EXECUTIVE ORDER N-61-20

WHEREAS on March 4, 2020, I proclaimed a State of Emergency to exist in California as a result of the threat of COVID-19; and

WHEREAS many taxpayers have suffered financial hardship as a result of COVID-19, which has undermined their ability to pay property taxes when those taxes have become due; and

WHEREAS under the provisions of Government Code section 8571, I find that strict compliance with various statutes specified in this Order would prevent, hinder, or delay appropriate actions to prevent and mitigate the effects of the COVID-19 pandemic.

NOW, THEREFORE, I, GAVIN NEWSOM, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes of the State of California, and in particular, Government Code sections 8567, 8571, and 8627, do hereby issue the following Order to become effective immediately:

IT IS HEREBY ORDERED THAT:

1) Division 1 of the Revenue and Taxation Code (including sections 75.52, 2610.5, 2618, 2922, 2705, and 4103) is suspended until May 6, 2021 to the extent that it requires a tax collector to impose penalties, costs, or interest for the failure to pay taxes on property on the secured or unsecured roll, or to pay a supplemental bill, before the date and time such taxes became delinquent, and a tax collector shall cancel such penalties, costs, and interest provided all of the following conditions are satisfied:

    i) The property for which taxes were not paid is either:
    a. residential real property occupied by the taxpayer, or
    b. real property owned and operated by a taxpayer that qualifies as a small business under the Small Business Administration's Regulations, Code of Federal Regulations, Title 13, section 121.201;

    ii) The taxes owed on the property in question were not delinquent prior to March 4, 2020;

    iii) The taxpayer timely files a claim for relief in a form and manner prescribed by the tax collector; and

    iv) The taxpayer demonstrates to the satisfaction of the tax collector that the taxpayer has suffered economic hardship, or was otherwise unable to tender payment of taxes in a timely fashion, due to the COVID-19 pandemic, or any local, state, or federal government response to COVID-19.

    Revenue and Taxation Code section 4985.2, subdivision (a) is suspended to the extent necessary to implement this Paragraph 1.

2) The taxes owed on a property by a taxpayer making payments pursuant to an installment plan under Revenue and Taxation Code section 4837.5 or Revenue and Taxation Code, Part 7, Chapter 3 (commencing with section 4186) shall not be considered delinquent under Paragraph 1 of this Order if, on or before March 4, 2020, all payments required by the plan were made.

3) Paragraph 1 shall not apply to any property for which taxes are paid through an impound account.

4) Revenue and Taxation Code section 441, subdivision (b), and section 463, subdivision (a), are suspended until May 31, 2020 to the extent that either imposes a penalty for failing to file a property statement on or before May 7, 2020, such that no penalty shall be imposed upon a taxpayer if the taxpayer files a personal property tax statement as required by Revenue and Taxation Code section 441(a) on or before May 31, 2020.

IT IS FURTHER ORDERED that, as soon as hereafter possible, this Order be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Order.

This Order is not intended to excuse any taxpayer from the duty to pay any taxes separate and apart from any penalty, costs, or interest resulting from the failure to pay taxes before the date and time such taxes became delinquent.

This Order is not intended to limit or restrict the existing authority of a tax collector, auditor, or board of supervisors to waive, cancel, or excuse penalties, costs, or interest.

This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 6th day of May 2020.

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GAVIN NEWSOM
Governor of California

ATTEST:

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ALEX PADILLA
Secretary of State