

Administrative:

California: Comments on Revised Proposed Office of Tax Appeals Rule Changes are Due May 26

Notice of Proposed Regulatory Action: Proposed Amendments to California Code of Regulations, Title 18, Division 4.1, Cal. OTA (5/11/23); Revised Proposed Amendments to California Code of Regulations, Title 18, Division 4.1 (Office of Tax Appeals Rules for Tax Appeals), section 30104, Cal. OTA (5/11/23). The California Office of Tax Appeals (OTA) issued a second notice of proposed changes to its rules governing the administrative review processes for all appeals and related claims for reimbursement of fees and expenses filed with OTA (*i.e.*, the “Rules for Tax Appeals”) [see *State Tax Matters*, Issue 2023-14, for more details on these rule changes as originally proposed], and announced that written comments on them are due by May 26, 2023. The revised proposed rule changes no longer incorporate a provision under Regulation 30104 that would limit the OTA’s authority to declare California administrative regulations (including those of the California Franchise Tax Board (FTB) and the California Department of Tax and Fee Administration (CDTFA)) invalid or unenforceable. According to the OTA, these provisions were withdrawn because they “elicited comments from numerous stakeholders, and OTA would like to review and provide an additional opportunity to discuss.” To this end, the OTA states that it will hold an interested parties meeting in connection with the future anticipated rulemaking for Regulation 30104. Please contact us with any related questions.

URL: <https://ota.ca.gov/wp-content/uploads/sites/54/2023/05/Second-Notice-of-Proposed-Rulemaking-2023-No.-1.pdf>

URL: <https://ota.ca.gov/wp-content/uploads/sites/54/2023/05/Revised-Proposed-Amendments-to-OTA-Rules-for-Tax-Appeals-2023-No.-1.pdf>

URL: https://dhub.blob.core.windows.net/dhub/Newsletters/Tax/2023/STM/230407_1.html

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