock monitoring program created under Leandra's Law, and the Rockefeller Drug Law reforms, which changed sentencing requirements for drug offenders.

A multitude of services and functions a county probation department provides are mandated by the State including, but not limited to the creation and filing of an annual Probation staff development plan, the implementation of a staff development officer, methods governing case records management, procedure involving investigation method and investigation reports, maintenance of confidential information, method of supervision of probationers, procedure concerning intake operations, handling of interlock casework (including Leandra's Law supervision requirements) supervision of conditional release candidates and the requirement of sex offender case management.

PUBLIC SAFETY—JUVENILE JUSTICE

Juvenile Justice includes services needed when a youth commits certain actions that would normally rise to the level of crimes or misdemeanors if not for the age factor (under 16). A county's probation department provides intake services to juvenile delinquents to divert youth from the courts. Diversion can include services provided by the county that make filing the JD matter with Family Court unnecessary. If diversion is not practical this matter is referred to the presentment agency (County Attorney) which in turn files a petition and presents this matter to Family Court.

Juvenile Detention (Secure and Non-Secure Costs)

A family court judge determines if the youthful offender should be placed in secure or non-secure detention. This determination is not made by a county official, however the costs associated with this determination are a county requirement to pay.

PUBLIC SAFETY—OTHER MANDATES

The following is a list of other public safety services and programs counties provide that are unfunded or underfunded.

Corrections/County Jail

Each county is required to maintain and operate a county jail. A county jail is necessary to house and secure individuals that have been convicted to sentences of less than a year or for individuals being transferred to State prison.

A multitude of services and functions a county jail provides are mandated by the State including, but not limited to, construction and renovation to the county jail, inmate admission procedures, security and supervision procedures, inmate personal hygiene protocols, inmate discipline procedure, administration of inmate good behavior benefits, visitation procedures, inmate food service standards, inmate health service standards, classification of inmates, sanitation standards, personnel standards including minimum staffing, reportable incidents procedures, inmate exercise standards, inmate grievance program protocol, facility capacity levels, educational services for youthful inmate standards and jail employee benefits such as municipal disability payments as stipulated under General Municipal Laws.

Law Library in County Jail

Each county is constitutionally required to provide inmates with legal research material. This traditionally meant the requirement to operate and maintain a law library for the inmates. However some jails and prisons are looking to satisfy the law library requirement by providing computers with legal information provide within them instead of books, current law does not allow them to do so. Both systems require start-up, maintenance and security costs.

Staffing for State and County Court

Correction officers provide security within State and County Courts. This includes, but is not limited to the secure transpiration and supervision of inmates when they are called before the court.

Prosecution Services

All counties maintain and operate a District Attorney's Office. This office provides the essential service of prosecuting crimes, misdemeanors, and traffic violations that are committed within their county. The District Attorney functions include investigation responsibilities. Prosecution of matters within the New York State Court System can be far ranging from town and traffic court to county, supreme, and appellate courts. Accordingly, a District Attorney's office must be equipped with experienced prosecutors that understand the demands that vary from court to court.

STATE PROGRAMS FUNDED BY COUNTY PROPERTY TAXES

Persons in Need of Supervision (PINS)

A “PINS” is an individual under the age of 18 who requires supervision due to behavior deemed as ungovernable disobedience. These acts include becoming a runaway, habitual truancy or acts that would be deemed as violations of the law if not for their age. Counties have the obligation to provide PINS supervision. This includes providing intake services from Probation or DSS for diversion of PINS matters, and the County Attorney’s Office filing PINS petitions, providing fact finding and participating in the Family Court hearing process.

One outcome of these hearings is that a Family Court judge can order a PINS to a non-secure facility or housing. The a non-secure facility or housing determination is not made by a county official, however costs associated with this service are a county requirement to pay.

OTHER MANDATES

Community Colleges

Community colleges may elect to collect operating chargebacks for nonresident students. A nonresident student is a student who has resided in New York for at least one year, but has resided outside of the sponsorship area during a portion or all of the six months preceding the date of the application for a certificate of residence. The operating chargeback rate per full-time student is equal to the community college sponsor’s actual contributions, including appropriated fund balance. To collect the chargeback, the president of the college or designee submits to each county a list of nonresident students attending the college on the basis of a certificate of residence and a voucher for the amount payable by each county for these students.

Article 6 Public Health Services

Article Six of the Public Health Law currently provides a base grant, then promises State reimbursement for 36 percent of local health department costs for core public health services. These local mandated public health services include investigation and control of communicable diseases, identification and abatement of lead hazards to prevent childhood lead poisoning, perinatal care, restaurants inspections, monitoring and protection of drinking water and injury prevention.

Rabies/Disease Control

County health authorities are responsible for all costs associated with the suppression of human rabies. Additionally counties are responsible for disease control. This include activities to control and mitigate the extent of non-infectious diseases, particularly those of a chronic, degenerative nature, and infectious diseases. Such activities shall include surveillance and epidemiological programs, and programs to detect diseases in their early stages. Specific activities shall include immunizations against infectious diseases, prevention and treatment of sexually transmissible diseases, and arthropod vector-borne disease prevention.

Family Health

Every four years, counties are required to submit a public health services plan. One element of public health services is family health. Family health includes activities designed to reduce perinatal, infant and maternal mortality and morbidity and to promote the health of infants, children, adolescents, and people of childbearing age. Such activities shall include family centered preinatal care and other services appropriate to promote the birth of a healthy baby to a healthy mother, and services to prevent and detect health problems in infants, young children, and school age children.

Coordination of community based mental health services

County departments of mental health/mental hygiene are responsible for the coordination and oversight of all community services to persons with alcohol and substance abuse problems, mental illness, mental retardation and/or developmental disabilities.

Substance Abuse Services

Counties are required to provide substance abuse services either directly or by purchase from a public or private non-profit agency. These services must be by the state division of substance abuse services and any facility furnishing these services must be supervised and approved by the state division of substance abuse services.

Board of Elections

Each county is required to operate a Board of Election which is responsible for election operation and functions for all government elections within the county. NY Election Law 3-400 (3) a sets the number of voters per election district at no more than 1150. This requirement directly impacts the number of election inspectors, election booths, and building space that the County Board of Elections must provide.

Consumer Protection—Department of Weights and Measures

Each County is required to maintain and operate a Department of Weights and Measures in order to ensure county consumer protection. Department of Weights and Measures has the duty to inspect and test company devices regarding the weight and measurement of sales products. State mandates regulate how a County Department of Weights and Measures must inspect and test weight and measurement devices used by businesses as well how to the Department weighs and measures, products and goods sold within a county.



The New York State Association of Counties is a bipartisan municipal association serving the counties of New York State including the City of New York. Organized in 1925, NYSAC mission is to represent, educate and advocate for member counties and the thousands of elected and appointed county officials who serve the public.

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