



Requesting a Letter Ruling

Under what circumstances will Finance refuse to issue a letter ruling?

- A letter ruling will not be issued on questions pertaining to the following City taxes that are administered by the New York State Department of Taxation and Finance: Sales and related taxes, resident personal income tax, nonresident earnings tax, mortgage recording tax, leaded motor fuel tax, and beer and liquor excise tax.
- Covering an issue or set of facts regarding which a Notice of Determination or a Notice of Disallowance of a claim for refund or credit which has been issued to the taxpayer;
- Covering an issue or set of facts regarding which any taxpayer who has been granted leave to appeal or which the Finance is seeking or has been granted leave to appeal an adverse decision to any court of the State of New York or the United States;
- Covering an issue, which is clearly and adequately addressed by statutes, regulations, published rulings, or other official pronouncement of Finance;
- When the issue presented pertains to subject matter which, in accordance with a public pronouncement, is under study by Finance, or
- If the conclusion reached in such a ruling would require a factual determination, which is properly an audit function.

Will Finance issue a letter ruling based on a hypothetical situation?

Beginning January 24, 2000, Legal Affairs has accepted requests for letter rulings submitted by representatives without disclosing the name of the taxpayer provided the requester states in writing that to the best of his or her knowledge and belief, no Notice of Determination or Disallowance has been issued to any taxpayer covering the issues or facts presented in the request. Any such ruling will be considered to be issued on hypothetical facts.

How long does it take to receive a letter ruling?

A ruling will be mailed to the taxpayer or the taxpayer's authorized representative within 90 days of the receipt of a complete request for such a ruling. Legal Affairs may extend the 90-day period within which a ruling must be issued for a period of up to 30 additional days, and, if they do, they will notify the taxpayer or the taxpayer's authorized representative. At any time before their expiration, the 90-day or additional 30-day periods may be extended by a written agreement between the taxpayer and Legal Affairs.

What is the proper procedure for withdrawing a request for a letter ruling?

A taxpayer may withdraw a request for a ruling at any time within 30 days of the date of the acknowledgment letter. Thereafter, no request for a ruling may be withdrawn without the written approval of Legal Affairs. Where a taxpayer withdraws a request for a ruling, Finance will not return the application fee of \$250 accompanying such request. Failure to provide information requested by Legal Affairs may be deemed a withdrawal of a request for a ruling.