

Tax Penalty Cancellation Request

A taxpayer may request cancellation of any penalty assessed on a Secured or Unsecured property by completing and submitting this form.

Instructions for completing the Tax Penalty Cancellation Request Form:

Step 1: Read the Important Information Section below prior to completing this form.

Step 2: Select the California Revenue and Taxation Code (R&TC) Section you believe allows the Tax Collector to cancel the penalties imposed.

Step 3: Complete the informational section at the top of the Penalty Cancellation Request Form. Sign and date the form.

Step 4: Notate the type of bill and bill year for which you are requesting penalty cancellation.

Step 5: Attach supporting documentation (if applicable) to support your request. If there was a death of a property owner whose name was on title, please include a copy of the death certificate. If there was an unexpected medical situation resulting in hospitalization prior to the tax due date, please attach hospital records or doctor's verification. Please redact any social security numbers or confidential information. Include records reflecting hospital admittance and discharge dates.

Step 6: Attach two separate checks, one for the outstanding tax amount due and one for the penalty due. If your cancellation request is approved, you will be notified and the penalty check will be shredded. If you have already paid the penalty, it will be refunded to you if appropriate. If your cancellation request is denied you will be notified and both checks will be processed.

Step 1: Please review this important information before completing your request.

The California Revenue and Taxation Code (R&TC) grants the Tax Collector the authority to cancel penalties in limited circumstances. Below are examples of requests that the Tax Collector **will deny** if submitted for penalty cancellation review.

1. Requests that the Tax Collector consider the taxpayer's payment history.

The R&TC does not grant the Tax Collector the authority to consider a taxpayer's payment history, whether positive or negative, in determining whether or not to cancel a penalty.

2. Requests related to home banking or online bill payments.

The United States Postal Service does not postmark the envelopes used to remit payments from home banking and online bill payment services. In the absence of a postmark, the Tax Collector shall only consider the date the payment was received in determining if the payment is timely.

Payments made through the Tax Collector's website are deemed received on the date the transaction was completed by the taxpayer. Payments completed on or before 8:00 PM of the due date, as evidenced by a confirmation number, will be considered timely. Please be advised that if for any reason you are unable to make your tax payment while using the County website, you are still responsible to make payment timely in order to avoid penalties.

3. Requests related to a taxpayer assertion that the taxpayer mailed the payment prior to the delinquency date with sufficient time for the United States Postal Service to deliver the payment prior to the due date.

The R&TC states that the payment will be deemed received on the date shown by the post office cancellation mark stamped on the envelope.

4. Hardship requests related to the financial circumstances of the taxpayer, which prevented the taxpayer from paying the amount due prior to the delinquency date.

Under the R&TC, there is no provision to cancel penalties due to financial circumstances that prevented a timely payment.

5. Requests related to the non-receipt of property tax bill.

R&TC 2610.5 states that failure to receive a tax bill does not relieve the lien of taxes nor does it prevent the imposition of delinquent penalties:

R&TC: Section 2610.5 - Annually, on or before November 1, the tax collector shall mail or electronically transmit a county tax bill or a copy thereof for every property on the secured roll. This requirement need not be met where no taxes are due. Failure to receive a tax bill shall not relieve the lien of taxes, nor shall it prevent the imposition of penalties imposed by this code. However, the penalty imposed for delinquent taxes as provided by any section of this code shall be canceled if the assesse or fee owner demonstrates to the tax collector that delinquency is due to the tax collector's failure to mail or electronically transmit the tax bill to the address provided on the tax roll or electronic address provided and authorized by the taxpayer to the tax collector."

6. Requests when the bill is more than 4 years delinquent.

R&TC 4985.2 taxes greater than 4 years from the date of delinquency are not eligible for cancellation of penalty.

Step 2: Please select the California Revenue and Taxation Code Section, which you believe supports your request for penalty cancellation and note the section on your application.

- **R&TC: Section 2512** - Proof the United States Postal Service took custody of the payment on or before the delinquency date.
- **R&TC: Section 4911** - Payment was made to an incorrect property by mistake.
- **R&TC: Section 4985** - An error expressly made by the Tax Collector, the Auditor, or the Assessor.
- **R&TC: Section 4985.2** - Circumstances beyond the taxpayer's control, and occurred notwithstanding the exercise of ordinary care in the absence of willful neglect. Examples that **may** qualify:
 - Specific medical conditions causing unexpected hospitalization on the delinquency date.
 - Natural Disasters.
 - Death of the Property Owner of Record on or before the delinquency date.
 - Government Declared State of Emergency.
- **R&TC: Section 4986** - Penalty cancellation due to a specific Santa Cruz County error.



COUNTY OF SANTA CRUZ

TAX COLLECTOR

701 OCEAN STREET, SUITE 100, SANTA CRUZ, CA 95060-4073
PO BOX 5639 SANTA CRUZ CA 95063 • (831) 454-2510 • FAX (831) 454-2257

Application for Tax Penalty Cancellation Revenue and Taxation Code 4985.2

1. Complete per the attached instructions and return this application to the Santa Cruz County Tax Collector
2. Submit two (2) checks payable to the County of Santa Cruz Tax Collector:
 - A. CHECK #1 –Property tax amount due
 - B. CHECK #2 – Penalty amount due.
3. Sign and date the Application

Requested By:

Name _____

Mailing Address _____

City _____ State _____ Zip Code _____

Daytime Phone No. (____) _____ Fax No. (____) _____

Email: _____

Property Information:

Assessor Parcel # (APN): _____

Owner of Record: _____

Property Address: _____

(Street)

(City)

(State)

(Zip Code)

Please select the California Revenue and Taxation Code Section, which you believe supports your request for penalty cancellation. Details are provided in page one of the application.

- R&TC, Section 2512
- R&TC, Section 4911
- R&TC, Section 4985
- R&TC, Section 4985.2
- R&TC, Section 4986

Reason for Application for Tax Penalty Cancellation (A detailed, written explanation and all supporting documentation must be submitted with this application):

Reason for Application for Tax Penalty Cancellation (cont'd)

I declare and certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Signature of Property Owner or Legal Trustee

Date

For Tax Collector Use Only

Date Received: _____ Payment submitted: _____(Y/N)

Approved Denied

By: _____ Date: _____

Reason for Denial:

- Insufficient or missing supporting documentation
- Request for cancellation does not meet requirements of Revenue & Tax Codes 2512, 4911, 4985, 4985.2 or 4986
- Tax and/or Penalty payment not included with request
- Other