



## Legislation Text

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### Int. No. 81-A

By Council Members Gioia, Comrie, The Speaker (Council Member Quinn), Fidler, Foster, Gentile, Martinez, Nelson, Weprin, Liu, Recchia Jr., Gonzalez, Koppell, Gennaro, White Jr. and The Public Advocate (Ms. Gotbaum)

A Local Law to amend the administrative code of the city of New York, in relation to the consumer bill of rights regarding tax preparers.

Be it enacted by the Council as follows:

Section 1. Section 20-740.1 of the administrative code of the city of New York, as added by local law number 41 for the year 1991, is amended to read as follows:

a. No later than the [first of November] fifteenth of October of each year, the department shall produce and publish in the city record a one page informational flier regarding consumers' rights and laws concerning tax preparers to be called a "consumer bill of rights regarding tax preparers". The flier shall be in a form which is easily reproducible by photocopy machine and shall contain information including, but not limited to, the following:

1. Postings required by local, state and federal laws, such as price posting, posting of qualifications, and any licenses and permits required for the operation of the business; and
2. Explanations of some of the commonly offered services and industry jargon, such as preparation of short and long federal forms, refund, electronic filing, express mail, direct deposit, refund anticipation loan, "quick," "instant," "rapid," "fast," fee, and interest; and
3. Basic information on what a tax preparer is and is not required to do for a consumer, such as the preparer's responsibility to sign a return, that a tax preparer may not be required to accompany a consumer to an audit but the company may have a voluntary policy to accompany consumers to audits; and
4. The telephone numbers of the department for information and complaints[. The flier shall be in a form which is easily reproducible by photocopy machine.]; and
5. A statement that the consumer has the right to receive the following information from the tax preparer prior to becoming obligated to compensate such tax preparer for services rendered in connection with filing such consumer's income tax return with the appropriate governmental agencies:

(a) A written list of the refund and tax preparation services offered by the tax preparer;

(b) A written estimate of the total costs to the consumer for each refund and tax preparation service offered by the tax preparer. Such an estimate shall include basic filing fees, interest rates, refund anticipation loan processing fees, and any other related fees or charges;

(c) A written interest rate estimation for a refund anticipation loan or any other loan services offered by the tax preparer; and

(d) For each refund and tax preparation service offered by the tax preparer, a written estimate of the period of time the consumer can reasonably expect to wait for his or her tax refund.

b. The department shall [take action to] publicize the availability of the flier. [A] The department shall provide a copy of the consumer bill of rights regarding tax preparers [shall be provided] to any requesting individuals or businesses [on request to the department, and shall be sent by the department no later than November 15 of each year] within fourteen days of such a request and shall, no later than November 1 of each year, send the consumer bill of rights regarding tax preparers to each tax preparer who has been found to be in violation of this subchapter or any other provision of this chapter within the previous calendar year. [Each] In addition, each tax preparer subject to this subchapter shall obtain a current [consumer's] consumer bill of rights regarding tax preparers from the department and shall reproduce it so that it is clear and legible. As of January 1 of each year, each such tax preparer shall give to each [customer] consumer, free of charge, a current, legible copy of the [consumer's] consumer bill of rights regarding tax preparers prior to any discussion with the [customer] consumer. Each such tax preparer shall also verbally direct the consumer to review the consumer bill of rights regarding tax preparers and shall answer any questions the consumer may have about its contents.

§2. This local law shall take effect 60 days after its enactment into law.

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