

Greenbook

LBO Analysis of Enacted Budget

Board of Tax Appeals

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LBO Greenbook

Board of Tax Appeals

Quick look...

- The Board of Tax Appeals (BTA), Ohio’s administrative tax court, resolves controversies between taxpayers and taxing authorities.
- Most appeals are of county boards of revision decisions involving real property valuations.
- Other types of tax-related cases may also be appealed to BTA.
- Funding is from the GRF. Appellants are not charged a filing fee.
- The Board consists of three members appointed by the Governor with consent of the Senate.
- Overseen by an executive director, the agency employs 11 including Board members. Most of BTA’s spending is for personnel costs.
- The budget appropriates \$3.6 million over the biennium.

FY 2018 Actual	FY 2019 Actual	FY 2020 Actual	FY 2021 Actual	FY 2022 Appropriation	FY 2023 Appropriation
GRF ALI 116321, Operating Expenses					
\$1,425,735	\$1,515,237	\$1,593,806	\$1,435,543	\$1,753,243	\$1,803,160
% change	6.3%	5.2%	-9.9%	22.1%	2.8%

Agency overview

The Board of Tax Appeals (BTA) consists of three members who are appointed by the Governor and serve six-year terms. As an independent, quasi-judicial, single-purpose body, BTA provides an expert forum outside the court system to resolve controversies between taxpayers and taxing authorities.

Most of the cases appealed to BTA arise from real estate valuations by county boards of revision. The second largest category of cases historically has been appeals of determinations or rules adopted by the Tax Commissioner. In total, BTA indicates that it has jurisdiction over 62 types of taxes. Decisions of BTA may be appealed to an Ohio court of appeals, except that small claims decisions cannot be appealed. BTA decisions regarding final determinations of the Tax Commissioner or a local board of tax review are allowed to be appealed directly to the Ohio Supreme Court as well as a court of appeals.

Analysis of FY 2022-FY 2023 budget

The Board’s budget appropriation for FY 2022 provides for a 22.1% increase over actual spending in FY 2021, when outlays declined 9.9%. The amount appropriated in FY 2023 is 2.8% more than the FY 2022 appropriation. BTA’s single GRF appropriation item is mainly used to pay

for its payroll expenses. Board staffing consists of an executive director, hearing officers, and other staff members. As of July 2021, BTA had 11 employees including the three Board members.

In the current biennium, BTA indicated that more appeals of a complex nature were anticipated, requiring more time to decide. Specifically, the pandemic and its adverse consequences for tenants of commercial properties in hard-hit industries, and consequently for the value of those properties to their owners, may add substantially to the number of cases appealed to BTA.

During the pandemic, BTA continued to operate remotely and issue decisions, except that cases requiring in-person hearings were delayed. The Board’s website indicates that it will fully resume in-person hearings August 2, 2021. Hearings for cases filed prior to 2021 will be prioritized, with the goal of providing all such cases an in-person hearing in 2021. BTA uses a case management system that is accessible through the internet, and characterizes the process of filing and resolving appeals as largely party-driven.

The following table shows numbers of cases filed with BTA and decisions issued:

Board of Tax Appeals Cases		
Year	Appeals filed	Decisions issued
2018	2,330	2,180
2019	3,010	2,610
2020	2,450	2,180