

# ANNUAL REPORT

**THE NYC OFFICE OF THE TAXPAYER ADVOCATE**

May 1, 2016



## **Executive Summary**

The Office of the Taxpayer Advocate (“OTA”) was created administratively by the Commissioner of the New York City Department of Finance (DOF). The first Taxpayer Advocate, Diana Leyden, was hired on July 28, 2015, to create, staff, and open the office. The office opened for business on October 19, 2015.

The Office of the Taxpayer Advocate is an independent organization within the Department of Finance. It helps New York City taxpayers resolve tax issues with DOF, recommends changes that will prevent the problems, or requests that DOF take action on behalf of New York City taxpayers. The office handles inquiries and complaints concerning New York City property tax, business tax and certain excise taxes (including commercial rent tax, hotel occupancy tax and cigarette tax). It does not handle inquiries and complaints related to parking tickets.

This report was a condition of funding for the office. Part A of this report contains the resolution describing the report requirements. This report also provides statistics that we believe are significant, particularly the source of inquiries and cases by borough.

From the date of its creation through April 1, 2016, the OTA assisted 393 taxpayers and property owners with inquiries and cases. The Taxpayer Advocate’s office successfully advocated for \$187,979 in refunds and \$1,918,555 in abatements during this reporting period.

OTA assists with inquiries by helping taxpayers and property owners find correct information, advising them how to comply with business and excise or property tax laws, or helping them understand how to respond to DOF letters or notices.

The office helps with complaints by opening cases, investigating business/excise taxes or property problems raised by complainants, and if the investigation warrants a response, the office will advocate for action to correct it.

During this reporting period, the Office of the Taxpayer Advocate did not receive inquiries from the ombudspersons for the Senior Citizen Rent Increase Exemption (SCRIE) and Disability Rent Increase Exemption (DRIE) because OTA collaborated with

them to assist in SCRIE and DRIE inquiries and cases. However, OTA handled two SCRIE/DRIE cases during the reporting period that were direct inquiries sent to OTA. In the next fiscal year, OTA will hire new Case Advocates to handle SCRIE and DRIE inquiries and complaints. Because these inquiries and complaints were handled by the SCRIE and DRIE ombudspersons, during this reporting period, they will be contained in the separate report due from the DOF Commissioner to the City Council on October 1, 2016.

Through its case and advocacy work, OTA has identified problems that affected more than one taxpayer. This report lists those problems and the number and percentage of the total inquiries and cases where taxpayers raised them. During the time OTA has been open, the Taxpayer Advocate has been an active member of DOF senior staff. This has provided an opportunity for the Taxpayer Advocate to directly highlight recurring problems as they arise. Thus, this report also identifies what DOF has done to address some of those issues.

In addition to addressing issues directly with taxpayers and raising recurring concerns, OTA provides information to taxpayers, tax practitioners and property owners. During this period, the Taxpayer Advocate (and/or members of her office) engaged in the following:

- Attended TAXRAPP, where the opening of OTA was announced and information was distributed to tax practitioners about the office.
- Recommended, and the Commissioner accepted, the revision of the NYC Taxpayer Bill of Rights to be more customer centric.
- Participated in all Notice of Property Value outreach sessions to provide guidance to taxpayers who attended.
- Attended the Notice of Property Value and Lien Sale information sessions run by DOF for members of the City Council.
- Provided testimony before the City Council's Committee on Finance.
- Attended and spoke at 12 practitioner conferences and meetings.
- Accepted invitation to appear on a panel on May 5th hosted by the ABA Tax Section on state and local taxpayer advocates; and to participate on a panel on

May 20 with the IRS and New York State Taxpayer Advocates as part of the Hofstra University Private Wealth & Taxation Institute, Continuing Professional Education Series

During its first six months in operation, OTA has made a positive impact on the Department of Finance's efforts to improve customer service, and in increasing the transparency with which the agency serves New York City residents by holding agency staff to a higher level of accountability. We expect further improvements in the way we serve New York City residents based on the insights and recommendations contained here.

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### **A. Law requiring an annual report**

No later than May 1, 2016, as a condition of the funds in units of appropriation 001 and 011, the Commissioner of the Department of Finance shall submit to the Council an annual report detailing the following:

1. The number and nature of inquiries received by the Taxpayer Advocate regarding property tax exemptions or business tax exemptions, based on what is applicable for Fiscal 2016
2. The number, nature, and resolution of complaints received by the Taxpayer Advocate
3. Any recommendations made by the Taxpayer Advocate to the Commissioner;
4. The acceptance and denial rates of such recommendations by the Commissioner
5. The number and nature of inquiries referred to the Taxpayer Advocate by the ombudspersons at the Department
6. The number and nature of inquiries referred to the Taxpayer Advocate by 311

The reporting requirements pursuant to these terms and conditions shall commence immediately following the employment of the Taxpayer Advocate within the Department of Finance.

### **B. When and how the Office of the Taxpayer Advocate started**

The first Taxpayer Advocate, Diana Leyden, was hired and started on July 28, 2015. Her staff was hired and began work on October 1, 2015. Between the time Ms. Leyden was hired and her staff started, she worked to create the structure of the office, develop a system to track inquiries and cases, and prepare forms and methods for taxpayers, property owners and others to contact the Office of the Taxpayer Advocate.

OTA officially opened for business on October 19, 2015. On that date, based on a recommendation that the Taxpayer Advocate made to the Commissioner of Finance (“Commissioner”) that he accepted, a new NYC Taxpayer Bill of Rights was adopted

and released. (See Appendix 1 for the complete Taxpayer Bill of Rights, which has been translated into eight languages). The rights are listed below:

- The Right to Be Informed
- The Right to Quality Service
- The Right to Understand How Your Property Tax is Determined
- The Right to a Fair and Just Tax System
- The Right to Retain Representation
- The Right to Pay No More than the Correct Amount of Tax
- The Right to Finality
- The Right to Privacy
- The Right to Confidentiality
- The Right to Challenge the Department of Finance's Position and Be Heard

## **C. The Taxpayer Advocate Handles Inquiries and Cases involving Property Tax and Business and Excise Taxes**

### **1. Inquiries**

Contact by taxpayers, property owners, or others to OTA for specific information to assist with a business, excise or property tax matter are classified as inquiries. These include calls, emails, referrals from 311, people who walk into the office, or referrals from other parts of the Department of Finance or Council Members for instructions on how to comply with a tax law or requirement, who to contact to discuss or resolve a tax problem through normal channels, or information about how taxes were imposed or computed.

### **2. Cases**

Requests by taxpayers, property owners, or representatives to OTA to assist in resolving a matter are opened as cases when they meet one of the following criteria:

1. The person has made a reasonable attempt to solve his or her inquiry or complaint with the Department of Finance. The inquiry or complaint has not been fixed or the person has not received a timely response.



2. The person believes he or she can show that the Department of Finance is applying the tax laws, regulations or policies unfairly or incorrectly, or that DOF has injured or will injure the person's Taxpayer Rights.
3. The person will face the threat of immediate harmful action by the Department of Finance (for example, seizure of funds or property) for a debt the person believes he or she can show is not owed.
4. The person faces the threat of immediate harmful action (e.g., seizure of funds or property) by DOF for a debt the person believes he or she can show is incorrect, unfair, or illegal.
5. The person believes he or she can show that he or she will suffer damage that is beyond repair or a long-term harmful impact if relief is not granted.
6. The person believes he or she can show that the problem also affects other similar taxpayers and is a problem with the Department of Finance's systems or processes.
7. The person believes he or she can show that the rare facts in the case justify help from the Office of the Taxpayer Advocate.
8. The person believes he or she can show that there is a compelling public policy reason why he or she should get help from the Office of the Taxpayer Advocate.

These criteria are published on the DOF webpage for the Office of the Taxpayer Advocate as well in the form a person can submit to request help from the Taxpayer Advocate (Form DOF-911): <http://www1.nyc.gov/site/finance/about/taxpayer-advocate.page>

Cases require OTA to investigate action taken by DOF or action that a person requested DOF to take that was not taken, to determine if the action should or should not have not been taken or other action should have been taken, and to then advocate for new action to resolve the matter. During this reporting period, OTA handled 125 cases. The average time it took OTA to resolve investigate, advocate and resolve a case was 53 days.

Cases and inquiries come to OTA through the following channels:

1. OTA website
2. Service requests through 311
3. Telephone calls and messages
4. Emails
5. Submissions of Form DOF-911
6. Walk-ins to the OTA office (253 Broadway, 6<sup>th</sup> floor, New York, NY)
7. Faxes
8. Referrals from City Council Members
9. Letters

**D. How does OTA advocate in cases for taxpayers, property owners and representatives?**

For most of the cases during the reporting period, OTA contacted various units or divisions within DOF and requested action to be taken. OTA and DOF have established liaisons with the Audit Division, Enforcement Unit, Collections and Payment Operations, Property Tax Division, External Affairs Division, and the Legal Division. OTA may request information or action through emails or telephone calls to the liaisons. If OTA determines that such informal requests are not sufficient or are not being answered on a timely basis, OTA may submit a formal request called an Operations Assistance Request (OAR) with a requested deadline. During the reporting period, OTA issued 29 OARs.

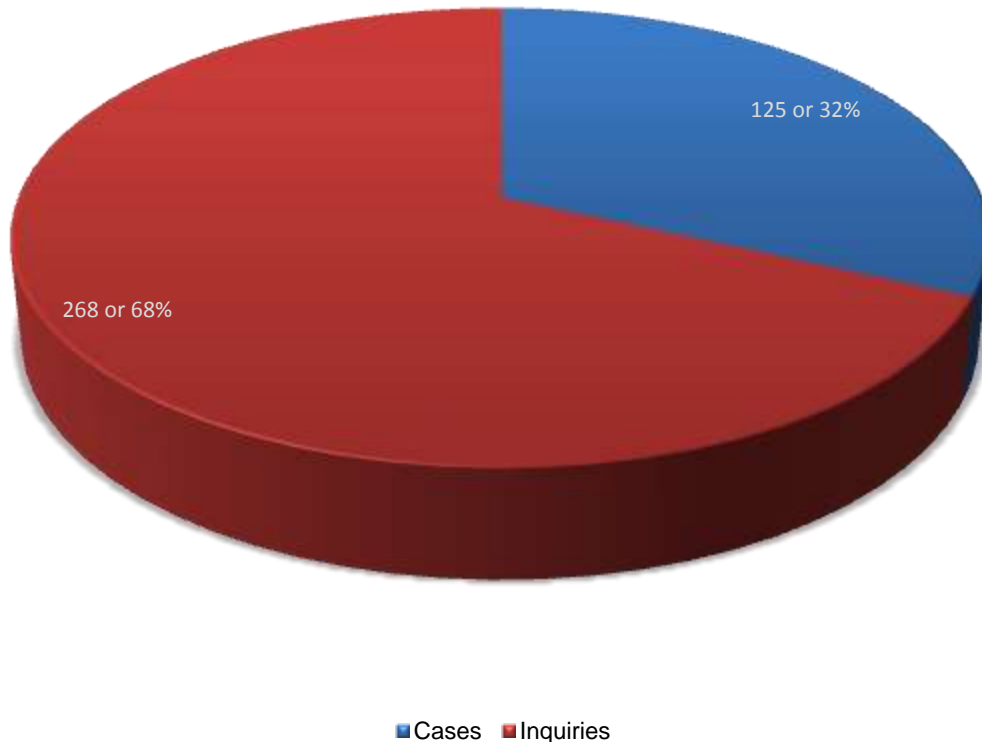
If an operating unit or division refuses to take the action requested in an OAR, then the Taxpayer Advocate can recommend the proposed action to the Commissioner. After a recommendation, the proposed action is reviewed by the Legal Division, which provides its opinion of the requested action. That opinion and the Taxpayer Advocate's recommendation are then submitted through a Taxpayer Assistance Order (TAO). For the reporting period, the Taxpayer Advocate issued five TAOs. Two were granted, two are pending, and one was withdrawn by the Taxpayer Advocate.

**E. Number and nature of inquiries and complaints received by the Office of the Taxpayer Advocate from October 19, 2015 through April 1, 2016**

From October 19, 2015 through April 1, 2016, the Office of the Taxpayer Advocate received and worked 268 inquiries and 125 cases, for a total of 393. The following charts reflect the way this work is tracked. The charts include the number of cases and/or inquiries as well as total percentages.

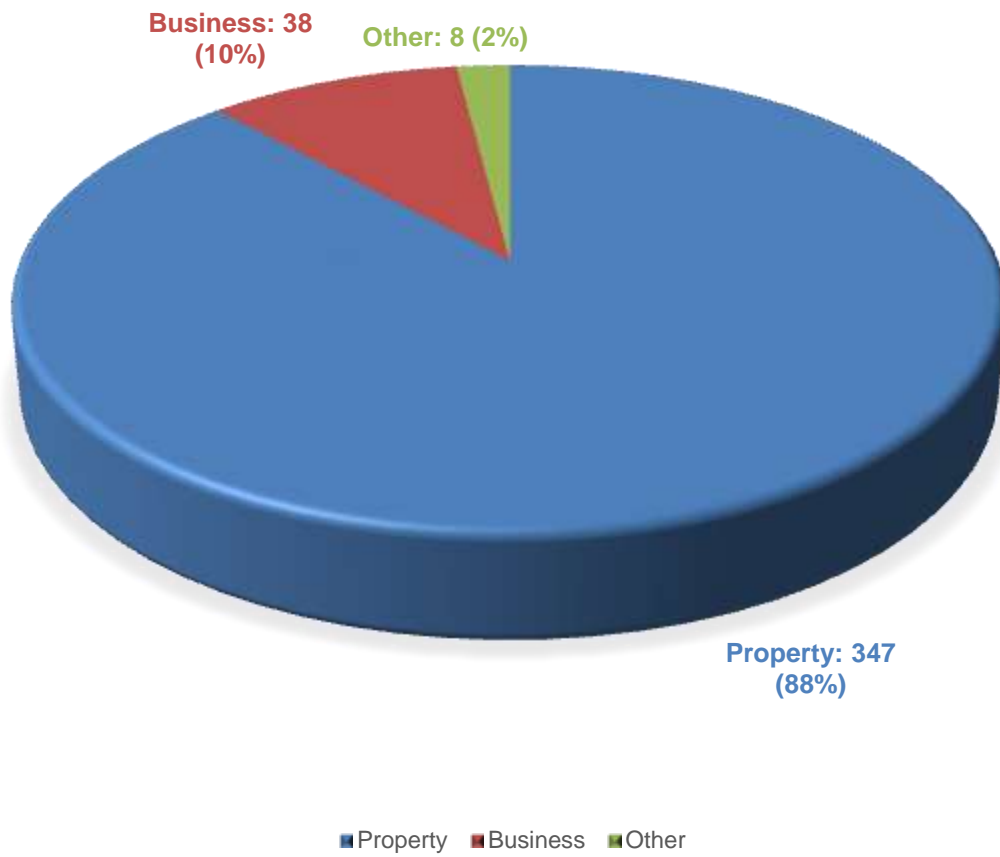
**1. Breakdown of Total Work by Cases vs. Inquiries**

**Total Work  
by Cases and Inquiries**



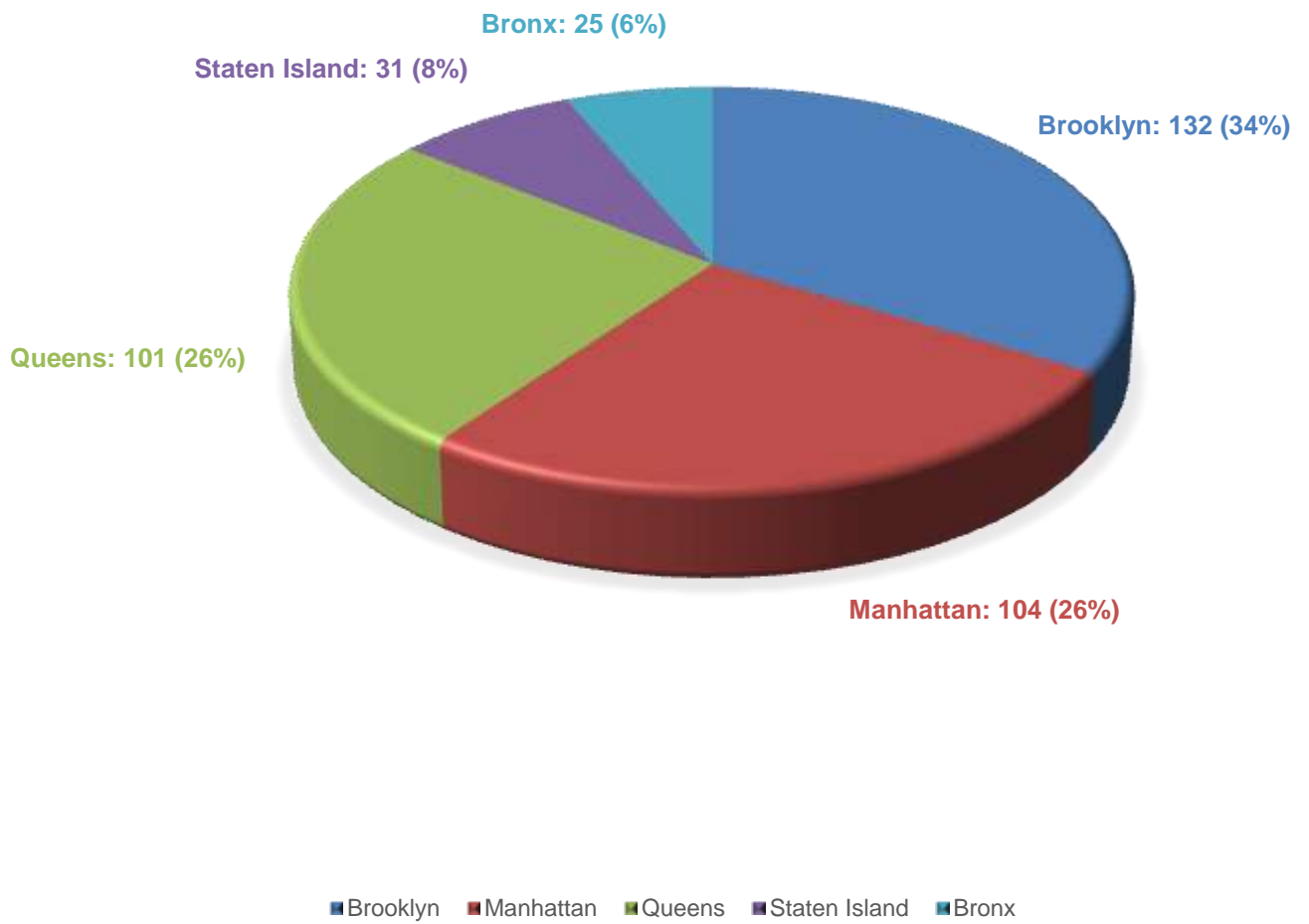
2. Breakdown of Total Work by Property Taxes vs. Business Taxes vs. Other (inquiries for taxes NYC does not administer)

### TOTAL WORK PROPERTY VS. BUSINESS



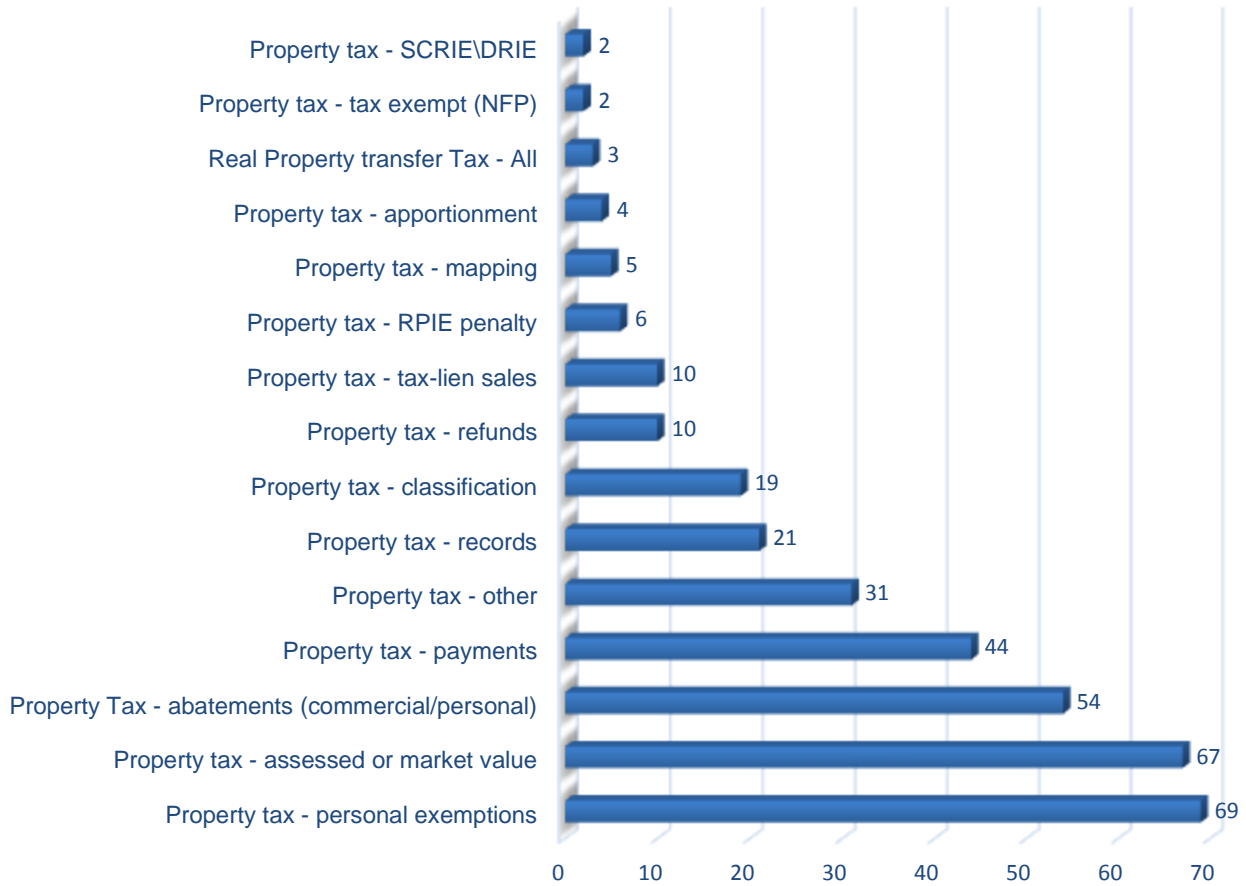
### 3. Breakdown of Total Work by Source and Borough

## TOTAL CASES/INQUIRIES BY BOROUGH



4. Breakdown of Total Property Tax Inquiries and Cases by subcategory<sup>1</sup>

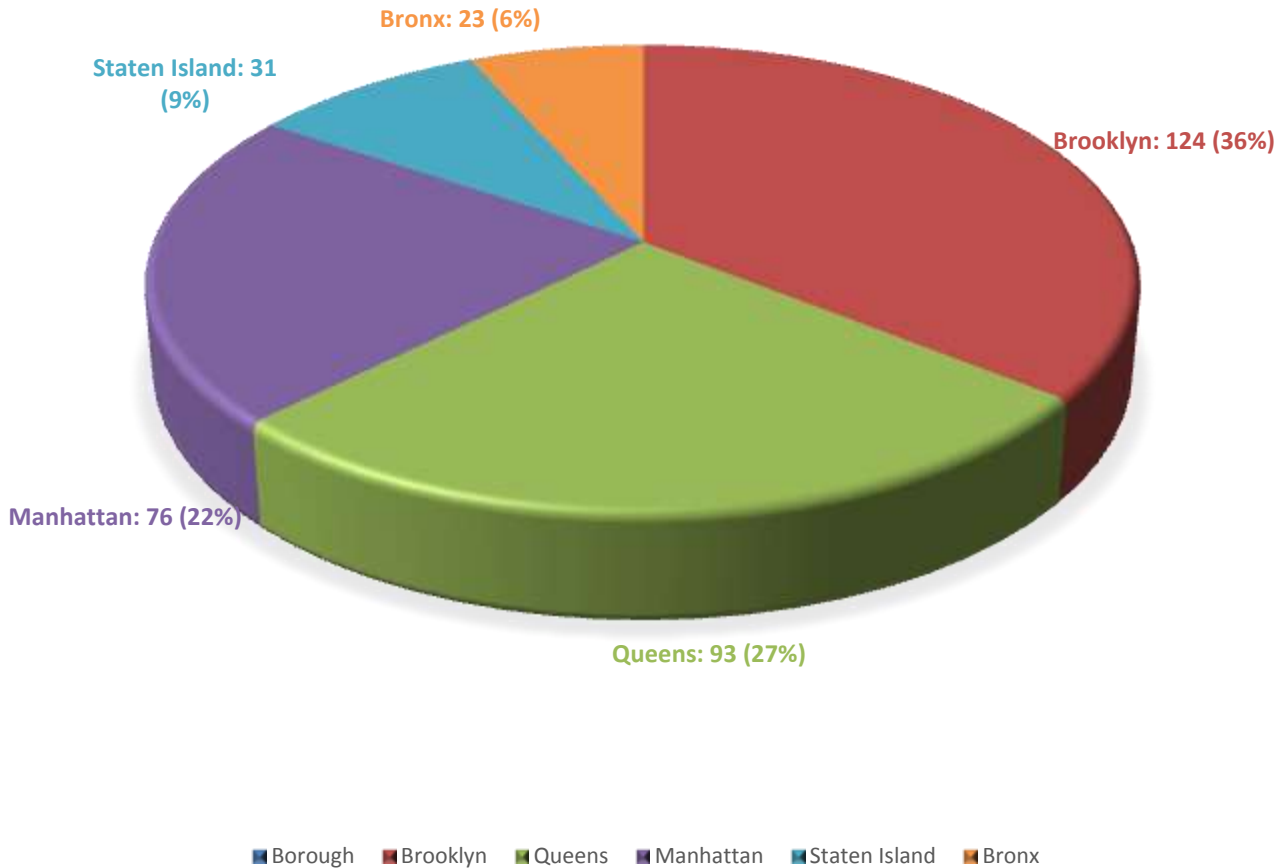
### Total Property Tax Cases & Inquiries by Subcategory



<sup>1</sup> The subcategories of Property Tax cases and inquiries are: Abatements (including cooperative and condominium abatements, 421-a abatements and commercial abatements); Personal Exemptions (STAR, Enhanced STAR, Senior Citizens Homeowners Exemption, Disabled Homeowners Exemption, Veteran’s Exemption, Clergy Exemption, and Good Samaritan Exemption); Classification (the tax classification that is assigned by DOF to a property); Assessed or Market Value (questions or complaints about how DOF determined a property’s market value or assessed value); Mapping (the way DOF reflects property on the maps it keeps or how lot numbers are assigned); Refunds (refunds of overpaid property tax); Payments (how payments of property taxes are applied or processed by DOF); Commercial Exemptions (ICIP and ICAP); Apportionment (how and whether DOF processes requests for apportioning lots or merging lots or whether a property owner did or should have requested an apportionment or merger); In Rem Foreclosure( questions or complaints about properties that are scheduled for or were included in the in rem foreclosure process); Records (how DOF has recorded property); RPIE Penalty (the penalty that DOF by law can apply if a property owner does not file or files late a required Real Property Income and Expense statement); Tax Exempt (questions concerning requested, denied or removed tax exempt status for a property); and Tax Lien Sales (questions or complaints about properties that are in a DOF tax lien sale or were previously sold in a DOF tax lien sale.)

## 5. Breakdown of Total Property Tax Inquiries and Cases by Borough

### PROPERTY TAX CASES/INQUIRIES BY BOROUGH



Note: For comparison, the following are the percentages of boroughs, blocks and lots (BBLs) listed in each borough:

Manhattan: 13.66%

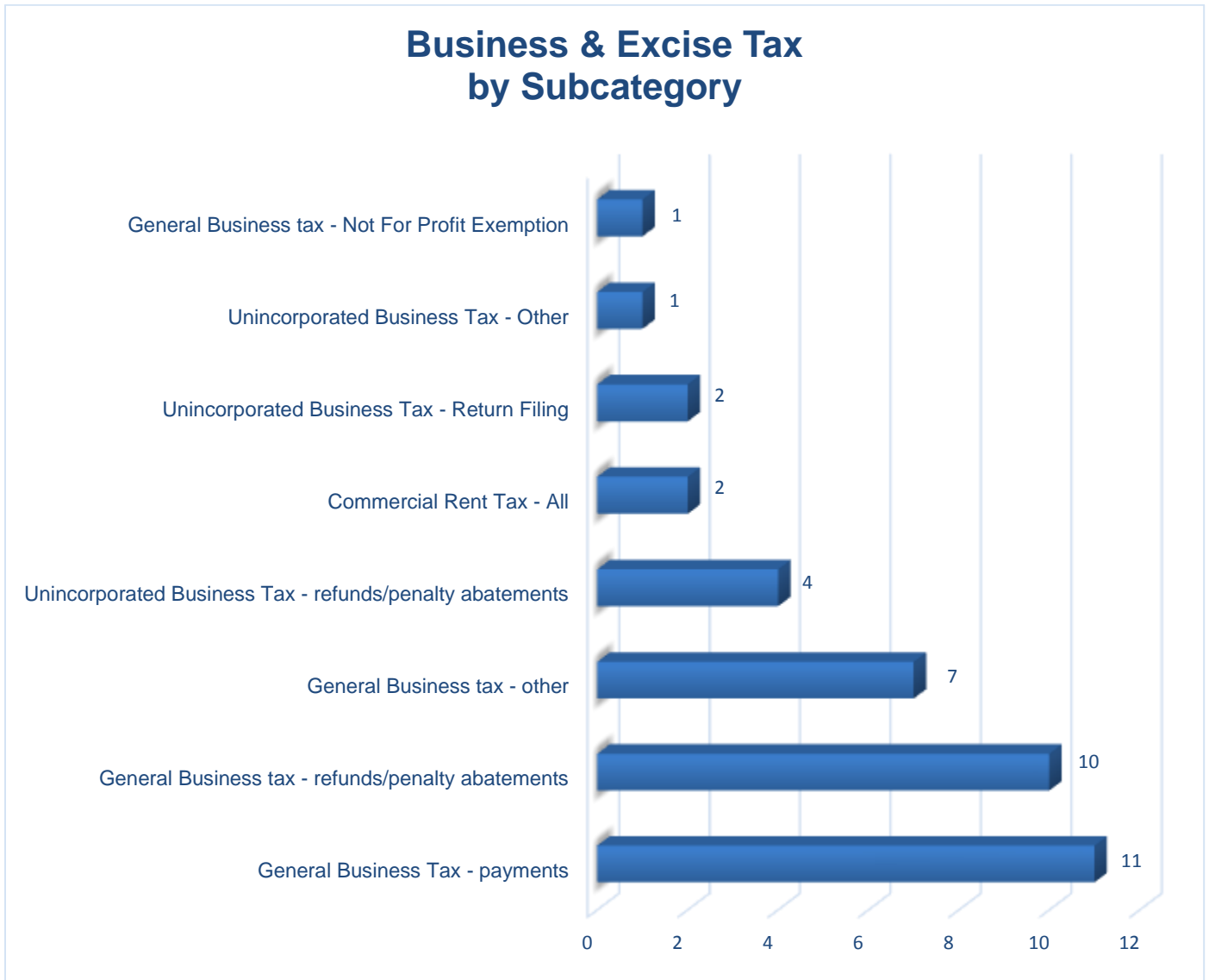
Bronx: 9.72%

Brooklyn: 30.47%

Queens: 33.86%

Staten Island: 12.29%

**6. Breakdown of Total Business and Excise Tax Inquires and Cases by Subcategory<sup>2</sup>**

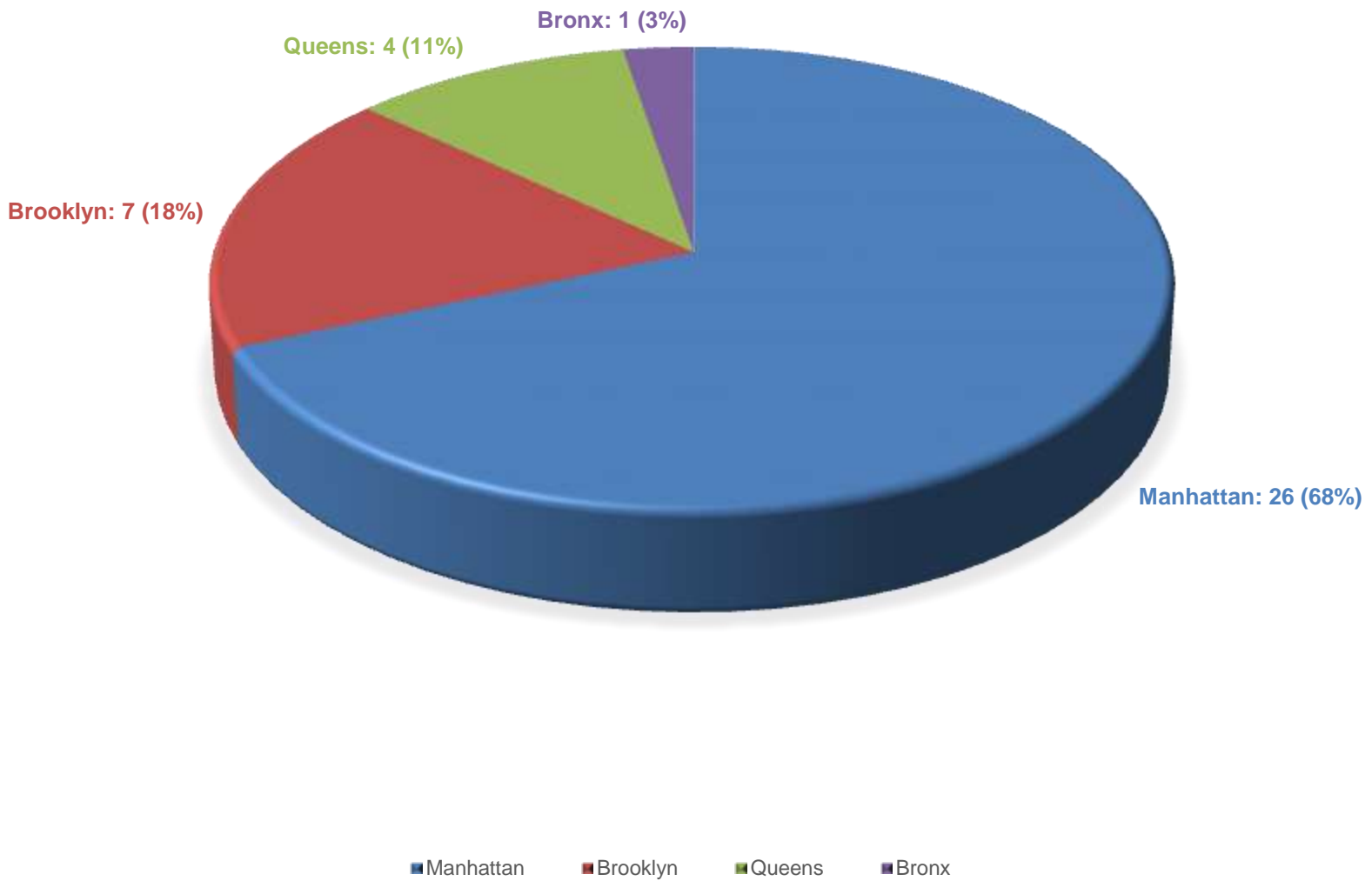


<sup>2</sup> These are the subcategories of Business and Excise Tax cases and inquiries: (1) General Business Tax questions and complaints about the status or denial of refunds and status or denial of requests for penalty abatements; (2) Unincorporated Business Tax questions and complaints about the status or denial of refunds and status or denial of requests for penalty abatements; (3) Commercial Rent tax- all questions and complaints; (4) Real Property Transfer Tax- all questions and complaints; (5) General Business Tax questions and complaints about processing of payments; and (6) General Business Tax- all other questions and complaints. (There were 8 other cases or inquiries that involved taxes not administered by New York City that are not captured in this chart.)



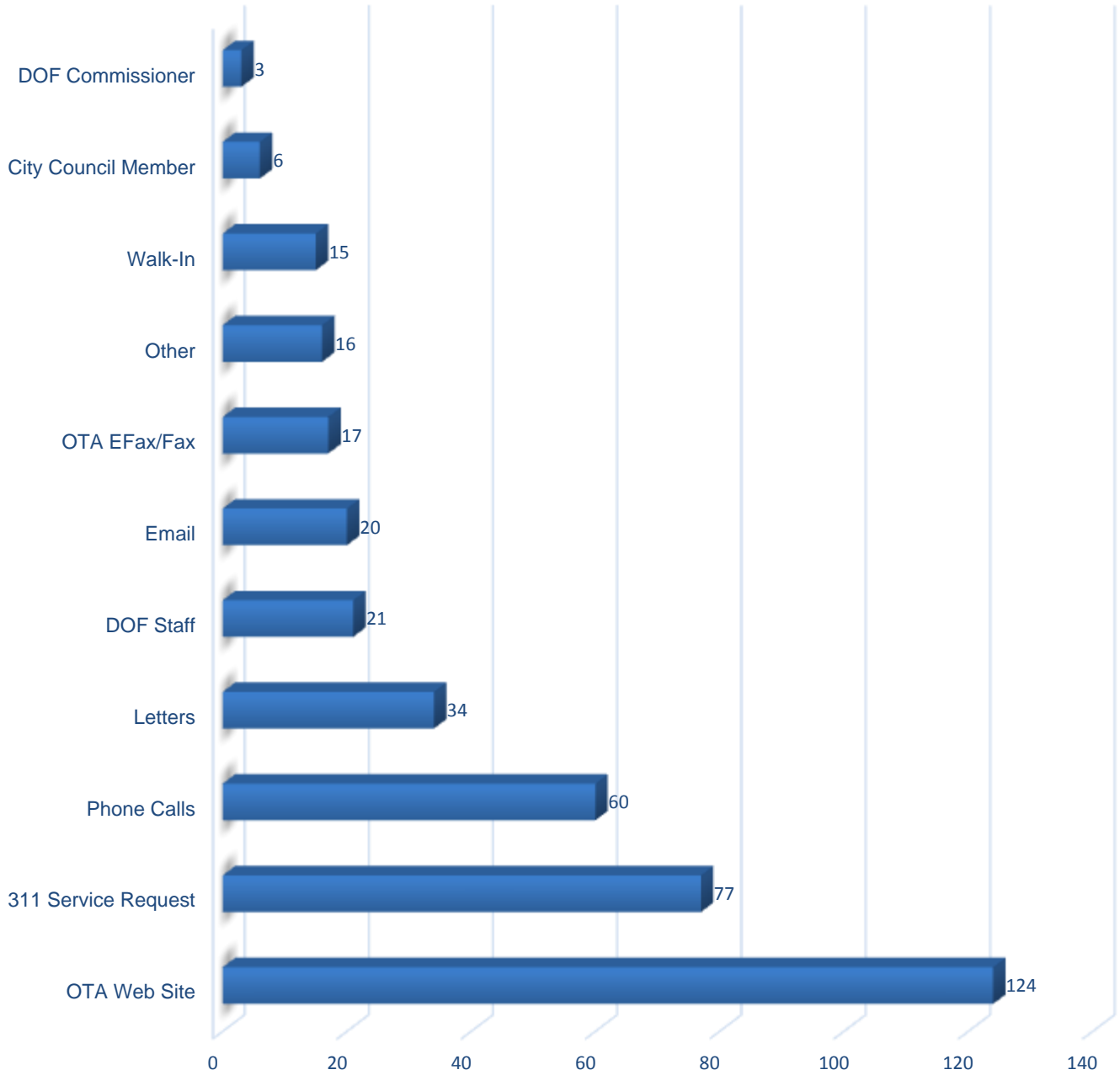
## 7. Breakdown of Total Business and Excise Tax Cases by Borough

### BUSINESS AND EXCISE TAX BY BOROUGH



## 8. Breakdown of How People Contacted OTA

### Source of Work



## **F. Identification of recurring problems in cases worked by the Office of the Taxpayer Advocate, recommendations to correct the problems, and actions taken by DOF to address the problems**

This section contains three parts:

### **1. Identified Recurring Problems**

In resolving cases, the Office of the Taxpayer Advocate identified recurring problems. Below are brief descriptions of the problems and the percentage of all cases handled by the Office of the Taxpayer Advocate that involved these problems.

### **2. OTA Recommendations to Correct Recurring Problems**

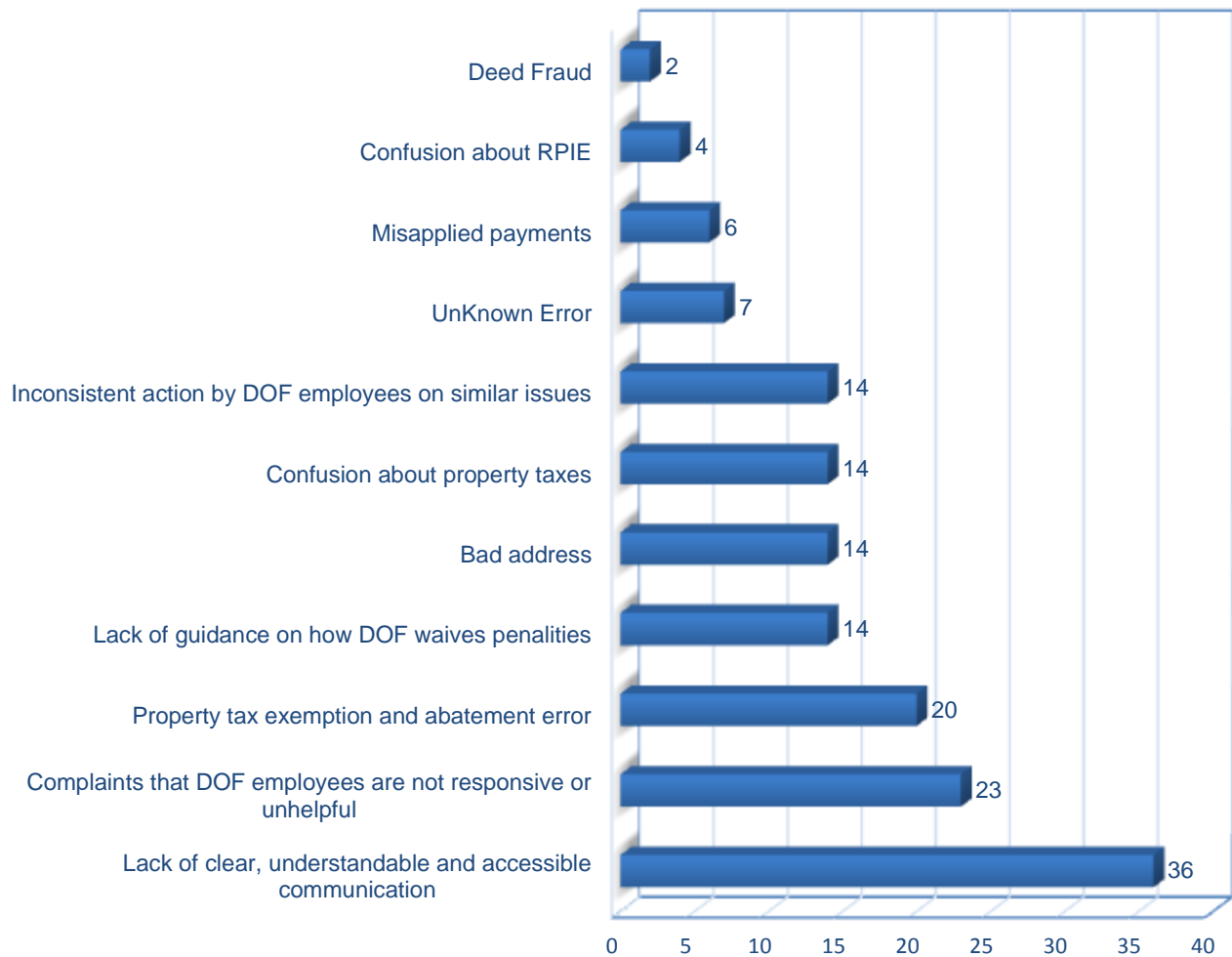
The Taxpayer Advocate has made recommendations to correct the identified recurring problems. This part contains recommendations made by the Taxpayer Advocate to the Commissioner to address these problems.

### **3. Action taken by DOF to address recurring problems.**

Both before the Taxpayer Advocate began and during this reporting period, DOF has taken actions that may address the identified recurring problems. This part lists those actions.

## 1. Identified Recurring Problems

### Common Problems



*Note: As some of the cases included more than one problem, the total on this chart (154) exceeds the total number of cases (125).*

1. Taxpayers and property owners complained that communication between DOF and themselves was not clear, not understandable or not accessible. Taxpayers and property owners sought help from the Office of the Taxpayer Advocate because the communications from DOF made it difficult for them to understand what to do or to know how to go about getting an answer. As a result, taxpayers

also complained that they may not have received an important notice or that there were delays in processing their matters. Twenty-three percent (**23%**) of the 36 total cases involved these types of complaints. Of the 36 total cases, the following is a detailed breakdown problems that prompted the taxpayer or property owner to ask for help from the Office of the Taxpayer Advocate:

- a. **Thirty-one percent (31%)** involved complaints of unclear notices, forms or correspondence.
  - b. **Twenty-eight percent (28%)** involved complaints of difficulties in finding DOF policies or procedures on the DOF website or in other public places.
  - c. **Twenty-five percent (25%)** involved complaints of lack of receiving a notice or violating a taxpayer's right to be informed.
  - d. **Eleven percent (11%)** involved complaints of delays in processing by DOF.
  - e. **Five percent (5%)** involved complaints that there was not enough accessibility or searchable legal advice to taxpayers or representatives.
2. Taxpayers complained that DOF employees were unresponsive or unhelpful. Taxpayers also complained that 311 staff were not responsive or helpful and recommended that DOF have its own call center. Fifteen percent (**15%**) or (**23**) of the cases involved complaints about this as the reason why the inquirer was asking for help from the Office of the Taxpayer Advocate.
3. Property owners complained that DOF made mistakes in denying or revoking tax exemptions or abatements. Thirteen percent (**13%**) or (**20**) of the cases involved complaints about this as the reason why the inquirer asked for help from the Office of the Taxpayer Advocate. Of those 20 cases, the following is a more detailed breakdown the problems that prompted the taxpayer or property owner to ask for help from the Office of the Taxpayer Advocate:

- a. **Forty percent (40%)** of these cases involved complaints that DOF wrongly denied or revoked homeowner tax benefits.
  - b. **Thirty percent (30%)** of these cases involved complaints that DOF wrongly denied tax exemption for not-for-profit property owners.
  - c. **Ten percent (10%)** of these cases involved a complaint that a homeowner tax benefit for which the property owner qualified was revoked because the application for the benefit had been received past the deadline for applying.
  - d. **Ten percent (10%)** of these cases involved complaints that a cooperative abatement had been denied or removed because a managing agent of the cooperative had made an error.
  - e. **Five percent (5%)** of these cases involved complaints that a tax exemption was wrongly removed because the automatic feed into ACRIS was wrong.
  - f. **Five percent (5%)** of these cases involved complaints that a tax exemption was wrongly removed because of an error in the data feed from New York State.
4. Taxpayers complained that DOF did not have publicly available guidance as to how it decided whether or not to abate penalties. Nine percent (**9%**) or (**14**) of the cases involved complaints about this as the reason why the inquirer was asking for help from the Office of the Taxpayer Advocate.
  5. Taxpayers complained they did not get important notices about charges because DOF had incorrect mailing addresses on file that had not been updated. Nine percent (**9%**) or (**14**) of the cases involved complaints about this as the reason the inquirer was asking for help from the Office of the Taxpayer Advocate. Of those 14 cases, the following is a more detailed breakdown of the problems that brought the taxpayer or property owner to ask for help from the Office of the Taxpayer Advocate:

- a. **Seventy-one percent (71%)** of these cases involved DOF errors that caused the incorrect address.
  - b. **Twenty-two percent (22%)** of the cases involved errors by third parties that caused the incorrect address.
  - c. **Seven percent (7%)** of these cases involved errors by the taxpayer in submitting documents that caused them to send in bad addresses.
  
6. Property owners complained that they did not understand how DOF calculated their property taxes. Nine percent (**9%**) or (**14**) of the cases involved complaints about this as the reason why the inquirer was asking for help from the Office of the Taxpayer Advocate. Of the 14 cases, the following is a more detailed breakdown of the problems that brought the taxpayer or property owner to ask for help from the Office of the Taxpayer Advocate:
  - a. **Fifty-seven percent (57%)** of these cases involved complaints that the Notices of Property Value or other letters or correspondence from DOF did not make it clear for the property owners to understand how DOF calculated their property tax.
  - b. **Twenty-nine percent (29%)** of these cases involved complaints that DOF was inconsistent in determining market value or assessed value.
  - c. **Fourteen percent (14%)** of these cases involved complaints that DOF had misclassified a property class.
  
7. Taxpayers complained that they received inconsistent advice or action by DOF employees on similar issues. Nine percent (**9%**) or (**14**) of the cases involved complaints about this as the reason why the inquirer was asking for help from the Office of the Taxpayer Advocate.
  
8. **Five percent (5%)** or (**7**) of the cases involved complaints by taxpayers that the Office of the Taxpayer Advocate could not determine the source of the error but could assist the taxpayer in getting a resolution.

9. Taxpayers complained that they received bills because payments made were misapplied. Four percent (**4%**) or (**6**) of the cases involved complaints about this as the reason why the inquirer was asking for help from the Office of the Taxpayer Advocate. Of the six cases, the following is a more detailed breakdown of the problems that prompted the taxpayer or property owner to ask for help from the Office of the Taxpayer Advocate:
  - a. **Fifty percent (50%)** of these cases involved a complaint by taxpayers that the misapplication was due to DOF error.
  - b. **Thirty-three percent (33%)** of these cases involved a complaint of a misapplied payment that was the error of a third party.
  - c. **Seventeen percent (17%)** of these cases involved a misapplied payment that was due to the fault of the taxpayer.
  
10. Property owners complained that DOF did not explain how their filed Real Property Income and Expense (RPIE) statements related to the income and expenses listed on the Notice of Property Value and why the numbers may be different. Three percent (**3%**) or (**4**) of the cases involved complaints about this as the reason why the inquirer was asking for help from the Office of the Taxpayer Advocate.
  
11. Two (**2**) property owners, or **1%** of the cases, contacted the Office of the Taxpayer Advocate for assistance with deed fraud.



## **2. OTA Recommendations to correct recurring problems**

The Office of the Taxpayer Advocate recommends the following to the Department of Finance:

1. Create a group to review all notices, forms and correspondences to assure that they are written in plain language. DOF should study the feasibility of translating its forms and notices into other languages.
2. Study the benefits and costs of creating an internal call center and removing DOF inquiries from 311.
3. Include information on important forms and notices (such as SCRIE, DRIE and the Senior Homeowner Exemption and Disabled Homeowner Exemption) and on the DOF website informing seniors and persons with disabilities how to request accommodation.
4. Establish a working group to correct bad addresses within DOF databases and securely allow taxpayers and property owners to change their mailing addresses, as well as research what other databases can be checked for updated addresses when mail is returned undeliverable.
5. Investigate the main reasons for DOF employees misapplying payments, as well as the major reasons taxpayers or third parties provide the wrong information as to how payments should be applied. Propose a corrective plan.
6. Increase the font size and bold the BBLs on all notices and include a reminder to carefully check BBLs on checks or other forms of payments.
7. Conduct focus groups to determine how to change the Notices of Property Value to make them more understandable, especially to Class 1 property owners.
8. Publish more easy-to-understand guidance, such as brochures, to make it easier for the public to understand (1) how DOF uses RPIE information to determine the income and expenses of Class 2 and Class 4 properties, including simple Frequently Asked Questions; (2) how property is assessed (such as publishing assessor manuals and Frequently Asked Questions about how different classes of properties are valued); and (3) interpretations of property laws that have a general application to property owners.

9. Study ways to decrease mistakes managing agents make in certifying primary residences of cooperative unit holders.
10. Produce subject matter training materials and an internal Department of Finance manual to standardize the advice that DOF employees give taxpayers.
11. Share with practitioners proposed changes to forms and notices in time to incorporate their suggestions before the forms and notices are finalized.
12. Create programs or calculators that assist Class 1 property owners in understanding the difference in Market Value, Assessed Value and Capped Assessed value, and how changes in Market Value do or do not affect Capped Assessed Value.
13. Include contact information for the Office of the Taxpayer Advocate on important notices, especially those that involve final action by DOF.

### **3. Action taken by DOF to address recurring problems**

1. DOF is taking steps to review and restructure forms, notices, letters and emails to make them easier to understand, increasing readability and eliminating unnecessary language. They are also working on providing better access to forms and processes for persons with disabilities. Further, DOF has involved OTA in the redesign of forms, notices and correspondences, specifically on plain language, taxpayer rights, and readability.

2. DOF has met with organizations that represent SCRIE and DRIE applicants and solicited their input in redesigning the applications. The SCRIE and DRIE applications and notices are being redesigned to reduce taxpayer burden as well as to allow a person with a disability to request ADA accommodation. DOF has taken steps to engage other agencies, such as the Social Security Administration, in information-sharing to decrease the amount of documents that applicants have to provide. Further, DOF is also redesigning Homeowner Tax Benefit forms to decrease the documentation burden on taxpayers and to allow persons with disabilities to request ADA accommodation.

3. DOF is concerned about the impact of incorrect addresses on both taxpayers and on the agency's ability to collect taxes. DOF has convened a working group to assess how many address lists exist, how those lists are integrated, key issues that arise from incorrect addresses and the impact of the problem. DOF has incorporated this issue into one of its strategic agenda initiatives. DOF has included an OTA employee in this working group so that OTA can share examples of cases it is getting regarding incorrect addresses.

4. As one of its strategic agenda items, DOF has created a "Process and Mapping Redesign" initiative that aims to address wrongly posted payments in business and property accounts.

5. DOF's External Affairs Unit is in the process of hiring a research firm to design and execute focus groups for Class 1 property owners regarding the update of NOPV and property tax guides. Further, the Property Unit recommends that the NOPV should show the mathematical derivation of the property owner's effective market value rather than having the formulas as notes in a separate section. The Property Unit also recommends that the NOPV should highlight that the Tax Commission will consider a cut in owners' property value based on their Effective Market Value.

6. DOF is currently producing clearer guidance about the imposition and waiver of RPIE penalties. Further, the Property Division has created a web portal to provide property owners with access to property tax maps, including valuations of properties near a subject property, trend reports produced by that division, certain data tools, researched articles or opinion papers, real estate related topics, and Geographic Information System applications to determine spatial trends and other information.

7. DOF has approved the creation of parts of an Internal Department of Finance Manual to describe the operating procedures of OTA. DOF has also supported OTA's recommendation that a Penalty Working Group be formed to produce a

section of the manual that describes the types of penalties that exist, when they are imposed, whether they can be waived, the process for requesting a waiver, and the legal/policy basis for waiving penalties under reasonable cause. The section will also describe how interest is charged, the rates, and whether the amount can be changed. After the section is drafted, OTA plans on sharing the draft with practitioner groups for their input.

8. As an alternative to 311 for business-related inquiries, DOF recently created the Business Tax E-Services portal to make it easier and faster for businesses and their representatives to access important account information, such as returns filed and payments made; make payments and schedule future payments (such as estimated tax payments); access notices and letters sent to business taxpayers and upload documents in response to such notices; request conciliation conferences; request tax clearance letters; request a payment plan; and apply for certain business credits (such as biotech, Relocation and Employment Assistance Program, and the Lower Manhattan Relocation and Employment Assistance Program.)

9. The Property Unit is taking action to assist Class 1 property owners to understand the different terminology on the NOPV and to make clear how changes in Market Value do or do not affect Capped Assessed Value. The Property Unit is working to implement the calculator created by OTA as an online web tool. DOF has posted interactive property maps on its website to allow Class 1 and Class 2 property owners to see the values and descriptions of properties by borough. The Property Unit is also working on another calculator to assist Class 2 property owners whose properties are subject to transitional Assessed Values understand how those are calculated.

# NYC Taxpayer Bill of Rights

## The Right to be Informed

You have the right to know how to comply with New York City tax laws. You have the right to clear and simple explanations of the laws and procedures in all of the Department of Finance tax forms, instructions, publications, notices and correspondence. You have the right to a clear explanation of and the reasons for a Department of Finance decision. You have a right to a copy of this NYC Taxpayer Bill of Rights.

## The Right to Quality Service

You have the right to receive courteous and professional help in a reasonable amount of time from the Department of Finance. You have the right to be spoken to in a way you can easily understand. You have the right to receive clear and understandable communications from the Department of Finance. You have the right to write to and/or speak to a supervisor about poor service.

## The Right to Understand How Your Property Tax is Determined

You have the right to understand in non-technical language how the Department of Finance calculated your property tax. You have the right to understand how the Department of Finance determines market value and assessed value. You have the right to understand the tax rates and tax caps that the Department of Finance applied in calculating your property tax. You have the right to know what property tax exemptions and/or abatements you can apply for and how to apply for them. You have the right to receive an explanation, in writing, why the Department of Finance accepted, denied or removed a property tax exemption or abatement.

## The Right to a Fair and Just Tax System

You have the right to expect the Department of Finance to consider facts and circumstances that might affect your taxes. You have the right to be given time to provide information to support your claim. You have the right to expect that the Department of Finance will fully use any tax laws that allow the Department of Finance to consider your ability to pay should you ask for such help. You have the right to receive assistance from the Taxpayer Advocate if the Department of Finance has not, through its normal processes, fixed your tax issue properly within a reasonable amount of time or if you believe that the Department of Finance is violating one of these rights.

## The Right to Retain Representation

You have the right to have someone help you in your dealings with the Department of Finance. If your representative has filed a Power of Attorney, then the Department of Finance must recognize that person as your representative and can share your tax information with that person.

## The Right to Pay No More than the Correct Amount of Tax

You have the right to pay only the amount of tax legally due, including interest and penalties. You have the right to expect the Department of Finance to apply tax payments correctly. You have a right to receive a bill or statement showing the amount of tax, including interest and penalties, that is due.

## The Right to Finality

You have the right to know the deadline for challenging the Department of Finance's position. You have the right to know the maximum amount of time the Department of Finance has to audit a specific tax year or collect a tax debt. You have the right to know the maximum amount of time you have to request a refund of taxes. You have the right to know when the Department of Finance has finished an audit. You have the right to know when and how the Department of Finance can collect a tax that is due. You have the right to know that the Department of Finance's action is final.

## The Right to Privacy

You have the right to expect that any inquiry, examination, or enforcement action by the Department of Finance will follow the law. You have the right to expect that any such action by the Department of Finance be no more intrusive than necessary. You also have the right to expect that the Department of Finance will respect all due process rights, including search and seizure protections.

## The Right to Confidentiality

You have the right to expect that any information you provide to the Department of Finance will not be shared with a person or organization outside of the Department of Finance, unless approved by you or by law. You have the right to be notified if your information is shared without your approval or sharing was not allowed by law. You have the right to expect the Department of Finance to take action against employees and others who wrongfully use or share your information.

## The Right to Challenge the Department of Finance's Position and Be Heard

You have the right to challenge and provide more documentation to the Department of Finance. You have the right to expect that the Department of Finance will quickly and fairly review your challenge and documents. You have the right to receive, in writing, an explanation of why the Department of Finance does not agree with your position. You have a right to receive a written explanation of why the Department of Finance does not accept your documents. You have the right to be told about how to appeal a Department of Finance decision or how to request a Conciliation Conference. You have a right to receive a written response to your appeal or your Conciliation Conference. You have the right to be told when and how you can file a case with the Tax Commission, the Tax Appeals Tribunal and the New York Supreme Court.

## CONTACT US

THE OFFICE OF THE TAXPAYER ADVOCATE  
253 BROADWAY 6TH FLOOR  
NEW YORK, NY 10007

[nyc.gov/taxpayeradvocate](http://nyc.gov/taxpayeradvocate)

