



MARLA WAISS

Partner

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Marla focuses her practice on federal and international tax matters, including tax controversy matters with the IRS and federal tax matters related to tax-exempt organizations and bond financings. She has extensive experience advising international clients on business expansion into the United States, structuring considerations in purchasing U.S. real estate, cross-border mergers and acquisitions, tax implications of relinquishing U.S. citizenship or residency status, trust and estate planning for individuals resident abroad, and the application of the U.S. anti-deferral regimes. Marla also has extensive experience working on tax controversy matters, including advising clients on voluntary disclosure options, large IRS audits, and U.S. Tax Court matters. Marla also regularly advises clients on federal tax issues related to bond financings, including post-issuance compliance matters, private business use, IRS remedial actions for maintaining the tax-exempt status of bonds and the IRS Voluntary Closing Agreement Program. She also works with a variety of tax-exempt organizations and private foundations on obtaining and maintaining tax-exempt status and the unrelated business income tax rules. Marla's practice also involves advising high-net-worth clients on charitable giving, including the formation of private foundations and drafting pledge agreements.

Marla exclusively practices U.S. law and is admitted to practice in New York.

Honors

- Listed, 2013 *Upstate New York Super Lawyers* Rising Stars
- Best Brief Award, Mugel National Tax Moot Court Competition
- Former assistant executive editor, *Buffalo Law Review* (2001-2002)
- Phi Beta Kappa
- *Buffalo Business First/Buffalo Law Journal's* Legal Elite of Western New York, 2015

The Guaranty Building
140 Pearl Street
Suite 100
Buffalo, NY 14202

Toronto
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22 Adelaide Street West, Suite 2050
Toronto, ON M5H 4E3
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Practices & Industries

Business Tax
International Tax
Tax Controversy
Trusts & Estates
International-U.S. Cross-Border
Canada-U.S. Cross-Border
Education
Municipal
Bond Counsel
Tax-Exempt Organizations

Admissions

New York
U.S. Tax Court

Education

University at Buffalo, B.A., magna

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Experience

Hodgson Russ assisted a client with a \$50 million pledge to a university for a charitable purpose. The work involved drafting and negotiating various provisions of the gift agreement with the university and advising on the federal tax material restriction rules for donors, including the level of involvement a donor may have with respect to the gifted funds for purposes of the charitable deduction rules under Internal Revenue Code Section 170.

A Hodgson Russ team represented the Buffalo Sabres and its affiliate, HARBORCENTER, in conjunction with the development of HARBORCENTER, an approximately \$200 million, 600,000-square-foot sports, retail, entertainment, parking, and hospitality complex. This first-of-its-kind mixed-used facility includes two ice rinks; a 19-story, full-service Marriott hotel; a sports-themed nightclub and restaurant; retail space; and an 800-car parking facility, all of which are connected to the existing Key Bank Center via skywalk. Hodgson Russ has worked with the Sabres on all aspects of this project from its inception, including environmental review, contract negotiations, permitting, construction, economic development incentives, financing, and tax planning.

Hodgson Russ assisted a Canadian client with the purchase and sale of U.S. vacation property and advised on the federal and state tax considerations for nonresidents owning U.S. real property, including the reporting of U.S. source rental income and the implications of the Foreign Investment in Real Property Tax Act (FIRPTA) upon a sale of the property. Our services also involved U.S. estate planning with respect to the ownership of the property.

Hodgson Russ advised an educational institution with respect to the federal tax issues upon the sale of a building with outstanding tax-exempt bonds. The advice involved an analysis of available IRS remedial actions to preserve the tax-exempt status of the bonds, including a redemption of the bonds and use of the disposition proceeds for an alternative qualifying use.

Hodgson Russ advised a Canadian client of the IRS voluntary disclosure options available for U.S. citizens living abroad, including the Offshore Voluntary Disclosure Program and the IRS Streamlined Program. The advice involved a discussion as to whether the client was a U.S. citizen. The advice also involved discussion of U.S. tax compliance requirements applicable to U.S. citizens, including the Foreign Bank Account Report (FBAR) filing rules.

cum laude

University at Buffalo School of Law,
J.D., cum laude

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In the News

New York Court Sides with Masons in Property Exemption Suit
Tax Notes State, May 8, 2023

The Blue Jays are coming back to Buffalo. Here's what that means in dollars and cents.
Buffalo Business First, May 31, 2021

Thought Leaders: The Community Benefits
Buffalo Business First, May 22, 2020

IRS Ramping Up Foreign Tax Demands
Buffalo Law Journal, December 21, 2015

Hodgson Russ Announces New Partners
January 1, 2011

Marla Waiss Accepted to Leadership Buffalo Rising Leaders Program
January 24, 2006

Press Releases

Seventy Hodgson Russ Attorneys Named to *Super Lawyers* Listing
August 2013

Publications

U.S. Department of Education Announces Long-Awaited Final Title IX Regulations
Hodgson Russ Education Alert, April 25, 2024

Alternative Instruction for Suspended Students
Hodgson Russ Education Alert, October 20, 2023

NYSED to Begin Monitoring School District Websites for Compliance with Privacy Laws
Hodgson Russ Education Alert, July 21, 2023

Orthodox Jewish Parent Group Challenges New York State Education Department Substantial Equivalency Regulations in State Court
Hodgson Russ Education Alert, April 18, 2023

Updates to State Building Codes will Require Local Revisions: Given the Added Workload on Code Enforcement, Municipalities May Wish to Evaluate the Sufficiency of Local Permit Fees
Hodgson Russ Municipal Alert, November 28, 2022

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Educational Employee Health Care Worker Bonus Payments

Hodgson Russ Education Alert, October 18, 2022

Alyssa's Law Signed by Governor: Encouraging Schools to Install Silent Panic Alarm Systems

Hodgson Russ Education Alert, June 24, 2022

Mandating Low Carbon Concrete to Achieve Embodied Carbon Reductions in the Building Sector

Hodgson Russ Municipal Alert, May 16, 2022

Budget Bill Amends Assessment Challenges to Renewable Energy Projects Under Real Property Tax Law § 575-b

Hodgson Russ Renewable Energy & Municipal Alert, May 3, 2022

New York State Legislature Amends Open Meetings Law to Allow for Videoconferencing

Hodgson Russ Municipal and Education Alert, April 19, 2022

Presentations & Events

Tax-Exempt Seminar: Current New York State & IRS Enforcement Efforts

140 Pearl Street, Suite 100, Buffalo, New York, 14202, April 25, 2024

39th Annual School Client Conference

M-Hotel Buffalo, 2040 Walden Ave, Buffalo, NY 14225, January 12, 2024

38th Annual School Client Conference

Buffalo Marriott Niagara 1340 Millersport Hwy, Amherst, NY 14221, January 13, 2023

Advising International Charitable Organizations With U.S. Donors and U.S. Investments

NYSBA, August 8, 2022

Current Trends in Charitable Planning

NYSBA - Trusts & Estates Law Section, April 28, 2021

School Client Conference Webinar Series 2021

January 15, 22, and 29

35th Annual School Client Conference

Millennium Hotel, 2040 Walden Avenue, Buffalo NY 14225, January 17, 2020

2019 Summer Tax Series

Understanding New York State Tax Issues of 2019

The Harvard Club 35 W. 44th Street, New York, NY, June 12 - August 7, 2019

34th Annual School Client Conference

Millennium Hotel Buffalo, January 18, 2019

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Hodgson Russ Seminar: Current Trends in IRS and New York State Enforcement Efforts for Tax-Exempt Organizations
Hodgson Russ, The Guaranty Building, 140 Pearl Street, Buffalo, NY, November 13, 2018

Professional Affiliations

- American Bar Association
- New York State Bar Association
- Bar Association of Erie County
- National Association of Bond Lawyers
- Ontario Bar Association

Community & Pro Bono

- Configuration Dance Theatre board of directors