

701—7.31(421) Abatement of unpaid tax. For assessment notices issued on or after January 1, 1995, if the statutory period for appeal has expired, the director may abate any portion of unpaid tax, penalties or interest which the director determines is erroneous, illegal, or excessive. The authority of the director to compromise and settle doubtful and disputed claims for taxes or tax refunds or tax liability of doubtful collectability is not covered by this rule.

This authority exists pursuant to Iowa Code section 421.5.

7.31(1) Assessments qualifying for abatement. To be subject to an abatement, an assessment or a portion of an assessment for which abatement is sought must not have been paid and must have exceeded the amount due as provided by the Iowa Code and the administrative rules issued by the department interpreting the Iowa Code. If a taxpayer fails to timely appeal an assessment that is based on the Iowa Code or the department's administrative rules interpreting the Iowa Code within the statutory period, then the taxpayer cannot request an abatement of the assessment, or a portion thereof.

7.31(2) Procedures for requesting abatement. The taxpayer must make a written request to the director for abatement of that portion of the assessment that is alleged to be erroneous, illegal, or excessive. A request for abatement which is filed must contain:

- a. The taxpayer's name and address, social security number, federal identification number, or any permit number issued by the department;
- b. A statement on the type of proceeding, e.g., individual income tax, request for abatement; and
- c. The following information:
 - (1) The type of tax, the taxable period or periods involved, and the amount thereof that was excessive or erroneously or illegally assessed;
 - (2) Clear and concise statements of each and every error which the taxpayer alleges to have been committed by the director in the notice of assessment and which causes the assessment to be erroneous, illegal, or excessive. Each assignment of error must be separately numbered;
 - (3) Clear and concise statements of all relevant facts upon which the taxpayer relies (documents verifying the correct amount of tax liability must be attached to this request);
 - (4) Refer to any particular statute or statutes and any rule or rules involved, if known;
 - (5) The signature of the taxpayer or that of the taxpayer's representative and the addresses of the taxpayer and the taxpayer's representative;
 - (6) Description of records or documents which were not available or were not presented to department personnel prior to the filing of this request, if any; and provide copies of any records or documents that were not previously presented to the department; and
 - (7) Any other matters deemed relevant and not covered in the above paragraphs.

This rule is intended to implement Iowa Code section 421.60.