

Rhode Island Department of Revenue Division of Taxation

Massachusetts Tax School for Practitioners

Fall 2023

Leo Lebeuf Taxpayer Experience Liaison



Agenda

- About Us: Division of Taxation
- Taxpayer Experience Office
- Compliance and Collections Section
- Personal and Corporate Income Tax Section
- Excise and Estate Tax Section
- Website Review
- Closing remarks

About Us

The Division of Taxation: One of six agencies in the Department of Revenue

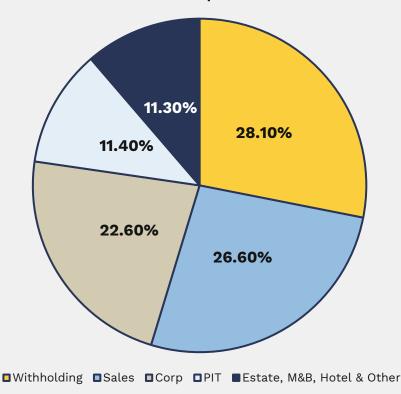
- The Rhode Island Division of Taxation employs **223 tax professionals**, administering more than **59 different taxes and fees**.
- Taxes represent **the most significant source of General Fund revenue** for Rhode Island funds used to help pay for vital services including public safety, education, transportation, and recreation for all Rhode Islanders.
- Each year, the Division collects and distributes more than \$5.2 billion in funds to the State, municipalities, and other agencies (as of FY 23).

Our Mission

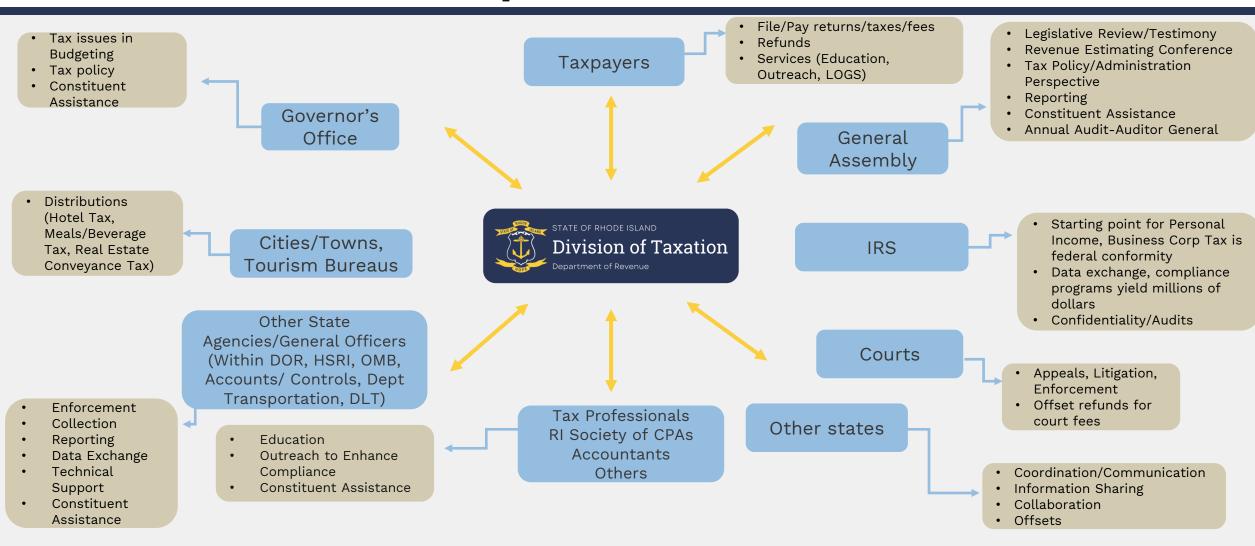
- To foster voluntary compliance with the Rhode Island tax laws and instill public confidence through professional, impartial and ethical conduct.
- To administer and collect all taxes as required by Rhode Island law in the most efficient and cost-effective manner.
- To assist taxpayers by helping them understand and meet their tax responsibilities.

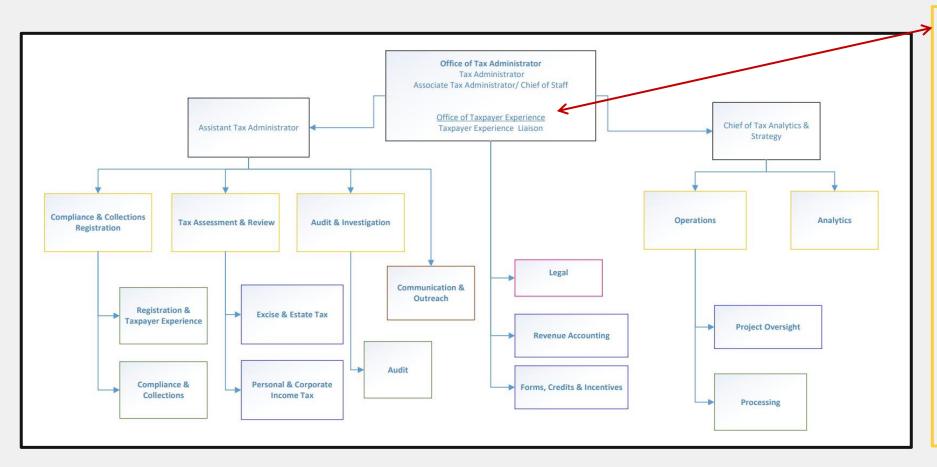
Total State Tax Revenue Collected by the Division of Taxation for Fiscal Year 2023 (\$, In Millions)

FY23 Receipts: \$5.2B



About Us: Key Stakeholders/Interactions



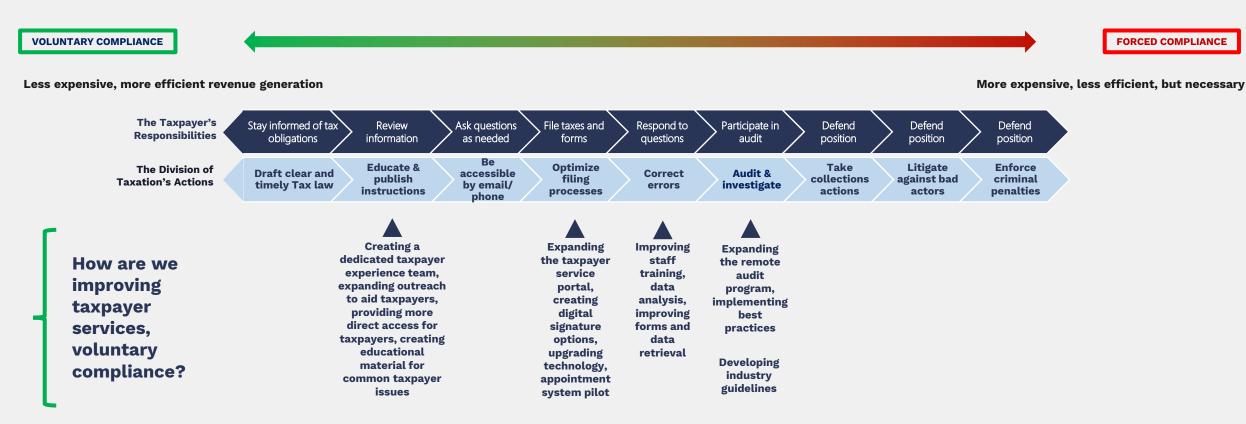


Taxpayer Experience Office Team

- Tax Administrator
- Asst Tax Administrator
- External Facing: Taxpayer Experience Liaison
- Internal Taxpayer
 Experience Team
 (With Initial Focus on Collections/Compliance)
- Continue Improvements
 Across Agency at all
 Taxpayer Contact Points

Division of Taxation: Mission

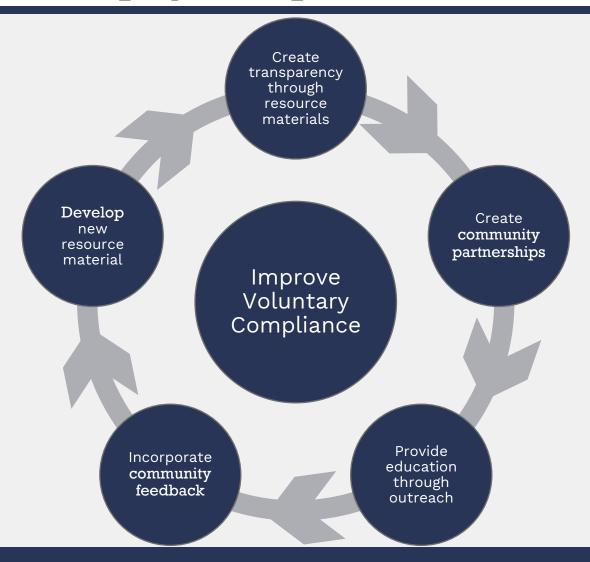
The Tax Administration Efficiency Continuum



Taxpayer Experience Office/Team









Taxpayer Experience Office: Year 1 Results

The Rhode Island Division of Taxation - Taxpayer Experience Office

Working to:

- Educate the taxpayer communityAddress taxpayers' needs
- Enhance voluntary compliance with the state's tax obligations

By:

- Creating innovative resources
- Compliant Taxpayer Profiles
- Incorporating Community Feedback
- Industry Guides

- Tax Professional Information Sessions
- Pilot program for virtual appointments
- Taxpayer Education Sessions
- Taxpayer Portal usability updates
- Engaging with community partners & community members
- Taxpayer Portal Training

Through:

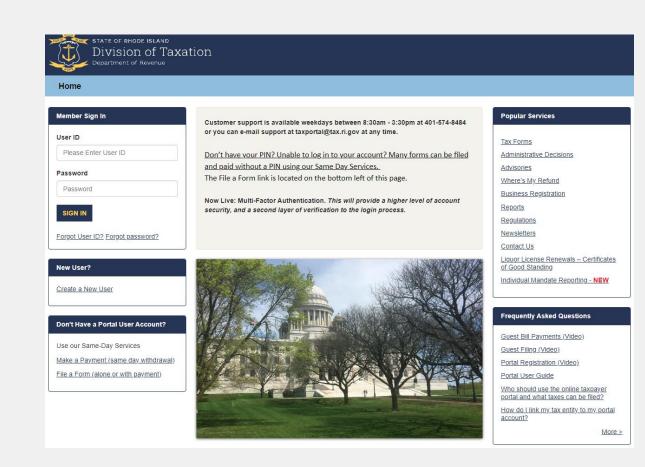
- 9 Taxpayer Education Sessions
- 9 Tax Preparer Information Sessions
- 6 Taxpayer Portal Trainings

- 8 New Community Partnerships8 Innovative Taxpayer Education Campaigns
- 27 Resolutions of complex taxpayer issues



Taxpayer Experience Initiatives

- Portal Training Sessions
- Portal Usability Study
 - Two Factor Authentication
 - Extended Password Reset Timing
 - Removal of Buttons
 - Placement of Compliance Check Feature
- Virtual Appointments
- Improve Voluntary Compliance
 - Restaurant Industry Guide
 - Taxpayer Profiles





Compliant Taxpayer Guide: Retailer

Example:

Generic Retailer with retail sales out of a RI location of \$250,000 per year of mostly taxable goods. Taxpayer is an LLC taxed as a partnership for federal tax purposes with two partners. They have 5 employees with average total taxes withheld of \$700 per month.



This example is for educational and informational purposes only. It is not a substitute for compliance with the R.I. General Laws and any relevant rules or regulations. Depending on your specific business model, you may have additional or different requirements.

Basics

- Registered for Taxpayer Portal
- Annual Sales Permit renewal filed by 2/1
- RI-STR (Sales tax return) filed by the 20th day of the month following the month in which the tax was collected

Annual filings

- RI-W3 filed by 1/31
- W2s filed by secure FTP using tax.prodcontrol@tax.ri.gov by 1/31
- RI-1065 filed by 4/15 with \$400 annual charge and RI K1s to partners

Withholding taxes

- Withholding payments made each Monday
- RI-941 filed guarterly before 4/30, 7/31, 10/31, and 1/31

Personal Income Tax

- Shareholders filed RI-1040ES making estimated payments on 4/15, 6/15, 9/15, and 1/15
- Shareholders filed RI-1040 by 4/15

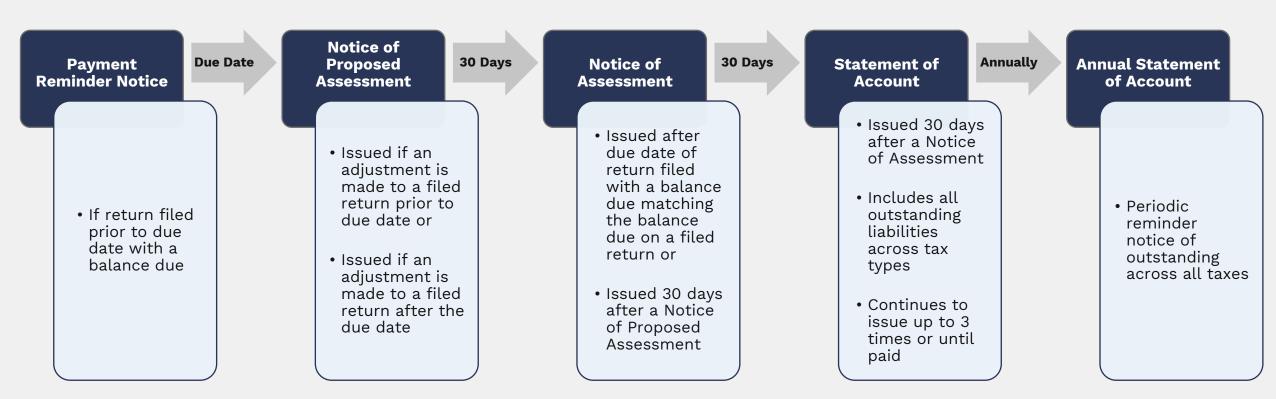




401-574-8983



State Tax Notices Timeline



State Tax Notices Timeline

- Other assessment notices
 - Compliance Notices similar to a Notice of Proposed Assessment (NOPA)
 - CP 2000 match to federal audit change notice
 - Federal State Match matching state filing to federal filing for discrepancies
 - IRMF matching federal income sources to RI non-filers
 - IRTF filed federal return with no RI return
 - Audit Notices
 - Audit Notice of Assessment
 - Responsible Officer Notice of Assessment
 - Overpayment Adjustment Notice



Single Member LLC vs Sole Proprietor

Single Member LLC

- Entity separate from its owner
- Registered as an entity with RI Department of State
- Has liability protection limited to investment
- Registration date dissolution date
- Subject to annual charge (currently \$400) on separate tax form for state purposes

Similarities

- Files Form 1040
 reporting on
 Schedule C to pay
 federal income taxes
- Files RI-1040/RI-1040NR to pay state income tax on Federal AGI including Schedule C income

Sole Proprietor

- Owner is the entity
- Can register a trade name with local municipality
- Personal liability
- No dissolution to close business
- No separate filing requirement or annual charge

Things to Come

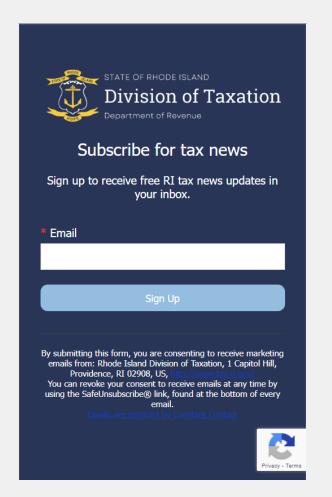
- Additional Guides
 - Manufacturers Guide
 - Contractors Guide
- On-line Taxpayer Profile Tool
- In-House New Business Workshops
- Meals and Beverage Clarity

More Tax Resources

- Sign up for our emails
 - Tax news delivered to your inbox
 - Quarterly newsletters
 - Important updates



or



Installment Agreements:

What You Need to Know

Requirements:

- Complete Installment Agreement Request: <u>Form RI-9465</u>
- Full compliance with all filing requirements



You may still be approved if you complete these steps:

- Complete Income/Expense Statement section of form RI-9465, Installment Agreement Request for review
- · Provide any backup documentation requested
- Your request will be reviewed for a determination

High likelihood for approval:

- You have a total balance greater than \$1,000
- Remit 50% down payment
- Remaining balance will be paid in 12 installments or less

1

Moving forward:

- Must continue to stay in compliance with filings and payments
- Interest and penalties continue to accrue until tax portion of liability is paid in full (if applicable)



Offers in Compromise:

What You Need to Know

Qualifications:

• If debt is excessive, illegal, or uncollectible Regulation 280-RICR-20-00-6

Requirements:

- Complete <u>Form RI-656</u>
- Complete <u>Form 433A</u> or <u>Form 433B</u>
- Full compliance with all filing requirements

Documentation Needed:

Financial Statements and verification of reason request may be required

Frequently Asked Questions and Best Practices-Portal

Q: Why do I have to change my password so often?

A: For a few reasons:

- The State takes information security seriously.
- · To protect sensitive tax information from identity theft.
- Former employees may have shared the password.

Q: Why does the system show "forecasted penalty" and "forecasted interest" if I have already remitted payment and are now filing the tax return?

A: If you are filing a return after your payment has been processed, the system will need to pair the return to the payment once the return is filed and processed.

Therefore, the system will present the "forecast" based on the amounts contained in the return you are submitting today.

Q: I filed the return. The portal indicated the amount due on the date I filed the return. I made the payment 10 days later. Why was the amount different?

A: The forecasted penalty and interest is based on the date the return was filed not when the payment was made.

Interest and penalty will continue to accrue if there is an outstanding tax balance.



Frequently Asked Questions and Best Practices-Collections

Q: Why is my license and registration blocked and what are my repayment options?

A: Under R.I. Gen. Laws § 31-3-6.1, a license/registration can be blocked due to delinquent filings and/or outstanding balances.

To release the block, the taxpayer must be filed up to date for the last seven (7) years and outstanding balances must be satisfied. A taxpayer may enter an installment agreement; certified funds must be remitted to release blocks.

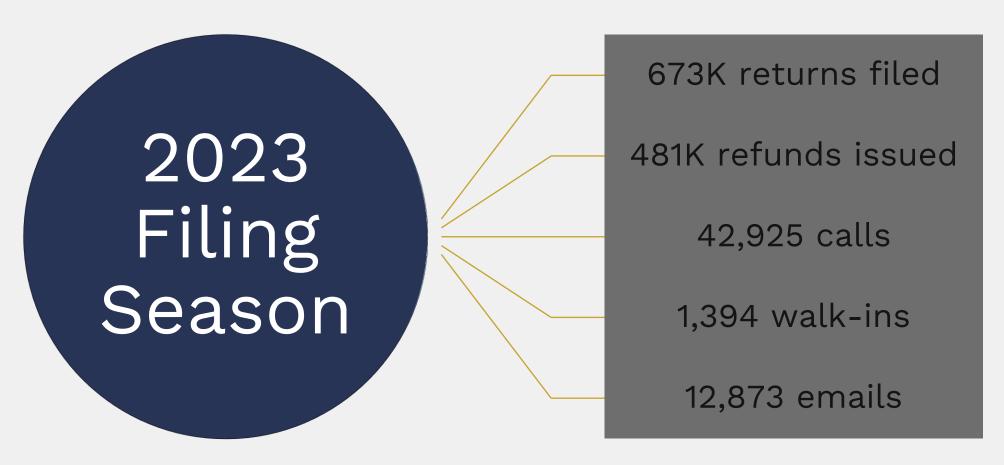
Q: Does the State of Rhode Island have a hardship/deferment program?

A: The RI Division of Taxation does not have a non-collectible status but does have options for taxpayers facing financial hardship such as installment agreements and offers in compromise.

Q: Is 50% down required to enter into an installment agreement?

A: A highly likely acceptance for balances greater than \$1,000 is 50% down and full payment in 12 monthly installments.

However, if that is not possible, then we will work with a taxpayer upon completion of the income and expense portion of the agreement request form.



As of 10/06/23

- Personal Exemptions \$4,700
- Standard Deduction
 - Single \$10,000
 - Joint/Qualifying Widow(er) \$20,050
 - HOH \$15,050
 - Married filing Separately \$10,025

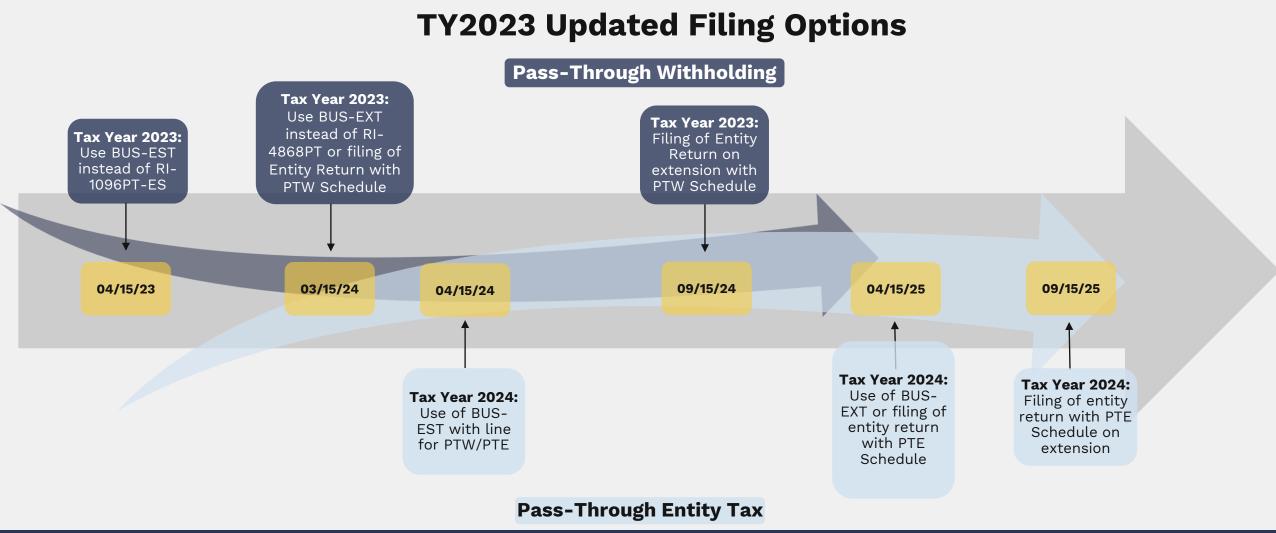
- Exemption and Deduction Phaseout Amounts
 - \$233,750 \$260,550

2023 Tax Year

Inflationary changes

- Social Security Amounts
 - Single \$101,000 Joint \$126,250
- Pension and Annuity
 - Single \$101,000 Joint \$126,250

- Property Tax Relief Credit \$650
 - Income Limitation \$37,870



TY 2022 Current Filing Options

MeF

- RI-1040
- RI-1120C, RI-1120S, RI-1065
- RI-1041
- Return/Voucher Payments

Portal

- RI-1096PT
- RI-PTE
- Return/Voucher Payments
- RI-4868PT Extension
- PTE Extensions

Estimates

- RI-1040ES
- BUS-EST
- RI-1096PT-ES
- RI-1041ES



TY2023 Updated Filing Options

MeF

- RI-1040
- RI-1120C, RI-1120S, RI-1065 (with PTW Schedule)
- RI-1041 (with PTW Schedule)
- Return/Voucher Payments
- Extensions

Portal

- RI-PTE
- Return/Voucher Payments
- PTE Extensions

Estimates

- RI-1040ES
- BUS-EST
- RI-1041ES



Earned Income Tax Credit Reminders

- The Rhode Island EITC is in addition to the Federal EITC. Rhode Island EITC rate is a percentage of the Federal EITC amount. 2018-2023=15.0% **2024=16.0%**
- RI EITC is a refundable credit, which means the credit will be refunded to the taxpayer to the extent it exceeds the taxpayer's tax liability.
- RI conforms to federal eligibility and income thresholds.
- RI tax preparer's regulation includes guidance on due diligence requirements and records retention for EITC and RI-1040H property tax credit. Tax Preparer's Regulation 280-RICR-20-55-4.
- If credit ineligibility is suspected, we may need to take extra steps to validate the EITC claim.
- Other points to consider:
- Returns without expenses
- Documentation for income reporting (e.g. requests for licenses, records, statements, etc.).



Pension Changes – Tax Year 2023

Military pensions modification

- Cannot use same income for pension and annuity modification
- No cap or limitation
- No age restriction

Pension and annuity modification

- Increase credit cap from \$15,000 to \$20,000
- Inflation increase to current AGI limit
 - For 2023:

Single - \$101,000

Joint - \$126,250

Pension/Annuity and Social Security Modifications

- Modification is based on full retirement age of 66 years and 6 months (born on or before 07/01/1957)
- All filing statuses (single, separate, head of household, married joint or widow(er))
- Federal adjusted gross income thresholds (less than \$101,000 and \$126,250)
- Once AGI limitations are passed, no modification
- Does not include IRAs
- \$20,000 limitation applies per individual for pension/annuity. Unlimited for SSI.
- Pension and Annuity Guidance document



Extension Discussion

- Extension of Time to File (280-RICR-20-55-2)
- Extension of time to file; Not time to pay
- Definition of a Proper Estimate
- "Proper estimate" means a Rhode Island extension form filed by the regular due date which declares at least eighty percent (80%) of the tax due for the taxable year.
- Extension must be filed on time and have "proper estimate" to be considered valid
- Federal extension is acceptable if no payment is due on 04/15
- Regulation covers "Reasonable Cause" for Waiver of Late Filing Addition to the Tax

Additional Updates

- Gross Earnings Tax Temporary Relief for Gas and Electric
 - Will show as credit on consumer utility bill
 - Months of December 2023 March 2024
 - Utility company will apply for the rebate

Income Requests

- Penalty Waivers
 - Requests should be in writing and all balances should be paid in full less the penalty
 - Allow at least 30 days to process
 - Notification will be sent to the taxpayer once processed
- Requests for Information
 - Responses should be received within 20 days of request
 - Documentation can be mailed, emailed, faxed, or submitted through drop box
 - Email or fax encouraged, as it allows for proof of receipt
 - Once response is submitted, please allow 5 business days before checking the status
 - Only send copies, we are not responsible for originals sent via mail

Contact Information

Personal Income Tax Phone: 401-574-8829 Option #3

• Email: <u>Tax.Assist@tax.ri.gov</u>

Corporate Income Tax • Phone: 401-574-8935

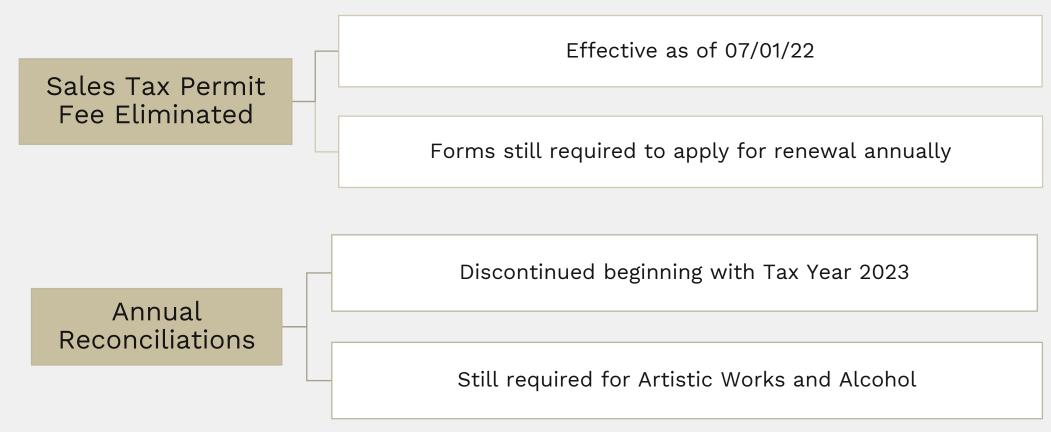
• Email: <u>Tax.Corporate@tax.ri.gov</u>

Excise & Estate Tax Section

- Litter Tax Repealed
 - Effective 01/01/2024
 - 2023 Summary of Legislative Changes
 - No renewals to be mailed
 - New business registrations still subject to \$25 for 2023



Excise Tax Reminders



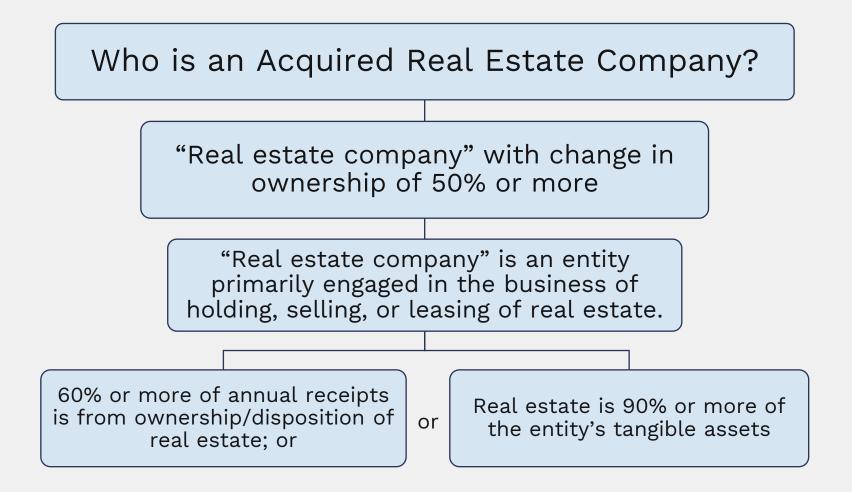
Excise and Estate Tax Section: Real Estate Conveyance Tax – Acquired Real Estate

Acquired real estate transaction occurs when:

 Company with changing ownership is subject to Real Estate Conveyance tax as "property sale."

&

 Transaction involving a change in ownership interest of an acquired real estate company.



Calculation of Tax

- The tax rate is \$2.30 per \$500.00 (or fractional part) of sales price
 - Formula: (Total Sales Price ÷ \$500) x \$2.30 = Tax Due
- An additional tax of \$2.30 per \$500 on sale of residential property for amounts over \$800,000 is due.*
 - Residential property formula: (Total Sales Price ÷ \$500) X \$2.30 plus (Amount over \$800K ÷ \$500) x \$2.30 = Tax Due

*Enacted in FY 22 Appropriation Bill (House Bill 6122Aaa, Article 14 Section 6, page 285)



What is residential real property?

 Residential real property is determined based on classifications by each city or town.



Useful links:

- Acquired Real Estate Company Advisory
- R.I. Gen. Law § 44-25-1 amended was effective July 1, 2015.
- CVYT-2 Acquired Real Estate Conveyance Tax
- Question should be directed to <u>tax.excise@tax.ri.gov</u>



Estate Tax Update

- Form-RI-706 Estate Tax return
 - Form used for taxable and non-taxable estates
 - Estates greater than \$1.3M need to complete entire return
 - Estates below \$1.3M need to complete pages 1 4 including Part
 6, recapitulation schedule
 - \$50 filing fee still applies
 - Taxable estate with DOD prior to 01/01/2015 should email tax.estate@tax.ri.gov for Form 100A
 - 2023 Inflation adjusted amounts
 - Threshold \$1,733,264—Credit \$80,395
 - 2024 amounts published by end of year



Estate Tax Update

- Best Practices for Filing an Estate Tax Return
 - All applicable items on Part 6, Recapitulation Schedule must be completed for taxable and non-taxable estates.
 - Backup **must** be provided for all items listed on part 6 for estates greater than \$1.3M.
 - Early lien releases only provided when the decedent / estate owns multiple properties.
 - Full payment of the estimated liability must be included.
 - Book value at date of death hierarchy:
 - Purchase and sale within 6 months of DOD;
 - Appraisals; and
 - Assessed values (may request appraisal based on return review).

Estate Tax Update

- Best Practices for Filing an Estate Tax Return continued
 - Other items required of all returns:
 - Certificate of Appointment;
 - Power of attorney, if applicable;
 - Wills;
 - Trust agreements; and
 - Other items listed on part 5.
 - Copies of federal schedules are not acceptable in place of the RI schedules. All RI schedules must be completed. Federal schedules can act as backup if indicated on RI schedules.
 - Federal estate closing letters are no longer required for estates required to file Federal Form 706

Estate Tax Update

Notes on non-taxable estates

Non-taxable estates may file an Estate Tax return for various reasons, including:

- To obtain a discharge of the automatic statutory lien that attaches to all real
 estate that a decedent owns at death.
- To obtain a Notice of No Tax Due for probate court purposes.
- To obtain a Waiver to allow the sale of Rhode Island securities, including Rhode
 Island incorporated stock, Rhode Island state and municipal bonds, and mutual
 funds organized as business trusts that do business in Rhode Island.

Electronic Filing & Payment Mandate

- Electronic filing and payment mandate for large business registrant taxpayers effective 01/01/2023
 - Large Business Registrant defined:
 - is operating a business whose combined annual liability for **all taxes** administered by the Division of Taxation for the entity is or exceeds \$5,000; or
 - is operating a business whose annual gross income is over \$100,000 for the entity.
 - Penalties
 - \$50 per occurrence for failure to **file** electronically
 - 5% of tax amount or \$500, whichever is less for failure to **pay** electronically
 - Taxpayers with reasonable causes may be exempt on a case-by-case basis
 - Individuals and trusts filing personal or fiduciary income tax returns are not larger business registrants for the purposes of R.I. Gen. Laws §44-1-31.2

Contact Information

Estate Tax

• Phone: 401-574-8829 Option #8

• Email: <u>Tax.Estate@tax.ri.gov</u>

Sales & Excise Tax

• Phone: 401-574-8955

• Email: <u>Tax.Excise@tax.ri.gov</u>

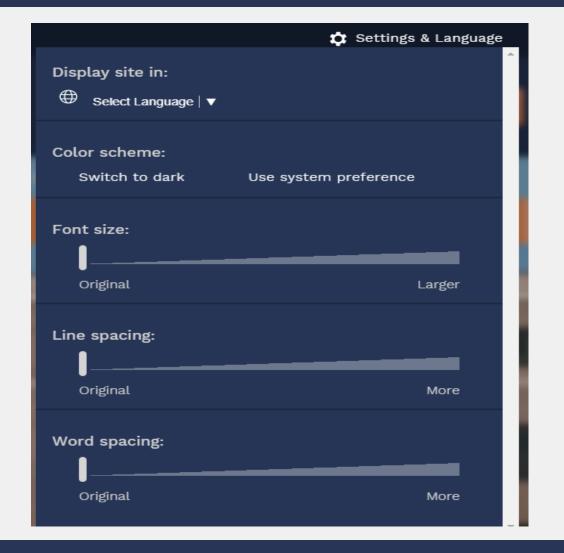
Website Review

- Website upgrade went live in 2021
- Screenshots included for display
- Increased search capabilities
- Designed to support multiple screen sizes and types of devices



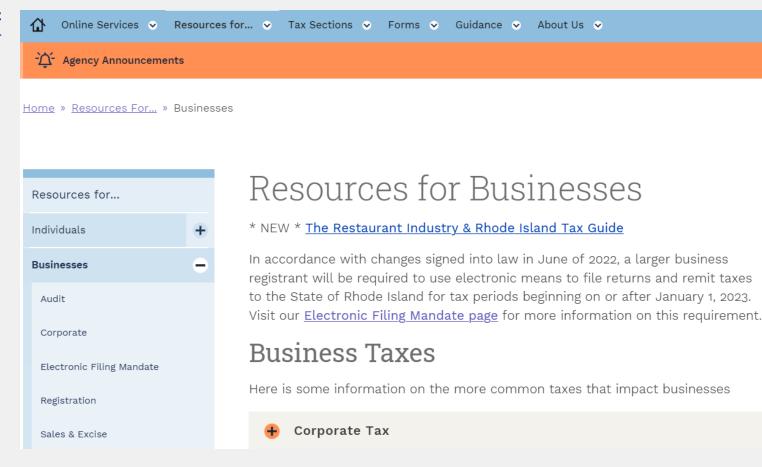
Website Components and Features

- Ability to Customize the language and translate pages
- Change Font size



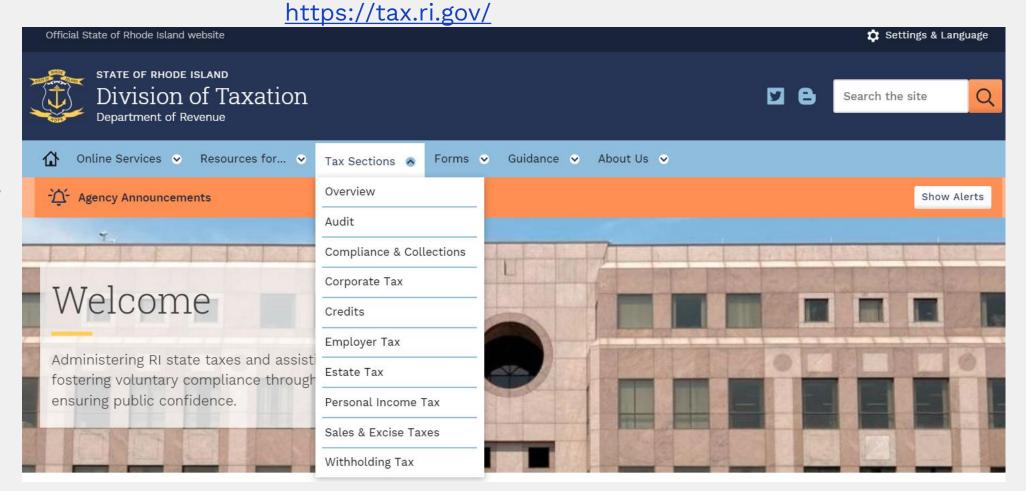
Resources for Businesses

- Sales & Excise | RI Division of Taxation
- Corporate | RI Division of Taxation
- Contact Us | RI Division of Taxation
- Credits | RI Division of Taxation
- RI Tax Credits & Financing | Rhode Island Commerce (commerceri.com)



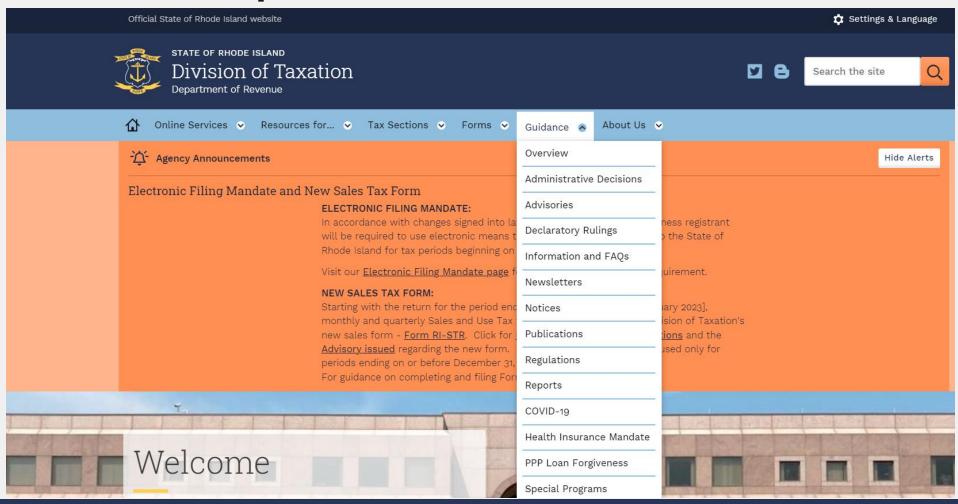
Website Components and Features

- Provides
 resources
 broken out
 by sections
- Forms are broken out in a similar way



Website Components and Features

- Links to
 Advisories,
 FAQs and
 Newsletters
- Alerts and Messages
- Search functionality



Questions



Thank you



Contact Us 401-574-8829

Tax.Experience@tax.ri.gov
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