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RPTAC Addresses ODCA Recommendations

WASHINGTON, June 30, 2020—The Real Property Tax Appeals Commission (RPTAC) created by the DC Council in 2011 to reform the way property tax appeals are managed is requesting a new staffing structure that would address recommendations by the Office of the D.C. Auditor, according to a new ODCA report.

Among the findings in the report is that contrary to law, RPTAC has Commissioners working hourly on contract, a criticism ODCA made in its 2016 report. In its written response to the new report, the outgoing RPTAC chairman described an amendment to change the law so that the contract Commissioners become 6-month employees to meet the requirement that Commissioners be employees and also address annual workload challenges.

ODCA had criticized the status of Commissioners as contract employees because that permitted them to operate outside District personnel and ethics rules. ODCA also noted that safeguards against conflicts of interest in hearing appeals needed to be stronger.

“We appreciate the steps RPTAC is taking to try to address the requirement in the D.C. Code that all Commissioners shall be District government employees,” said D.C. Auditor Kathy Patterson.

In its comments on the draft report, RPTAC described its efforts to change its structure to make hourly Commissioners temporary employees (hearing examiners), who would serve for six months and would be compensated commensurate with the hourly rate of full time Commissioners.

“The current proposal for temporary six-month employees would meet our recommendation and likely also assist in better management of the caseload which could see an increase in response to the coronavirus pandemic,” Patterson said,

Several other recommendations in the report, [RPTAC Should Continue Work to Protect Against Conflicts & Improve Transparency, Timeliness, & Data Quality](#), are already being addressed by new policies and procedures at the Commission, include:

RPTAC should implement stronger policies and procedures to reduce the risk of Commissioners hearing an appeal on which they have a conflict of interest. According to RPTAC, it has improved its recusal form that the Chairperson is required to fill out when a Commissioner reports that he/she is unable to participate due to a conflict, or potential conflict of interest. The form also requires the Chair to check a box as to whether the Chairperson accepted the recusal and the Chairperson's reasoning. The recusal process is included in RPTAC's annual training program held prior to the start of the hearing season. The Chairperson also is now required to examine all Financial Disclosures Statements to see if any disclosures might reflect a potential conflict of interest.

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RPTAC should ensure that its data system includes additional fields to record all relevant rehearing data separately from original RPTAC hearing data. RPTAC currently uses the Office of Tax and Revenue's (OTR) FoxPro system, which is currently being reconfigured by OTR to improve the systems capabilities. RPTAC's Executive Director, who recently left the agency, had met with OTR on this matter and RPTAC is working with OTR to ensure that all required data fields are addressed in the new system. RPTAC also agrees with ODCA's recommendation that it should ensure adequate supervision of its data entry personnel, and train them as necessary.

The report's other recommendations include:

- RPTAC should determine which hearings can be open to the public without violating confidentiality statutes, such as hearings regarding single-family residential properties, and open them to the public.
- RPTAC should recommend statutory changes where open hearings on appeals and confidentiality statutes are in conflict.
- As long as RPTAC's statute requires open hearings, RPTAC should request an advisory opinion from the Office of Open Government on how to conduct a hearing in which confidential information is required to be discussed privately with the panel during hearings (in camera).
- RPTAC should determine and allocate resources needed to redact all hearing decisions for a given tax year and to post them online, as its regulations require. It should post them before the start of the next tax year's hearing season.
- RPTAC should develop and implement a system to monitor the status of decisions by authoring Commissioner and use it to help appropriately manage Commissioners and their workloads.

D.C. Code § 47–825.01a (j)(2) requires that the District of Columbia Auditor perform a management audit of RPTAC's activities at least once every three fiscal years (or sooner as considered appropriate by the Auditor) or upon request of a Councilmember, and report the findings to the D.C. Council.

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