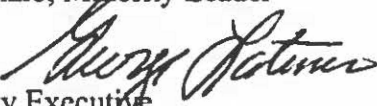


July 7, 2022

TO: Hon. Catherine Borgia, Chair
Hon. Nancy Barr, Vice Chair
Hon. Christopher Johnson, Majority Leader
Hon. Margaret Cunzio, Minority Leader

FROM: George Latimer 
Westchester County Executive

RE: Message Requesting Immediate Consideration: ACT – Waiving Sales
Tax on Home Energy.

This will confirm my request that the Board of Legislators allow submission of the referenced communication to be submitted to the Board of Legislators July 11, 2022 Agenda.

Attached is an ACT exempting residential energy sources and services from sales and compensating use taxes.

Therefore, since this communication is of the utmost importance, it is respectfully submitted that the County Board of Legislators accepts this submission for July 11, 2022 “blue sheet” calendar.

Thank you for your prompt attention to this matter.

George Latimer
County Executive

July 5, 2022

Westchester County Board of Legislators
800 Michaelian Office Building
148 Martine Avenue, 8th Floor
White Plains, New York 10601

Dear Honorable Members of the Board:

I respectfully request that your Honorable Board adopt "AN ACT of the Westchester County Board of Legislators exempting residential energy sources and services from sales and compensating use taxes pursuant to the authority of Article 29 of the Tax Law of the State of New York."

As you are aware, fuel prices have risen precipitously this year due to a myriad of factors including both inflationary pressures and the war in Ukraine, and these high prices appear unlikely to be reduced in the near future. Inflation in general has been very high this year, making it harder and harder for residents of Westchester to make ends meet. To that end, at my request, your Honorable Board enacted a temporary cap on sales tax on gasoline sales, and I waived fares for County buses.

Looking forward, I propose that the County temporarily waive sales tax on home energy during the peak home-heating season. The County has this authority under Article 29 of the New York State Tax Law, and I recommend exercising it to exempt home energy from sales tax for the period of December 1st through February 28th.

This measure would be helpful in reducing the pressures on residents of the county. The increase in fuel prices will cause an increase in prices on home heating fuel, while inflation has caused large increase in the cost of other sources of home energy. By exempting residential energy sources and services from sales tax, the County will provide tax relief its residents.

In order to have this cap go into effect on December 1, 2022, the County is required to have certified copies of the Act delivered to the New York State Department of Taxation and Finance no later than September 1, 2022. As such, I ask that you take immediate action on this legislation.

Passing this Act will provide needed relief to residents of Westchester County. In light of the aforementioned, I respectfully request that this Honorable Board adopt the proposed legislation.

Sincerely,



George Latimer
Westchester County Executive

TO: HONORABLE BOARD OF LEGISLATORS
COUNTY OF WESTCHESTER

The Committee is in receipt of “AN ACT of the Westchester County Board of Legislators exempting residential energy sources and services from sales and compensating use taxes pursuant to the authority of Article 29 of the Tax Law of the State of New York.”

Your Committee is aware that fuel prices have risen precipitously this year due to a myriad of factors including both inflationary pressures and the war in Ukraine, and these high prices appear unlikely to be reduced in the near future. Your Committee is further aware that inflation in general has been very high this year, making it harder and harder for residents of Westchester to make ends meet. To that end, your Committee recommended, and your Honorable Board enacted, a temporary cap on sales tax on gasoline sales, and the County Executive waived fares for County buses.

Looking forward, the County Executive has proposed that the County temporarily waive sales tax on home energy during the peak home-heating season. The County has this authority under Article 29 of the New York State Tax Law, and the County Executive recommends exercising it to exempt home energy from sales tax for the period of December 1st through February 28th.

Your Committee recognizes that this measure would be helpful in reducing the pressures on residents of the county. The increase in fuel prices will cause an increase in prices on home heating fuel, while inflation has caused large increase in the cost of other sources of home energy. By exempting residential energy sources and services from sales tax, the County will provide tax relief its residents.

Your Committee is further informed that, in order to have this cap go into effect on December 1, 2022, the County is required to have certified copies of the Act delivered to the New York State Department of Taxation and Finance no later than September 1, 2022. As such, your Committee believes that it is appropriate to take immediate action on this legislation.

Your Committee is informed that the proposed legislation does not meet the definition of an action under New York State Environmental Quality Review Act and its implementing regulations 6 NYCRR Part 617. Please refer to the memorandum from the Department of Planning dated January 14, 2022, which is on file with the Clerk of the Board of Legislators. Your Committee concurs in this conclusion.

Your Committee believes that passing this Act will provide needed relief to residents of Westchester County. The Committee, after careful consideration, recommends the adoption of this Act.

Dated: 2022
 White Plains, New York

COMMITTEE ON

FISCAL IMPACT STATEMENT

SUBJECT: Res. Energy SUT Exempt Dec - Feb NO FISCAL IMPACT PROJECTED

OPERATING BUDGET IMPACT

To Be Completed by Submitting Department and Reviewed by Budget

SECTION A - FUND

GENERAL FUND

AIRPORT FUND

SPECIAL DISTRICTS FUND

SECTION B - EXPENSES AND REVENUES

Total Current Year Expense \$ (1,456,000)

Total Current Year Revenue \$ (6,054,000)

Source of Funds (check one): Current Appropriations Transfer of Existing Appropriations

Additional Appropriations

Other (explain)

Identify Accounts: 101-52-1000-9032; 101-52-2102-5100

Potential Related Operating Budget Expenses: Annual Amount \$ -

Describe: _____

Potential Related Operating Budget Revenues: Annual Amount \$ -

Describe: _____

Anticipated Savings to County and/or Impact on Department Operations:

Current Year: _____

Next Four Years: 2023: Reduced SUT collections of \$12,108,000, and reduced municipal and school distribution of \$2,912,000.

Prepared by: Gideon Grande

Title: Deputy Director

Department: Budget

Date: June 28, 2022

Reviewed By: 

Budget Director

Date: 06/25/22

ACT NO. ___ - 2022

AN ACT of the Westchester County Board of Legislators exempting residential energy sources and services from sales and compensating use taxes pursuant to the authority of Article 29 of the Tax Law of the State of New York

Be it enacted by the Board of Legislators of the County of Westchester, as follows:

§ 1. Section 6 of Act No 77-1971, enacted by the Board of Legislators of the County of Westchester, imposing sales and compensating use taxes, as amended, is amended by adding a new subdivision (a-1) to read as follows:

(a-1) Receipts from the sale of energy sources and services and the use of such sources and services shall be exempt from the taxes imposed by this Act, as authorized by paragraph three of subdivision (a) of section 1210 of the New York Tax Law

§ 2. This enactment shall take effect on December 1, 2022, and shall expire and be deemed repealed on March 1, 2023.