



CENTER FOR TAXPAYER RIGHTS

Reimagining Tax Administration: State Tax Survey

Anna Gooch

ABA Christine A. Brunswick Fellow

The Survey

- Under a grant from the Rockefeller Foundation, the Center for Taxpayer Rights has developed a survey of state tax administration practices and procedures to better understand how taxpayer rights are protected at the state and local level.
- With the data, we will identify best practices and areas in need of improvement. We will also share model legislation for the creation of state taxpayer advocate/ombuds offices and state funding of low-income taxpayer clinics.
- The survey asks about 200 questions concerning income tax (where applicable), sales tax (where applicable), property tax, and any other statewide tax.
- The questions are divided into categories, including tax return filing, tax return processing, assessment, audit/exam, appeals, litigation, collection, and taxpayer rights.
- Purpose:
 - State balanced budget requirements
 - Limited opportunities for pro bono representation
 - Fewer avenues for systemic advocacy



Income >

APPEALS

NO.	QUESTION
5	Do taxpayers have the right to an administrative appeal of:
5a	Assessed sales tax?
5b	Proposed collection of assessed sales tax?
6	Must taxpayers pay the tax before appealing?
7	After a determination is made, how long to taxpayers have to appeal? Is one agency employee assigned to an appeal who handles the appeal from start to finish?
8	
9	Do taxpayers have the right to representation during an administrative appeal?

Property >

ASSESSMENT

NO.	QUESTION
	Each question begins with "Does your state..." unless otherwise indicated.
50	What is your state's statutory period for assessment of tax?
51	Under what circumstances, if any, can this period be extended?
52	Do taxpayers have the right to challenge an assessment or proposed assessment before paying?
53	Offer relief from joint and several liability?
54	What is your state's statutory period for issuance of a refund?
55	What is the interest rate paid on refunds owed to taxpayers?
56	Have jeopardy assessment authority?
57	Have termination assessment authority?

< Sales

COLLECTION

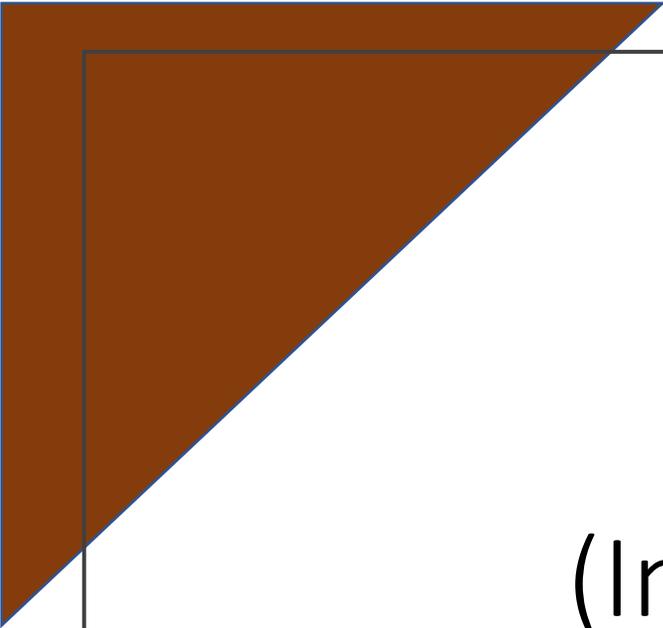
NO.	QUESTION
	Each question begins with "Does your state..." unless otherwise indicated.
58	Do localities in your state use private collection agencies (PCAs) to collect property tax?
59	Suspend drivers' licenses for unpaid property tax debts?
60	Suspend professional or recreational licenses for unpaid property tax debts?
61	Block renewal of professional or recreational licenses for unpaid property tax debts?
62	What is your state's statutory period for collecting property tax debts?
63	Under what circumstances can this period be extended?
64	Is your state required to give notice and a grace period before beginning collection action?



Preliminary Results

- Commercial return preparer regulation varies significantly (more later)
- 8/8 states offer a free e-file option
- 6/8 offer an earned income credit
- 2/8 offer return forms in languages other than English
- Return processing time varies (1 week – 8 weeks, longer for paper and amended returns)





(Initial) Key Takeaways

- Nearly every state has a taxpayer bill of rights, but the effects are not uniform.
- Information is difficult to find, especially for unsophisticated and non-English speaking taxpayers.
- Improvements are happening.



Return Preparer Regulation

California	Maryland	New York	Oregon
<ul style="list-style-type: none"> Registration: <ul style="list-style-type: none"> Application Fee (\$33) Background check PTIN Bond Annual renewal Qualifying Education: <ul style="list-style-type: none"> 60 hours Continuing Education: <ul style="list-style-type: none"> 20 hours 	<ul style="list-style-type: none"> Registration: <ul style="list-style-type: none"> Application Fee (\$100 over two years) PTIN Renewal every 2 years Exam: <ul style="list-style-type: none"> \$65 Exemptions Continuing Education: <ul style="list-style-type: none"> 16 hours over 2 years 	<ul style="list-style-type: none"> Registration: <ul style="list-style-type: none"> Application Fee, if applicable (\$100) Qualifying education, if applicable Continuing education: <ul style="list-style-type: none"> 4 hours, but varies *Most requirements depend on type of preparer. 	<ul style="list-style-type: none"> Registration <ul style="list-style-type: none"> Application Fee (varies) Exam: <ul style="list-style-type: none"> Fee varies Qualifying Education: <ul style="list-style-type: none"> 80 hours Continuing Education: <ul style="list-style-type: none"> 30 hours *Most requirements depend on type of preparer.

