

**TOWNSHIP OF LOWER MERION
TAXPAYERS BILL OF RIGHTS
DISCLOSURE STATEMENT**

Every taxpayer is obligated to pay all taxes levied by the Township to which the taxpayer is subject. When taxes are not paid or the Township has questions about whether a taxpayer has fulfilled all tax obligations, the Township has legal rights to enforce taxpayer obligations. In conjunction with taxpayer obligations and Township rights, the Commonwealth of Pennsylvania has enacted a Bill of Rights which grants legal rights to taxpayers, and creates obligations for local governments so that equity and fairness control how municipalities collect taxes. This Disclosure Statement is provided by the Township of Lower Merion to explain your rights.

This document is merely a summary of your rights. A complete statement of the Local Taxpayers Bill of Rights Act can be found at 53 PA.C.S. § 8421- 8437.

APPLICABILITY/ELIGIBLE TAXES

This Disclosure Statement applies to all taxes levied by the Township of Lower Merion other than the real estate tax.

The specific taxes levied by the Township to which this Disclosure Statement applies are: (1) *Business Privilege Tax (BPT)*; (2) *Mercantile Tax (MT)*; and (3) *Occupational Privilege Tax (OPT)*. Unless expressly provided in the Local Taxpayers Bill of Rights, the failure of any Township representative to comply with any provision of this Disclosure Statement, related regulations or the Local Taxpayers Bill of Rights will not excuse the taxpayer from paying the taxes owed.

**TAXPAYER RIGHTS AND TOWNSHIP OBLIGATIONS WHEN THE TOWNSHIP REQUESTS
INFORMATION OR AUDITS TAXPAYER RECORDS**

Minimum Time Period for Taxpayer Response

- The taxpayer has 30 calendar days from the mailing date to respond to Township requests for tax information.
- Upon written request, the Township will grant reasonable time extensions for good cause to respond to requests for information.

Requests For Prior Year Returns

- Initially the Township may request only information pertaining to taxes required to be paid or tax returns required to be filed within 3 years prior to the mailing date of the request.
- If the Township determines on the basis of information available to it that a taxpayer failed to file a tax return, underreported income, or failed to pay a tax required to be paid or filed more than 3 years prior to a request, the Township may seek that information as well.

Use of Federal Tax Information

- The Township is permitted to require a taxpayer to provide copies of federal tax returns if the Township can show that the information is reasonably necessary for enforcement or collection of a tax and the information is not available from the Pennsylvania Department of Revenue or other sources. Since the Pennsylvania Department of Revenue has indicated it will not release tax information to a local municipality, Lower Merion has determined that federal tax returns are reasonably necessary for enforcement or collection of its taxes.

TAX OVERPAYMENT REFUNDS

A taxpayer may file a written request with the Township for a refund or credit. The filing of written request will not preclude a taxpayer from later filing a tax appeal petition as discussed below. The request must be made within 3 years of the due date for filing the return or 1 year after payment of the tax, whichever is later. If no return is required, the request must be made within 3 years after the payment due date, or within 1 year after payment, whichever is later. A tax return filed by the taxpayer showing a tax overpayment will be considered a written request for a cash refund unless the return indicates otherwise. If a taxpayer overpays a tax as a result of receiving a notice of underpayment, the taxpayer must file a written request for a refund within 1 year of the payment date. Subject to certain exceptions, the Township will pay interest, at a rate determined pursuant to state law, from the date of overpayment until the date of resolution.

TAX ASSESSMENT/UNDERPAYMENT/REQUIRED NOTICE

The Township must notify the taxpayer in writing of the basis for any underpayment of tax determined by the Township.

TAX APPEALS

Tax Appeal Petitions

- To appeal a tax assessment or denial of a refund request, the taxpayer must file a Tax Appeal Petition with the Hearing Officer appointed by the Township. The petition must be mailed or delivered to the attention of the Hearing Officer at the following address:

**Township of Lower Merion
Finance Department
75 E. Lancaster Avenue
Ardmore, Pennsylvania 19003-2376**

Attention: Hearing Officer (Business Taxes)

- Tax Appeal Petitions requesting a refund must be filed within the time set forth above under "Tax Overpayment Refunds."
- Tax Appeal Petitions appealing a tax assessment or notice of underpayment must be filed within 90 days after the date of the tax assessment or underpayment notice.
- Regulations regarding the form and content of petitions, as well as the procedure for tax appeals may be obtained in person, or by mailing a request to the above address, or by calling the Township at (610) 645-6160 during the hours of 8:30 A.M. to 4:30 P.M. on any weekday other than a holiday.

Hearing Officer's Decision

- The Township Hearing Officer will schedule a hearing and issue a decision on Tax Appeal Petitions within 60 days after receipt of a complete and accurate petition.
- If the petition was complete and accurate when filed, the Hearing Officer's failure to render a decision within 60 days will result in the petition being deemed approved.

Appeals to Court

- Any person aggrieved by a decision of the Township Hearing Officer who has a direct interest in the decision has the right to appeal to the Montgomery County Court of Common Pleas.
- Appeals to court must be filed with the court within 30 days after the date of the Township Hearing Officer's adverse decision.

TOWNSHIP ENFORCEMENT PROCEDURES

Depending on the type of tax involved and the specific circumstances, if a taxpayer has not paid a tax liability determined to be due or which the Township has reason to believe might be due, possible Township enforcement options include:

- Inquiry by the Township to the taxpayer.
- Township audit of taxpayer records.
- The Township may contact the taxpayer and attempt to resolve the liability through payment in full, an installment payment plan, or payment under protest.
- The Township may employ private collection agencies to collect the tax.
- The Township may start a lawsuit before a district justice or the Montgomery County Court of Common Pleas against the taxpayer, and in some cases, against an employer or other person responsible for payment or collection of the tax.

TAX INFORMATION CONFIDENTIALITY

Information gained by the Township as the result of any audit, return, report, investigation, hearing or verification shall be considered confidential.

Confidentiality will not preclude disclosure for official purposes, whether in connection with legal proceedings or otherwise, and will not preclude disclosure to the extent required by any applicable law.

TAXPAYER COMPLAINTS

If a taxpayer has a complaint about a Township action relating to taxes, the Director of Finance may be contacted in writing at 75 E. Lancaster Avenue, Ardmore, Pennsylvania 19003-2376. The Director of Finance or his/her designee will facilitate resolution of the complaint by working with the appropriate Township personnel.