DELAWARE DIVISION OF REVENUE (DOR)

TECHNICAL INFORMATION MEMORANDUM 2020-1

SUBJECT: COVID-19 FILING EXTENSIONS

March 23, 2020

This TIM is issued to outline the Delaware Division of Revenue's (DOR) response to COVID-19. As has been reported in IR 2020-58, the Internal Revenue Service has extended the time for filing of tax returns and payment of tax due from April 15, 2020 to July 15, 2020.

On March 12th, the Governor of Delaware issued a State of Emergency Declaration on COVID-19 that has been subsequently modified several times. DOR activated its Continuity of Operations Plan that makes every effort to continue to provide taxpayer assistance and services throughout the State of Emergency in adherence with the Emergency Declaration. **DOR continues to process tax returns, filings and refunds requests. As such, DOR strongly encourages all taxpayers to file as soon as possible if you have the necessary information to do so.**

Pursuant to 30 *Del. C.* § 1904(b), all final corporate income tax returns are due on the date that the corresponding federal return is due. By operation of law, all Delaware final corporate income tax returns (forms 1100) are now due on July 15, 2020 consistent with the corresponding federal return due date. Corporations may request an additional extension of time to file from the Internal Revenue Service and Delaware will grant the same extension, provided that a copy of the federal extension request is included with the Delaware final corporate return when it is filed.

Pursuant to 30 *Del. C.* § 511(a), the Director of the DOR (the "Director") has broad discretion to "grant reasonable extension[s] of time for the payment of any tax or estimated tax …", on such terms and conditions as the Director determines are appropriate. Due to the current COVID 19 emergency in Delaware, the Director hereby grants extensions similar to those recently granted by the Internal Revenue Service. The relief outlined in this TIM will be automatically provided to all effected taxpayers as follows:

1. ***Corporate tentative returns*** that would be due on April 15, 2020 pursuant to 30 *Del. C.* § 1904(a) will now be due on July 15, 2020.

2. ***Personal income tax returns*** that would be due on April 30, 2020 will now be due on July 15, 2020. If a taxpayer needs additional time beyond the extended due date, taxpayers may request an extension requesting additional time to file through Revenue's online system. This will provide an automatic extension of time to file to October 15, 2020. This requires the submission of Form 1027, available on the Division of Revenue website.

3. ***Estimated personal income tax payments*** that are due on April 30, 2020 are extended to July 15, 2020. Please note that the second quarter payments remain due on June 15, 2020.

4. ***Fiduciary income tax returns*** that are due on April 30, 2020 will now be due on July 15, 2020. If a taxpayer needs additional time beyond the extended due date, the Division of Revenue reminds all taxpayers that they may file an extension requesting additional time to file. This will provide an automatic extension of time to file to October 15, 2020. This requires the submission of Form 400-EX, available on the Division of Revenue website.

Any extension forms that would otherwise be submitted on paper may be submitted electronically to DOR at DOR_PublicService@delaware.gov. Please note an extension only extends the due date for filing, not for payment. The payment deadline will be July 15, 2020 and penalties and interest

on underpayments will be calculated from that date, even if a taxpayer requests an additional extension of time to file.

Additionally, throughout the COVID-19 Emergency, DOR continues to work with taxpayers who owe outstanding balances. If you owe taxes to DOR and need assistance, you may reach our collections team via email at DOR_Collections@Delaware.gov. For additional information about DOR's response to the COVID-19 crisis, please visit our website.