

Statement of Robert Firestone

Before the New York City Council Committee on Rules, Privileges and Elections

Hearing April 28, 2025

Good morning, Chair Powers and members of the New York City Council Rules Committee. Thank you for considering me for an appointment as President of the New York City Tax Commission.

It's a privilege and an honor to be considered. I am a lifelong resident of New York City, born and raised in the East Flatbush section of Brooklyn, I have also lived in Midwood and Sheepshead Bay, and for the past 30 years in Manhattan where we raised my daughter.

I am proud to have served in City and State government for over 44 years, all in the field of taxation. I served thirteen years as a tax auditor for the State, where I also was asked to assist on issues involving the implementation of audit policy, which included having input into drafting the investment capital regulations under the corporation tax, and another 13 years as an attorney with the City Law Department where I supervised tax litigation and advice to City agencies. I was recognized by both the State Department of Taxation and by the City Law Department for my public service. I have served for over 18 years as a Commissioner with the Tax Appeals Tribunal hearing appeals of determinations rendered by administrative law judges on the City's income and excise tax cases, and as a Hearing Officer with the Tax Commission. During my 18 years with the Tax Commission, I conducted property tax valuation hearings on over 26,000 applications and conducted many hearings on applications claiming exemption from the property tax.

I hope to continue that service as President of the Tax Commission, and I believe that my experience has prepared me to do so.

As the Council is fully aware, annual property tax assessments are the city's single largest source of revenue. There are over one million parcels of real property in the city, and, under New York State and City law, each property owner has the right to an independent administrative review of the assessed value of its property before the Tax Commission.

The Tax Commission's mission and my mission if appointed President, is to ensure that determinations of real property assessment appeals are made fairly, efficiently and in a transparent manner. That mission can be fully accomplished only if property owners receive adequate guidance to better understand their assessments, in knowing how to proceed to appeal them, and generally feel that they are being treated fairly when they

appeal their assessments. Particularly regarding property owners who are unrepresented, providing adequate guidance on how to pursue an appeal, and demonstrating that the process is fair, will encourage them to pursue their appeals by dispelling any perception that their efforts will be futile.

During my 18 years with the Tax Commission, I have attended many borough outreach sessions as a representative of the Tax Commission where I explained to individual property owners how their assessments and tax were calculated, walking them through the calculation step by step, and explained what they need to establish in order to challenge the assessment. If the challenge to the assessment of a class 1 property requires the property owner to use comparable sales, I will explain to them how to access the rolling sales files on the Department of Finance website and the general process to find appropriate comps in the area. I also provide this information to unrepresented applicants during hearings.

In hearings involving unrepresented applicants, I answer their questions, explain what they were missing in their presentation, and what they will need to provide in future hearings. By explaining what they need to show at hearing, unrepresented applicants are more likely to leave with a favorable perception of the Tax Commission. I find this aspect of the work extremely gratifying.

I also intend to continue our process of annually reviewing the Tax Commission's forms, instructions and procedures to improve accessibility and clarity.

I wish to also add that, while at the Law Department's Tax & Bankruptcy Division, where I supervised the staff attorneys in tax litigation and rendered tax advice to other agencies, I also was involved in drafting tax legislation. On one major project, I worked with a law firm to draft legislation that would incentivize development in lower Manhattan, which was placed on the Congressional calendar as The World Trade Center Holding Company Act of 2003 and which, unfortunately, was removed from the Congressional calendar when the United States invaded Iraq.

In addition to my experience at the Tax Commission hearing real property tax cases, I have also encountered real property issues under the excise tax litigation I supervised while at the Law Department and hear as a Tribunal Commissioner. The Real Property Transfer Tax involves legal issues pertaining to the ownership, leasing and financing of real property. Some of these issues appear under the Commercial Rent & Occupancy tax, and I have even encountered significant real property legal issues under the corporation tax and unincorporated business tax.

In conclusion, I believe my experience well qualifies me to administer the real property tax appeals process in a manner that is as fair, transparent and efficient as possible. I again thank you for your attention this morning and am happy to answer any questions you may have.