



State Responses to Requests for One-Month Late Filing Penalty Relief

(Last Updated October 15, 2020)

State	Full Response
Alabama	<p>9.22.20 Response from Curtis Stewart, Deputy Director</p> <p>Under Ala. Code 1975, Section 40-2A-11, the Department is authorized to waive late filing penalties for reasonable cause. This would cover a corporate return which is not timely filed due to the COVID-19 pandemic. The Department will review any request for reasonable cause relief on a case-by-case basis and grant appropriate relief based on the circumstances. Taxpayers may submit a penalty waiver request using the Department’s Form PWR, which can be accessed on the Department’s website at https://revenue.alabama.gov/wp-content/uploads/2020/09/fpwr0920.pdf. Taxpayers may submit the form to the Department’s Income Tax Administration Division at the address on the form.</p>
Arizona	<p>9.22.20 Response from Grant Nulle, Deputy Director</p> <p>Thanks for your email and follow-up. We have reviewed this internally and believe the spirit of your request is already addressed based on previous agency action: https://azdor.gov/sites/default/files/PUBLICATION_GTN-20-1.pdf</p> <p>If a calendar year C Corporation with an ordinary due date of 4/15/2020 filed an extension on or before July 15, 2020 its Arizona Form 120 is not due until 1/15/2021. Of course, if the corporation wants to e-file it will likely have to do so by October 15, 2020 because Arizona is tied to the federal e-file system that typically goes dormant sometime after 10/15.</p>
Colorado	<p>9.23.20 Response from Brendon C. Reese, Senior Director, Taxation Division</p> <p>Colorado will not be extending its corporate income tax filing deadline.</p>
Delaware	<p>9.23.20 Response from Jennifer Hudson, Esquire, Director, Division of Revenue</p> <p>We have had the opportunity to consider the COST request again this year. We have determined that we will provide automatic penalty relief for those returns that are filed by November 15 by incorporating a grace period into our system that will be effective for this year only. However, if any taxpayer receives a penalty assessment and they otherwise meet the criteria for the penalty relief, they should file a protest with the Tax Conferee using the same process that we published previously. The</p>

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	<p>taxpayer's request for abatement of late filing penalties due to reasonable cause should be submitted by email to: taxconferee@delaware.gov, or in writing to:</p> <p>Campbell Hay, Esquire Tax Conferee Delaware Division of Revenue P. O. Box 8714 Wilmington, DE 19801</p>
Florida	
Georgia	<p>10.2.20 Response from Frank O'Connell, General Counsel and Director, Tax Policy</p> <p>After internal discussion, it is our opinion that Georgia law prohibits granting an extension for more than six months, and therefore the Commissioner generally does not have authority to grant the automatic penalty waiver that you have requested. O.C.G.A. § 48-2-36. As always, if a taxpayer believes they have reasonable cause, they can request a penalty waiver for any late filing penalty imposed.</p>
Hawaii	
Idaho	<p>10.1.20 Response from Thomas C. Shaner, Tax Research Manager</p> <p>Chairman Harris asked me to respond to your inquiry about a late filing penalty for corporations who file their state tax return by November 16. While we don't have a way to grant a blanket extension, there will be no late filing penalty in Idaho as long as they paid the full amount of the tax due by the October 15 due date. All of our penalties are based a percentage of tax due.</p> <p>[This is] with the assumption that the taxpayer had a valid automatic 6 month extension to October 15th. That requires having paid at least 100% of the prior year liability or 80% of the current year. From, that point there shouldn't be any penalty for filing by November 16th.</p>
Illinois	<p>9.15.20 Response from David Harris, Director</p> <p>Thank you for your suggestion that IL provide an automatic one-month extension with penalty relief if a corporation files its state return within that extended period. I will consider the suggestion and discuss it with the appropriate individuals within the Governor's office. If you do not hear from me by Friday 18 September, you will know that an extension will not be granted.</p>

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	[COST Update: Illinois will NOT be granting an automatic one-month late filing penalty relief.]
Iowa	<p>9.16.20 Response from Ben Clough, Policy Director for Corporation Income Tax:</p> <p>On March 19, 2020, in response to a Proclamation of Disaster Emergency issued by the Governor, Director Paulsen issued Order 2020-01 extending the due dates for various Iowa returns (including Iowa corporate income tax returns) originally due on or after March 19, 2020, and before July 31, 2020, to July 31, 2020. Unlike the IRS, the Department determined that under this Order, Iowa's regular six-month extended period for filing tax returns begins to run on the new, July 31, 2020 filing deadline allowed under the Order, rather than the statutory filing deadline (April 30 for calendar year filers). As a result taxpayers with an original filing deadline that falls within the period covered by Order 2020-01, and who qualified for an automatic six-month extension on their Iowa filing deadline by paying at least 90% of the tax shown due or required to be shown due on their Iowa return by July 31, 2020, have until January 31, 2021 to file their Iowa income tax returns. See the frequently asked questions section of the Department's COVID-19 page for more information.</p> <p>Please note that this extension was a direct response to the Governor's Disaster Emergency Proclamation, and under normal circumstances the Department is not able to further extend the automatic 6-month filing deadline. Taxpayers should expect that next year's extended filing deadline will remain October 31 for Iowa purposes.</p> <p>I hope this information has been helpful, please let me know if you have any questions.</p>
Kansas	<p>9.21.20 Response from Mark Beshears, Chief Counsel</p> <p>Secretary Burghart has approved issuing a KDOR Notice similar to the one issued last year.</p> <p>Notice posted September 28, 2020: https://ksrevenue.org/taxnotices/notice20-03.pdf</p>
Maine	<p>10.2.20 Response from Michael J. Allen, Associate Commissioner for Tax Policy</p> <p>Executive Director Gerard has asked me to inform you that Maine Revenue Services will automatically extend the current filing due date, on extension, for corporate taxpayers to November 16, 2020. A press release and MRS Tax Alert are forthcoming.</p> <p>Tax Alert: https://www.maine.gov/revenue/sites/maine.gov.revenue/files/inline-files/ta_oct2020_vol30_iss18_0.pdf</p>

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Mississippi	<p>9.22.20 Response from Jan Craig, CPA, Associate Commissioner</p> <p>The Mississippi Department of Revenue will not issue an automatic extension of the due date for corporate income and franchise tax returns. As we stated last year, we will review any extension request on a case by case basis.</p>
Missouri	<p>9.18.20 Response from Mark Godfrey, Director, Taxation Division</p> <p>Thank you for your request to provide automatic late-filing penalty relief for all corporate income tax filings made within one month of the federal due date. Our position remains unchanged from last year.</p> <p>Response from 2019:</p> <p>Missouri has agreed to follow the same procedure as last year and review these requests on a case-by-case basis. The taxpayer is required to submit a written request with an explanation as to why they need an additional extension of 30 days to file their Missouri tax return. These requests will be reviewed for a waiver of the estimated tax penalty (MO-2220) and/or additions to tax for failure to file or pay penalty.</p>
Nebraska	<p>9.16.20 Response from Mike Walsh, Attorney, Legal Manager</p> <p>Thank you for reaching out. The Nebraska Department of Revenue will once again not be offering automatic late-filing penalty relief for all corporate income tax filings that are made within one month of the federal extended due date this year.</p> <p>As always taxpayers seeking penalty relief may file a Form 21, Request for Abatement of Penalty.</p>
New Jersey	<p>9.18. 20 Response from John Ficara, Director</p> <p>Just got clearance to move forward with the extension. Expect to have the notice posted to our website on Monday with language similar to what we used last year.</p> <p>9.25.20 Notice posted on website: https://www.state.nj.us/treasury/taxation/cbt/2019penalty-relief.shtml</p> <p>Note: November 16 penalty relief applies to filing election as well, see this EY Alert, and the statement of Alan Kline, NJ Division of Taxation</p> <p>10.15.20 Governor issued Executive Order No. 189 allowing filing due date extension to 11.16.20 (not just penalty relief)</p>
New Mexico	

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New York	<p>9.22.20 Response from Matthew Gokey on behalf of Commissioner Schmidt:</p> <p>New York State generally allows corporations one 6 month and 2 three month extensions. Thus, a corporation with a TY19 due date of April 15, 2020 can extend until April 15, 2021. You can find more information on this page: https://www.tax.ny.gov/forms/corp_ext_forms.htm</p> <p>[Note from COST: The above extensions are NOT automatic and we have requested the Department to reconsider.]</p>
North Carolina	<p>9.23.20 Response from Anthony Edwards, Assistant Secretary, Tax Administration</p> <p>The Department recognizes that a limited number of taxpayers may not be able to file a timely North Carolina tax return as a result of the complexity of federal income tax changes; and as a result, the extended federal deadline which is now the same as the extended state deadline. Also, we realize Covid-19 adds more complexity to this issue. Granting automatic extensions would require extensive programming changes; therefore, the Department will honor the same process as we presented last year. The Department will again consider these factors as special circumstances in granting a penalty waiver for failure to timely file a corporate income and franchise tax return assuming there are reasons provided by the taxpayer on Form NC-5500 (Request to Waive Penalties). The Department’s current penalty policy is flexible enough to accommodate legitimate request and, accordingly, that no “automatic waivers” deviating from our current policy will be granted.</p>
Rhode Island	<p>9.25.20 Response from Bethany M. Whitmarsh, Esq., Chief of Staff, Tax Administrator</p> <p>In follow up to the below, as noted by Neena, we cannot provide for an automatic extension with penalty relief, but will provide penalty relief to the extent a late filed return is due to the federal changes noted below – we will be issuing an Advisory as a reminder of the October 15th deadline and plan on including the following language in the Advisory:</p> <p style="text-align: center;">Penalty relief</p> <p>The extended due date for tax year 2019 returns for calendar-year C corporations (including those filing under combined reporting) is October 15, 2020. It is helpful to bear in mind that the starting point for preparing the Rhode Island corporate income tax return on Form RI-1120C is federal taxable income – a convenience for taxpayers and preparers because fewer steps are needed to calculate Rhode Island tax liability. Corporations and their tax professionals also should take note of the following regarding the October 15 deadline:</p>

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	<p>Rhode Island General Laws § 44-11-26 (“Pecuniary penalty for failure to file return or to pay tax or for negligence”) mandates late-filing penalties and late-payment penalties in certain circumstances. For those who file by the deadline, but do not pay by the deadline, the late-payment penalty would normally apply. For those who pay the entire balance due by the deadline, but do not file by the deadline, the late-filing penalty would normally apply.</p> <p>Taxpayers have the right, under Regulation 280-RICR-20-00-4 (“Taxpayer Rights and Responsibilities “), to request that penalties be abated where there was no negligence or intentional disregard of the law. Accordingly, the Tax Administrator will consider requests to waive penalties to the extent those penalties are attributable to federal tax law changes – and efforts to comply with those changes. To request penalty relief as described above, taxpayers must submit a written penalty waiver request in the form of a letter to the Division of Taxation and provide documentation to support their request. Send the letter separately from the return (whether the return is filed electronically or on paper). Use the following address:</p> <p style="text-align: center;">Rhode Island Division of Taxation “Penalty Relief for C Corporations” One Capitol Hill Providence, R.I. 02908</p> <p>Please note that interest continues to apply to delinquent payments as provided under Rhode Island General Laws § 44-11-7 (“Interest on delinquency payments”). For information about the applicable interest rate, see Rhode Island General Laws § 44-1-7 (“Interest on delinquent payments”). Please also note that the same principles described in this Advisory (regarding penalties, penalty abatement requests, and interest) also apply to fiscal-year C corporation filers.</p> <p>For taxpayers seeking penalty relief as a result of the coronavirus, the Division has developed a COVID-19 penalty-waiver request form (“Coronavirus Hardship Penalty Waiver Request”). The form can be completed and filed once the taxpayer receives a Notice of Assessment in the mail from the Division. COVID-19 penalty-waiver requests should be for the periods beginning on or after January 1, 2020, and must include a reason for the waiver request. Download the form using the following link: https://go.usa.gov/xwrPQ. For more information about tax-related help available during the coronavirus pandemic: http://www.tax.ri.gov/Advisory/ADV_2020_23.pdf.</p>
South Carolina	9.23.20 Response from Deana West, Deputy Director

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	<p>Thank you for your email. The SC DOR is not able to provide automatic extensions or automatic penalty relief to corporations whose filing date is the same as the federal due date.</p>
Tennessee	<p>9.24.20 Response from David Grerregano, Commissioner</p> <p>Thank you for reaching out. Consistent with the department’s approach to this issue last year, we are ready to review penalty waiver requests from anyone that has difficulty filing.</p> <p>Legislation was proposed during the 2020 legislative session that would have added one month to the state’s current six-month extension: http://wapp.capitol.tn.gov/apps/BillInfo/Default.aspx?BillNumber=SB1883. Although that bill wasn’t passed, I would expect conversations to continue on this subject, and assuming the legislation is refiled, I look forward to the General Assembly’s decision on the bill.</p>
Utah	<p>10.1.20 Response from John Valentine, Commissioner</p> <p>We lack statutory authority to give blanket waivers. Our legislature has made this very clear to us in the multiple special sessions we have had this summer. Waivers will have to be decided on a case by case basis THROUGH THE NORMAL PROCESSES.</p>
Vermont	<p>9.23.20 Response from Craig Bolio, Commissioner</p> <ol style="list-style-type: none"> 1. The Vermont Department of Taxes offers an automatic extension to 30 days after the federal extended due date for all corporate income taxpayers who have filed for a federal extension. While we have debated semantics on this before because the statutory language says “The Commissioner shall, upon receipt of documentation that a corporation has been granted either an automatic or a good cause extension of the time for filing its United States income tax return...” the documentation required is a check box on the CO-411 that labels the return “extended.” There is no additional documentation required beyond filing of the return itself. 2. We’ve previously talked about the quirk that VT law extends the corporate due date 30 days and not 1 month beyond the federal due date, we have proposed that technical change in the legislature. So far, it is unclear if our proposed changes will be passed in the short session the legislature is having now, but it is in their hands. For this year, this distinction is irrelevant because November 15 is a Sunday, which moves our extended due date to November 16th.
West Virginia	<p>9.23.20 Response from Dale Steager, Tax Commissioner</p> <p>Individuals and corporations that have an extension of time to file their federal income tax returns are granted an automatic extension of time, for a like period, to file their West Virginia personal or corporation net income returns. In the event a taxpayer</p>

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	needs additional time to file the West Virginia return, taxpayer may request a West Virginia extension of time to file. Attached are copies of the forms we use for requesting an extension of time.