

February 20, 2013

Teachers' Union Sues Over State's Tax Cap

By **THOMAS KAPLAN**

The New York State teachers' union filed a [lawsuit](#) on Wednesday challenging the constitutionality of the state's cap on annual increases in local property taxes, one of the signature measures of Gov. [Andrew M. Cuomo's](#) time in office.

The lawsuit by the union, [New York State United Teachers](#), asserts that the tax cap interferes with local control of schools, and that a requirement that 60 percent of voters support any override of the limit dilutes the voting power of those who favor exceeding the cap.

The tax cap, which Mr. Cuomo [persuaded the Legislature to approve](#) in 2011, limits annual increases in local property taxes to 2 percent or the rate of inflation, whichever is lower. A vast majority of school districts — 642 of 678, or about 95 percent — [stayed within the tax cap last year](#), according to the governor's office.

(The cap does not affect New York City.)

The teachers' union, which filed its lawsuit in State Supreme Court in Albany, has been mulling a legal challenge ever since it failed to persuade lawmakers to reject Mr. Cuomo's proposal.

"Today we fund education at more than a billion dollars less than we did in 2008," the union's president, Richard C. Iannuzzi, said in a phone interview. "When you take that context and you layer it with the property tax cap, we're violating, in our minds, two very fundamental principles of democracy, which is 'one person, one vote,' and equal opportunity."

The teachers' union has sparred with Mr. Cuomo over education financing ever since he took office more than a year ago. Mr. Cuomo, a Democrat, reduced money for education in his first budget, and he frequently derides the bureaucracy; the union, for its part, worries that the tax cap will prompt school boards to lay off teacher

The union argues that the cap has a disproportionately onerous effect on school districts in low-income a



OPEN

MORE IN N.Y. / REG

**Baby Whose
Car Crash A**[Read More »](#)

those districts can raise by increasing their tax levy under the cap is far less than what wealthy districts with a larger tax base can raise. As such, the lawsuit argues, the tax cap violates the guarantee of equal protection under the law.

Mr. Cuomo, speaking to reporters in Albany, said that high property taxes were forcing people to leave their homes, and that when it came to improving the state's schools, "the answer can't always be putting your hand in the pocket of the taxpayer of the State of New York."

"People have a right to go to court," Mr. Cuomo added. "God bless America. God bless our system. I think the property-tax cap has been one of the best things that we've done for the State of New York."