



Legislation Text

File #: ORD. 2020-096, **Version:** 1

To amend City Code §§ 26-22, 26-27, and 26-29, concerning the City's tax amnesty program, for the purpose of providing for a 2020 tax amnesty period.

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That sections 26-22, 26-27, and 26-29 of the Code of the City of Richmond (2015) be and is hereby **amended** and reordained as follows:

Sec. 26-22. Purpose.

The purpose of this article is to set forth the general provisions pursuant to which the Director of Finance administers the Tax Amnesty Program established by Chapter 200 of the 2010 Acts of Assembly of Virginia, as amended by Chapters 254 and 496 of the 2012 Acts of Assembly of Virginia. The purpose of the program is to increase compliance by delinquent taxpayers in the reporting and payment of local tax liabilities owed to the City or to provide eligible taxpayers with short-term relief after the declaration of a national, state, or local emergency, either or both. The parameters set forth in Sections 26-21 through 26-29 shall apply to the program.

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 [~~;~~ ~~prior to each amnesty period,~~] 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 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, ~~[2017]~~ 2020; tax amnesty period; report to Finance and Economic Development Standing Committee; ~~[tax relief for the elderly and disabled;]~~ waiver of penalties; limitations; applicability of other provisions.

(a) *Tax Amnesty Program for the tax year beginning January 1, ~~[2017]~~ 2020.* For the tax year beginning January 1, ~~[2017]~~ 2020, the Director of Finance shall administer the Tax Amnesty Program in accordance with this article and other applicable law, for ~~[delinquent local]~~ admissions, lodging, and meals taxes ~~[, except for tangible personal property taxes on vehicles, motor vehicle license taxes, and vehicle license fees, owed as of February 1, 2017]~~ delinquent as of any date beginning March 21, 2020, through June 23, 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 admissions, lodging, or meals taxes delinquent as of any date beginning March 21, 2020, through June 23, 2020.

(b) *Tax amnesty period for the tax year beginning January 1, ~~[2017]~~ 2020.* For delinquent local taxes described in subsection (a) ~~[owed as of February 1, 2017]~~, the period within which eligible persons may receive Tax Amnesty Program benefits for the tax year beginning January 1, ~~[2017]~~ 2020, shall be from ~~[August 15, 2017]~~ April 20, 2020, to ~~[October 15, 2017]~~ June 30, 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 tax amnesty period established pursuant to this section. Such report shall include:

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

(2) The total amount of penalties and interest waived for the delinquent local taxes described in subsection (a) [such eligible participants owed prior to the tax amnesty period established by this section; and

(3) The total amount of delinquent local taxes described in subsection (a) paid during the tax amnesty period established by this section.

(d) *Tax relief for the elderly and disabled.* For eligible persons qualifying for tax relief for the elderly and disabled for the tax year beginning January 1, 2017, pursuant to Sections 26-364 and 26-365, the period during which such persons may receive Tax Amnesty Program benefits shall be from February 15, 2017, through June 14, 2017, and shall be limited to delinquent local taxes described in subsection (a) owed for the tax year beginning January 1, 2017].

[(e)] (d) *Waiver of penalties.* For the tax year beginning January 1, [2017] 2020, and for delinquent local taxes described in subsection (a) [owed as of February 1, 2017], 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 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).

[(f)] (e) *Limitations.* No penalties or interest for any eligible person, individual, corporation, estate, trust or partnership shall be waived 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 tax amnesty period for the tax year beginning January 1, [2017] 2020. For purposes of this section, “receipt of the payment of the full amount of the delinquent tax” means either the payment of the full amount due to the City on or before the

last day of the tax amnesty period or the City's acceptance of a payment plan on or before the last day of the 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 tax amnesty period, and (iii) in compliance with which the full amount due to the City has been paid by the end of the period of the payment plan. No person, individual, corporation, estate, trust or partnership shall be eligible for a payment plan 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 tax amnesty period.

~~[(g)]~~ (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, for the tax year beginning January 1, 2020, in order to qualify for the Tax Amnesty Program for which this ordinance provides, all admissions, lodging, and meals tax returns, as applicable, for the tax year beginning January 1, 2020, shall be timely filed each month with the Director of Finance by no later than May 20, 2020.

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