

July 11, 2005

In Re: **Victor Floyd**  
Docket No: **36REINPZZ6084**

Statement of Record:

1. Victor Floyd (hereafter "Petitioner") filed a Petition for Waiver of Interest and Penalty accrued against delinquent real estate taxes for the property at 3111 North 16<sup>th</sup> St. Philadelphia, Pa. 19132. This petition was filed with the Tax Review Board on August 23, 2004.
2. A public hearing before a Tax Review Board Master was held on October 7, 2004. The decision of the Master, as ratified by the Tax Review Board, was to abate one-half of the interest, all of the penalties and the lien charges for the years 1990 to 1999 and 2003, contingent on making all payments by December 31, 2004.
3. Petitioner appealed this decision and requested a hearing before the full Tax Review Board.
4. A public hearing before the Tax Review Board was held on January 6, 2005. At the conclusion of the hearing the Board announced its decision to abate the penalties, interest and lien charges for the tax years 1990 through 1999 and 2003 with the provision that Petitioner pay the tax principal at the conclusion of the hearing and any additional balance in installment payments to not exceed 18 months.
5. The City of Philadelphia has appealed to the Court of Common Pleas of Philadelphia County.

Findings of Fact:

1. Petitioner owned the property at 3111 North 16<sup>th</sup> St. Philadelphia, Pa. for all the tax year in question and continued to be the record owner through the date of the Tax review Board hearing.
2. Petitioner requested relief from the interest and penalties accrued against tax years 1990 through 1999 and 2003, tax years for which tax principal and legal fees were also due and owing.
3. The real estate taxes for the years 2000 through 2002 were paid as of the Tax Review Board hearing date. The amount of \$656.50 had been paid toward the 2004 real estate tax of \$714.01. Petitioner was on a payment agreement for which he was continuing to pay \$59.60 every month.
4. As of the hearing date, Petitioner owed tax principal of \$6,244.85, interest in the amount of \$4,986.89, penalties of \$518.66, liens of \$200.00 and legal fees of \$2,186.41 for the years 1990 through 1999 and 2003.
5. Petitioner testified that he became delinquent in paying his real estate taxes due to a variety of events in his life that included a short marriage during which he resided elsewhere, leaving the property vacant from 1995 through 1998, and then a work related injury in 2000 that left him unable to work through 2003.
6. However, Petitioner had made an effort to pay the taxes by sending in \$59.60 each month; that enabled him to pay the 2000 through 2003 taxes in full as well as most of the 2004 taxes.
7. At the hearing, Petitioner had a check to pay the entire principal amount of \$6,244.85.

### Conclusions of Law:

The Philadelphia Code Chapter 19-1702(1) provides the Tax Review Board with jurisdiction over petitions for review “relating to the liability of any person for any unpaid money or claim collectible by the Department of Revenue, for or on behalf of the City or School District of Philadelphia, including but not limited to, any tax, water or sewer rent, license fee or other charge, and interest and penalties thereon...”.

In this case, the tax principal was not in dispute. Petitioner was requesting relief from the additional charges accrued because of the delinquency in payment of the tax. The Philadelphia Code provides broad jurisdiction to the Tax Review Board to review charges claimed by the Department of Revenue. It is under this broad umbrella that the Board considers lien charges assessed by the City.

The Tax Review Board is the administrative forum for taxpayers seeking a review of the City’s claims. Absent a specific statutory provision granting jurisdiction to another forum, as, for example, is the case with Real Estate Tax assessments (The Philadelphia Code Chapter 19-1300) and legal fees that may be assessed by the City of Philadelphia on tax collection matters (53 P.S. §7106(a.1)), the Board provides a venue for taxpayers seeking administrative review.

The Philadelphia Code Chapter 19-1705(2) also provides that the Tax Review Board has the authority to waive interest and penalty in situations where, in the opinion of the Board, a taxpayer demonstrates good faith, lack of negligence or intent to defraud the city.

In this case, although Mr. Floyd may have initially ignored his tax obligation to the City of Philadelphia thus resulting in the delinquency before the Board, he had taken sufficient steps to correct the situation so that in the view of Tax Review Board an abatement of interest and penalties was warranted.

Mr. Floyd had faithfully made monthly payments despite being unemployed due to a work related injury, and at the time of the hearing came forward with sufficient funds to pay all of the outstanding principal amount of tax still due.

Therefore, the Tax Review Board abated all interest, penalty and lien charges and required Petitioner to pay the principal amount of tax due at the close of the hearing. The legal fees in the amount of \$2,186.41 remained and Petitioner was granted 18 months to pay this amount in installments.

Concurred:

Derrick Johnson, Chair  
Una Vee Bruce  
Wade Stevens  
Joseph Ferla  
Sharon Losier, Esquire