Legislation Details (With Text)

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Title:	To amend City Code §§ 26-27 and 26-29, concerning the City's tax amnesty program, for the purpose of providing for the 2020 tax amnesty period's application to tangible personal property and real estate taxes.		
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To amend City Code §§ 26-27 and 26-29, concerning the City's tax amnesty program, for the purpose of providing for the 2020 tax amnesty period's application to tangible personal property and real estate taxes.

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That sections 26-27 and 26-29 of the Code of the City of Richmond (2015) be and are hereby **amended** and reordained as follows:

Sec. 26-27. Notification of opportunity to participate in Tax Amnesty Program; participation in Tax Amnesty Program.

(a) *Notification of opportunity to participate*. The Director of Finance shall publish notice in a newspaper of general circulation and on the website of the Department of Finance that persons, individuals, corporations, estates, trusts or partnerships may be eligible to participate in the Tax Amnesty Program during [~~such~~] the applicable amnesty period.

(b) *Participation.* In order to participate in the Tax Amnesty Program, any eligible person, individual, corporation, estate, trust or partnership required to file a local tax return or to pay any local tax shall

pay in full the amount of all delinquent taxes, together with any interest or penalty not waived in accordance with this article, owed on or before the last day of the tax amnesty period for which such person, individual, corporation, estate, trust or partnership is qualified to participate.

Sec. 26-29. Tax Amnesty Program for the tax year beginning January 1, 2020; tax amnesty [~~period~~] periods; report to Finance and Economic Development Standing Committee; waiver of penalties; limitations; applicability of other provisions.

(a) *Tax Amnesty Program for the tax year beginning January 1, 2020*. For the tax year beginning January 1, 2020, the Director of Finance shall administer the Tax Amnesty Program in accordance with this article and other applicable law, for admissions, lodging, and meals taxes delinquent as of any date beginning March 21, 2020, through June 23, 2020, for tangible personal property taxes delinquent as of June 6, 2020, and for real estate taxes delinquent as of June 16, 2020. However, no taxpayer that qualifies for the Tax Amnesty Program for which this section provides shall be permitted to withhold the commission provided for in section 26-2. For purposes of this section, the phrase "delinquent local taxes" means, as applicable, admissions, lodging, or meals taxes delinquent as of any date beginning March 21, 2020, through June 23, 2020, tangible personal property taxes delinquent as of June 6, 2020, or real estate taxes delinquent as of June 16, 2020.

(b) *Tax amnesty [~~period~~]* periods *for the tax year beginning January 1, 2020*. For delinquent local taxes described in subsection (a), the period within which eligible persons may receive Tax Amnesty Program benefits for the tax year beginning January 1, 2020, shall be, for admissions, lodging, and meals taxes, from April 20, 2020, to June 30, 2020, and for tangible personal property taxes and real estate taxes, from June 5, 2020, to August 14, 2020.

(c) *Report to Finance and Economic Development Standing Committee*. The Director of Finance shall submit a report concerning the Tax Amnesty Program administered in accordance with this section to the Finance and Economic Development Standing Committee within 60 days after the last day of [~~the~~] each tax amnesty period established pursuant to this section. Such report shall include:

(1) The number of eligible Tax Amnesty Program participants; and

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(2) The total amount of penalties and interest waived for the delinquent local taxes described in subsection (a).

(d) *Waiver of penalties*. For the tax year beginning January 1, 2020, and for delinquent local taxes described in subsection (a), in accordance with this article and other applicable law, the Director of Finance shall waive, upon receipt of the payment of the amount of taxes [~~and interest~~] owed on or before the last day of the applicable tax amnesty period established by this section, all of the civil penalties assessed or assessable and the interest[~~, either or both,~~] as provided for in Code of Virginia, Title 58.1 (Code of Virginia, § 58.1-1 et seq.) which are the result of nonpayment[~~,~~] or underpayment [~~, nonreporting or underreporting~~] of the local tax liabilities described in subsection (a).

(e) *Limitations.* No penalties or interest for any eligible person, individual, corporation, estate, trust or partnership shall be waived for admissions, lodging, or meals taxes, except upon the timely filing of an admissions, lodging, or meals tax return each month, in accordance with sections 26-673, 26-699, or 26-728, as applicable, and upon receipt of the payment of the full amount of the delinquent tax owed on or before the last day of the applicable tax amnesty period for such taxes for the tax year beginning January 1, 2020. No penalties or interest for any eligible person, individual, corporation, estate, trust or partnership shall be waived for tangible personal property taxes or real estate taxes except upon receipt of the payment of the full amount of the delinquent tax owed on or before the last day of the applicable tax amnesty period for such taxes for the tax year beginning January 1, 2020. For purposes of this section, "receipt of the payment of the full amount of the delinquent tax" means, for admissions, lodging, or meals taxes delinquent as of any date set forth in subsection (a), as applicable, either the payment of the full amount due to the City on or before the last day of the applicable tax amnesty period or the City's acceptance of a payment plan on or before the last day of the applicable tax amnesty period (i) for a period of no longer than six months, (ii) under which at least 25 percent of the full amount due has been delivered to the City on or before the last day of the applicable tax amnesty period, and (iii) in compliance with which the full amount due to the City has been paid by the end of the

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period of the payment plan and for tangible personal property taxes or real estate taxes delinquent as of the dates set forth in subsection (a), as applicable, payment of the full amount due to the City on or before the last day of the applicable tax amnesty period. No person, individual, corporation, estate, trust or partnership shall be eligible for a payment plan for admissions, lodging, or meals taxes under this section until the person has produced satisfactory evidence (i) that all delinquent taxes, penalty, and interest owed by the person prior to March 20, 2020, have been paid; (ii) that the City has accepted a payment plan with the person for any delinquent taxes, penalty, and interest owed by the person prior to March 20, 2020, and the person has adhered to all of the terms of such payment plan; or (iii) such delinquent taxes, interest, and penalty owed by the person prior to March 20, 2020, have been paid in full before the end of the applicable tax amnesty period set forth in this section.

(f) *Applicability of other provisions*. Except as may be provided otherwise in this section, this article shall apply to the tax amnesty period set forth in this section.

§ 2. That under no circumstances shall the waiver of penalties and interest pursuant to the tax amnesty program for the tax year beginning January 1, 2020, for which this ordinance provides include the waiver of anything other than the waiver of the penalties and interest calculated upon the dollar amount of taxes.

§ 3. This ordinance shall be in force and effect upon adoption.

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