

# **MAP - SB 480- Tax Clinics - Support.pdf**

Uploaded by: Jefferson , Stacey

Position: FAV



## TESTIMONY IN SUPPORT OF SB 480

Income Tax Distribution- Tax Clinics for Low-Income Marylanders

*Senate Budget and Taxation Committee*

February 2, 2021

*Submitted by Stacey Jefferson and Julia Gross, Co-Chairs*

### Member Agencies:

Advocates for Children and Youth  
Baltimore Jewish Council  
Behavioral Health System Baltimore  
CASH Campaign of Maryland  
Catholic Charities  
Episcopal Diocese of Maryland  
Family League of Baltimore  
Fuel Fund of Maryland  
Health Care for the Homeless  
Homeless Persons  
Representation Project  
Job Opportunities Task Force  
League of Women Voters of Maryland  
Loyola University Maryland  
Maryland Catholic Conference  
Maryland Center on Economic Policy  
Maryland Community Action  
Partnership  
Maryland Family Network  
Maryland Hunger Solutions  
Paul's Place  
Public Justice Center  
St. Vincent de Paul of Baltimore  
Welfare Advocates

### Marylanders Against Poverty

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**Marylanders Against Poverty (MAP) supports SB 480**, which creates the Tax Clinics for Low-Income Marylanders Fund.

**Tax clinics will provide low income Marylanders legal help with issues related to state taxes.** University of Maryland School of Law, University of Baltimore School of Law, and Maryland Volunteer Law Service (MVLS) are designated by the IRS as Low Income Taxpayer Clinics (LITC). They receive grants from the IRS to assist low income clients with disputes from the IRS; however, they do not have funds for helping low income clients if their tax problem is solely state level. This leaves many low income people who need help with state taxes without representation. This leaves the overwhelming and frightening task of responding to a tax dispute on the individual.

**SB 480 will give low income individuals legal representation.** The tax system and processes are confusing and complicated. Low income individuals need legal representation to help them navigate the process. The pandemic changed many people's income situation. Many people changed jobs or were on unemployment. This increases the chance of there being a mistake on people's taxes. The Low Income Tax Clinic Fund will ensure that people will have the appropriate resources to respond to tax disputes.

**Establishing a Tax Clinic Fund will provide more resources for low income communities.** When communities have greater access to resources, individuals in those communities are more likely to seek help. This is critical when people need help with their taxes. Unsettled tax disputes escalate the longer they remain unresolved. This will greatly reduce the financial cost for low income individuals in the future. Unresolved tax disputes negatively affect a person's financial stability, and it will disrupt their life. These three organizations need funding, so they can extend the services that they offer for low income communities.

**MAP appreciates your consideration and urges a favorable report for support on SB 480.**

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*Marylanders Against Poverty (MAP) is a coalition of service providers, faith communities, and advocacy organizations advancing statewide public policies and programs necessary to alleviate the burdens faced by Marylanders living in or near poverty, and to address the underlying systemic causes of poverty.*

**SB480-Tax Clinics.pdf**

Uploaded by: Kraska, MJ

Position: FAV



ARCHDIOCESE OF BALTIMORE † ARCHDIOCESE OF WASHINGTON † DIOCESE OF WILMINGTON

**February 02, 2021**

**SB 480**

**Income Tax Distribution – Tax Clinics for Low–Income Marylanders**

**Budget Tax Committee**

**Position: Support**

The Maryland Catholic Conference (“Conference”) represents the public-policy interests of the three Roman Catholic (arch) dioceses serving Maryland: the Archdiocese of Baltimore, the Archdiocese of Washington, and the Diocese of Wilmington.

Senate Bill 480 requires that each fiscal year the Comptroller distribute \$250,000 of income tax revenue from individuals to the Tax Clinics for Low-Income Marylanders Fund; establishing the Tax Clinics for Low-Income Marylanders Fund to provide grants to the University of Maryland School of Law, the University of Baltimore School of Law, and the Maryland Volunteer Lawyers Service to operate tax clinics for low-income Marylanders; requiring the Secretary of Higher Education to administer the Fund.

The basis for all that the Church believes about the moral dimensions of economic life is its vision of the transcendent worth—the sacredness—of human beings. The Second Vatican Council stated, *“The dignity of the human person, realized in community with others, is the criterion against which all aspects of economic life must be measured.”* All human beings, therefore, are ends to be served by the institutions that make up the economy, not means to be exploited for more narrowly defined goals. Senate Bill 480 affords low-income Marylanders the opportunity to attend tax clinics in pursuit of economic justice and a common good within society.

The Conference appreciates your consideration and respectfully urges a favorable report for Senate Bill 480.

# **SB 480- Distribution of Tax Payments and Unemploym**

Uploaded by: McKinney, Robin

Position: FAV



**SB 480- Income Tax Distribution – Tax Clinics for Low–Income Marylanders**  
**February 2, 2021**  
**SUPPORT**

Chairman Guzzone, Vice-Chair and members of the committee, thank you for the opportunity to submit testimony in support of Senate Bill 480. This bill would establish a Tax Clinics for Low-Income Marylanders Fund.

The CASH Campaign of Maryland promotes economic advancement for low-to-moderate income individuals and families in Baltimore and across Maryland. CASH accomplishes its mission through operating a portfolio of direct service programs, building organizational and field capacity, and leading policy and advocacy initiatives to strengthen family economic stability. CASH and its partners across the state achieve this by providing free tax preparation services through the IRS program ‘VITA’, offering free financial education and coaching, and engaging in policy research and advocacy. **Almost 4,000 of CASH’s tax preparation clients earn less than \$10,000 annually. More than half earn less than \$20,000.**

The Tax Clinics for Low-Income Marylanders Fund would provide funding to the University of Maryland School of Law, the University of Baltimore School of Law, and Maryland Volunteer Law Service (MVLS). These organizations are designated by the IRS as Low Income Taxpayer Clinics (LITC). This means that they help represent low income people in disputes with the IRS, and they provide education and outreach to people who speak English as a second language<sup>1</sup>. LITC’s are helpful in communities, because they provide representation for little to no fee. They receive a small amount of funding from the IRS, and there is an income ceiling to qualify for the low income clinic based on family size.

Addressing concerns about taxes is a daunting task for most individuals. Low income people do not have room in their budget to hire an attorney, and attorneys are needed to have the best outcome in resolving their issues. They can help with things like helping submit an Innocent Spouse Relief application, requesting an audit reconsideration, and representing clients in Tax Court. These processes can be intimidating, and lead to people not completing the appropriate application or not responding. This will jeopardize a person's financial stability, and it will exacerbate the initial issue.

These clinics help current law students become more prepared for work after law school. They also become connected to helping low income populations, which can last throughout their career. Students have the opportunity to participate in litigation and negotiations. They also gain experience with interviewing clients and researching cases. This experience will build a cohort of attorney’s that will have the desire and knowledge to serve low income communities.

***For these reasons, we encourage you to return a favorable report on SB 480.***

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<sup>1</sup> <https://taxpayeradvocate.irs.gov/about/litc>

**MVLS testimony SB0480.pdf**

Uploaded by: Shih, Janice

Position: FAV



## EXPANDING ACCESS TO JUSTICE FOR 40 YEARS

MARYLAND SENATE BUDGET & TAXATION COMMITTEE  
TESTIMONY OF MARYLAND VOLUNTEER LAWYERS SERVICE  
IN SUPPORT OF SB0480: INCOME TAX DISTRIBUTION –  
TAX CLINICS FOR LOW-INCOME MARYLANDERS  
TUESDAY, FEBRUARY 2, 2021

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Chairman Guzzone and distinguished members of the Committee, thank you for the opportunity to testify in support of Senate Bill 480.

My name is Janice Shih and I am the Director of the Low Income Taxpayer Clinic (LITC) at the Maryland Volunteer Lawyers Service (MVLS). MVLS is the oldest and largest provider of pro bono civil legal services to low-income Marylanders. Since MVLS' founding in 1981, our statewide panel of over 1,700 volunteer lawyers has provided free legal services to over 100,000 Marylanders in a wide range of civil legal matters. In FY20, MVLS volunteer and staff lawyers provided legal services to 4,459 people across the state. Through our LITC program, we encounter many clients who owe back taxes to the state of Maryland, resulting in consequences such as liens, levies, holds on driver's licenses, professional licenses, and vehicle registration. For the reasons explained below, MVLS respectfully requests the committee return a favorable report with verbal amendment on SB480.

There are three federally funded LITC programs in the state of Maryland: MVLS LITC, the University of Baltimore School of Law LITC and the University of Maryland Carey School of Law LITC. LITCs are funded to provide assistance to low-income taxpayers with federal tax issues. These clinics are allowed to assist low-income taxpayers with Maryland tax issues, but only if a federal tax issue already exists. Currently, there are no clinics funded to assist taxpayers with Maryland tax issues only. However, despite being unfunded, MVLS has made the financially difficult decision to provide this service to taxpayers with Maryland tax issues only. HB480 provides all three LITC programs with essential funding to ensure legal representation for assistance with Maryland tax matters. In addition, the verbal amendment offered at the hearing by Senator Zucker provides equal funding to all three programs.

Low-income Marylanders who have tax issues with the Maryland Comptroller face a bevy of consequences. Once a taxpayer owes a tax, the Comptroller adds penalties and an interest rate of 10%. This quickly escalates into an even larger sum owed, with taxpayers often feeling overwhelmed and unsure of how to even start to deal with the issue. Calls to the Maryland Comptroller involve long wait times, and responses are not always standardized, leading to more confusion. As with any issue, having legal representation to navigate through this system is crucial to a timely resolution.

As a taxpayer's balance grows, the state moves to put a lien for the balance due, or to levy wages. The lien becomes a public record, which can impact an individual's credit as well as ability to gain employment. Tax liens don't expire until 20 years



after the date taxes are assessed. A levy, or garnishment, can reduce already low wages, leaving an individual with insufficient income both for their daily necessities as well as for future owed taxes.

The cycle continues, when the taxpayer falls further behind on paying their taxes and the taxpayer sinks deeper and deeper into debt owed to the State that they can't pay.

When the balance is not paid, the state moves to put a flag or hold on the individual's driver's license, vehicle registration or professional license. In order to lift the hold, the taxpayer must pay at least 10% of the amount due, and enter into an installment agreement, which is often unsustainable. However, taxpayers agree to these plans, as they are desperate to get their license back to return to work. The taxpayer then defaults on their installment agreement, and their license may be flagged again – with the down payment now 20% for the hold to be lifted. Again, the taxpayer enters into an unsustainable installment agreement, promising anything just to be able to get their license back. This process leaves no path for a taxpayer to resolve the debt, and has a tremendous cost to Maryland's economy, when eligible employees can't obtain or sustain employment because of license suspensions.

Having legal representation to guide taxpayers is essential to resolving their tax issues. Resolutions such as hardship liability waivers, offers-in-compromise (OIC) and sustainable, affordable installment agreements are difficult to achieve on one's own. Most taxpayers do not even know that these options exist, much less know how to apply for them. Enabling an individual to resolve their tax debt gives them a path forward to sustainable employment and becoming a compliant taxpayer.

If passed with the proposed verbal amendment to equally divide funding to all three LITC programs, SB480 would allow a greater number of low-income taxpayers with Maryland issues to seek and receive this much needed assistance. Here are two examples of taxpayers who would not have been able to resolve their tax problems on their own.

1. Kevin had a long history of drug and alcohol abuse. Having graduated from a residential rehab program, Kevin was ready to move forward with his life with school and a new job. However, Kevin owed an outstanding tax balance to Maryland and there was a hold on his license, preventing him from obtaining his Commercial Driver's License (CDL). A MVLS volunteer helped Kevin obtain a Hardship Liability Waiver, allowing him to obtain his CDL. Kevin is now a licensed CDL driver, and is moving towards a sustainable payment plan with the State.
2. Cecilia and Bob were married for over 15 years when she discovered that he had accrued a large tax debt, partly from his business, and had involved her without her knowledge. Cecilia filed for bankruptcy and was released from the federal tax lien of \$126,643. However, her Maryland tax debt of \$16,139 was not discharged. A MVLS volunteer stepped in to assist Cecilia, by filing an appeal with Maryland to rescind the 2012 assessment, with over-payments of \$4,713.75 credited to Cecilia's account. The volunteer then worked with Cecilia to do an OIC to settle the rest of her liabilities.

MVLS has been fighting to even the playing field for low income Marylanders for decades, and we know that these members of our community face significant financial obstacles when trying to put their lives back on track. The need for representation is pressing, but legislation like SB480 with verbal amendment for equal funding for all three LITC programs in Maryland would lessen that burden.

Chairman Guzzone and members of the Committee, thank you again for the opportunity to testify.

# **SB 480 Income Tax Distribution – Tax Clinics for L**

Uploaded by: Tobin, Dean Donald

Position: FAV

Donald B. Tobin  
Dean and Professor of Law  
University of Maryland  
Francis King Carey School of Law

**Testimony in Support of Senate Bill 480  
Before the Senate Budget and Taxation Committee  
February 2, 2021**

Chair Guzzone, Vice Chair Rosapepe, and members of the Committee, my name is Donald Tobin, and I am the Dean and a Professor of Law at the University of Maryland Francis King Carey School of Law. I am pleased to join Senator Zucker, and my colleagues Ronald Weich, from the University of Baltimore School of Law and Janice Shih, from the Maryland Volunteer Lawyers Service (MVLS), in expressing my strong support for SB 480, and the sponsor's amendment, which creates tax clinics to provide legal services to low-income Marylanders with state tax disputes.

We have a crisis in this country concerning equal access to justice for members of our community. The Attorney General and leaders throughout Maryland have been working on reforms in this area, and the legislature has recognized a need to expand services to low-income Marylanders. One key area where low-income Marylanders often do not have representation is when they have tax controversies or problems involving their Maryland tax liabilities.

Maryland Carey Law, UB School of Law, and MVLS all receive grants from the IRS to support Low-Income Taxpayer Clinics (LITCs), which allow us to assist low-income taxpayers with their tax disputes with the IRS. These grants will enable us to assist Maryland taxpayers when the underlying Maryland tax issue is connected to a federal claim. The IRS grant, however, does not support our representing Maryland taxpayers who do not have a Federal tax issue, nor does it support outreach efforts dealing with Maryland tax issues.

As a reminder, our legal clinics allow students to provide legal advice to clients under the supervision of a faculty member. At Maryland Carey Law, we have approximately 20 legal clinics and provide approximately 75,000 hours of legal services to the people of Maryland. These clinics provide both services to the community and training to our law students.

Providing low-income Maryland taxpayers with representation benefits both the people and the State. The premise behind the funding of the federal Low-Income Taxpayer Clinics by the IRS is that ensuring representation for taxpayers provides for a more just and equitable tax system. It also improves tax administration and efficiency because it is far easier for the taxing authority to deal with represented parties than to try to obtain information and litigate against parties attempting to defend their rights *pro se*. Our expectation is the tax clinic would improve outcomes for taxpayers and create administrative efficiencies for the Comptroller's office.

In 2014, I had the honor of returning to Maryland to be Dean of the University of Maryland Carey School of Law. As a member of the Maryland Bar and a tax lawyer, I agreed to help teach in our Low-Income Taxpayer Clinic. I quickly learned that a taxpayer's federal tax liability was often only a small part of a taxpayer's problem. The state liability, especially with

interest and penalties, could also be devastating for a taxpayer. I also saw a complex State tax system that was very difficult for taxpayers to navigate.

For example, low-income people are hit particularly hard by holds that were placed on their driver's license and vehicle registration when they have an unpaid tax liability. Without representation, taxpayers often cannot navigate their way through the tax system, and have difficulty getting these holds released. We have been working with the Comptroller to find ways to alleviate this pressure on low-income taxpayers, and this is an excellent first step.

But the larger issue of ensuring that we have a tax system that operates fairly for rich and poor alike is still a challenge. Tax collection is like almost no other process in our legal system. It is a civil action by the Government to collect taxes, so a litigant is not entitled to an attorney. But to a low-income taxpayer without representation, the tax collection process can have catastrophic consequences. The burden of proof in these cases often falls on the taxpayer. State or Federal authorities require proof by the taxpayer of the taxpayers' innocence with regard to the tax liability. Most individual taxpayers are not skilled or trained enough in the law, let alone the tax law, to ably represent themselves before state or federal tax authorities. Taxpayers with means can hire lawyers and accountants to represent them before Maryland's tax authorities, but low-income taxpayers have no ability to do so.

The result is that even in the best situations, taxpayers are faced with huge hurdles of putting together a case on both factual and legal grounds. It is in these cases that lawyers can be a lifeline. In some cases, lawyers can simply help taxpayers understand what they owe and why, and help those taxpayers enter into workable payment plans with the Comptroller. In other instances, lawyers may be able to point out ways in which a taxpayer can reduce the taxpayer's liability or why some of the Comptroller's assumptions may be inaccurate. In more extreme cases, lawyers can help represent taxpayers in explaining why the Comptroller's interpretation of the law may not be correct.

In tax administration, the goal is to get it right. A fair tax system collects a fair amount of tax from each taxpayer. The Government does not seek to collect tax that is not due. Therefore, providing representation to low-income taxpayers who otherwise could not afford representation simply ensures a fair and equitable tax system. A fair and just tax system does not just require fair and just tax laws, but also a fair and just enforcement of those laws. Fair and just enforcement of the tax laws for low-income people requires that they have an ability to present their cases in the same manner as people who can afford lawyers.

SB 480 ensures that hard-working Marylanders with tax disputes get the representation they deserve. Therefore, I strongly urge the Committee to provide a favorable report on SB 480.

# **Testimony Tax Clinic Senate 2.2.2021.pdf**

Uploaded by: Weich, Ronald

Position: FAV

**TESTIMONY OF RONALD WEICH  
DEAN OF THE UNIVERSITY OF BALTIMORE SCHOOL OF LAW**

**IN SUPPORT OF SB 480**

**COMMITTEE ON BUDGET AND  
TAXATION  
MARYLAND STATE SENATE**

**Feb. 2, 2021**

Good afternoon Chairman Kaiser, Vice Chair Washington and members of the Committee. My name is Ronald Weich, and I serve as dean of the University of Baltimore School of Law. Thank you for this opportunity to testify in support of Senate Bill 480.

I am proud to join Delegate Rosenberg and my colleagues Donald Tobin from the University of Maryland School of Law and Janice Shih from the Maryland Volunteer Lawyers Service in this initiative to strengthen the capacity of our state's two law schools and MVLS to represent Marylanders in state tax controversies.

Currently, the University of Baltimore School of Law operates a low-income tax clinic in which our students gain valuable legal experience representing Marylanders in federal and related state tax disputes. The Clinic receives a grant from the Internal Revenue Service to provide these services. Federal law requires that at least 90% of the cases we handle each year must involve taxpayers with incomes under 250% of the federal poverty level. These clients normally cannot afford to hire a lawyer, and certainly not a lawyer with the expertise to address tax controversies effectively.

In addition to serving low-income Marylanders, the clinic provides real world experience to UB law students as part of our law school's nationally ranked clinical education program. This educational experience benefits both the students and the state, because clinic alumni frequently go on to help resolve major tax disputes at the state and federal levels.

Clinic student attorneys are responsible for all aspects of representing clients. This includes interviewing and counseling clients, developing case strategy, engaging in fact investigation and discovery, drafting documents, negotiating with adversaries, and conducting hearings and trials. The clinic also partners with community organizations to educate Maryland taxpayers with limited English proficiency about their tax filing and payment obligations.

The Clinic maintains a docket of about 40-60 cases at any given moment. All of these cases present a federal tax controversy, but a majority present state law issues as well. Of the many cases the clinic has handled in recent years, a majority also featured a state tax controversy. The Clinic's work in these cases decreases the administrative burden on the Office of the Comptroller by providing representation in cases where Comptroller personnel would otherwise engage in the difficult and time-consuming effort to deal with unrepresented taxpayers.

SB 480 would allow us to expand the services we provide to low-income Marylanders, specifically in state tax disputes. This legislation would allow our clinic to handle stand-alone state tax issues that are not covered by the federal grant.

If the bill is enacted and funded, the clinic would be able to enroll more students and serve more clients more effectively. Thank you for the opportunity to testify on this matter. I urge the committee's favorable report of SB 480.

# **SB 480 Testimony.pdf**

Uploaded by: Zucker, Senator Craig

Position: FAV



CRAIG J. ZUCKER  
*Legislative District 14*  
Montgomery County

Budget and Taxation Committee

*Subcommittees*

Vice Chair, Capital Budget

Chair, Education, Business and  
Administration

Chair, Senate Democratic Caucus



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THE SENATE OF MARYLAND  
ANNAPOLIS, MARYLAND 21401

**Testimony of Senator Craig J. Zucker**  
**Senate Bill- 480 – Income Tax Distribution – Tax Clinics for Low-Income**  
**Marylanders**  
**Senate Budget and Taxation Committee**  
**February 2<sup>nd</sup>, 2021**  
**1:00pm**  
**Position: SUPPORT**

Good Afternoon Chairman Guzzone, Vice Chairman Rosapepe, and distinguished members of the committee. It is my pleasure to testify today in **support of Senate Bill 480 - Income Tax Distribution – Tax Clinics for Low-Income Marylanders.**

This legislation will establish a special fund and related processes to provide supplemental grant funding for the University Maryland School of Law, the University of Baltimore School of Law, and the Maryland Volunteer Lawyer Service (MVLS) to operate tax clinics for low-income state residents.

This will provide both State and Federal tax assistance to low income Marylander's that is not readily available. The schools advise that they intend to use the funds to provide services for State tax returns, which existing federal funds do not allow.

These tax clinics assist individuals in dispute with the IRS which generally focus on issues related to federal, not State, taxes. Both the University of Maryland and the University of Baltimore schools of law operate low-income tax clinics funded by grants from the Internal Revenue Service. However, the federal grant prohibits us from helping Maryland citizens if they have a state-related tax issue. This program would allow us to help Marylander's that don't have the means or ability to understand tax liabilities or how to enter into an agreement to rectify the tax liability. This is a win for everyone whereby the citizen gets assistance and is able to rectify their tax lien so that they do not possibly lose their driver's license or have other fines imposed upon them and the State gets funds that are due so it is a good investment of resources for everyone.

**CRAIG J. ZUCKER**  
*Legislative District 14*  
Montgomery County

Budget and Taxation Committee

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Vice Chair, Capital Budget

Chair, Education, Business and  
Administration

Chair, Senate Democratic Caucus



**THE SENATE OF MARYLAND**  
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Funds created by this program would be distributed equally between the University of Maryland School of Law, the University of Baltimore School of Law, and the Maryland Volunteer Lawyer Service.

For these reasons, I urge for a favorable report for SB 480.

**SB0480 Amendment.pdf**

Uploaded by: Zucker, Senator Craig

Position: FAV



**SB0480/263221/1**

AMENDMENTS  
PREPARED  
BY THE  
DEPT. OF LEGISLATIVE  
SERVICES

29 JAN 21  
11:45:34

BY: Senator Zucker

(To be offered in the Budget and Taxation Committee)

AMENDMENT TO SENATE BILL 480

(First Reading File Bill)

On page 3, in lines 1, 2, and 4, strike “**40%**”, “**40%**”, and “**20%**”, respectively, and substitute “**ONE-THIRD**”.