

File No. 220541

Committee Item No. 9

Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

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Committee: Budget and Finance Committee Date July 20, 2022

Board of Supervisors Meeting Date _____

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OTHER (Use back side if additional space is needed)

- Referral FYI – TTX, CON, ASR – 5/17/2022
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Completed by: Brent Jalipa Date July 14, 2022

Completed by: Brent Jalipa Date _____

1 [Administrative Code - Cancellation of Delinquent Property Tax Penalties]

2

3 **Ordinance amending the Administrative Code to authorize the Tax Collector to**
4 **establish procedures for the consideration of delinquent property tax penalty**
5 **cancellations when the delinquency is due to the City’s failure to send a notice of taxes**
6 **to the owner of property acquired after the lien date on the secured roll, and to delegate**
7 **the authority to grant such penalty cancellations to the Tax Collector.**

8

9 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
10 **Additions to Codes** are in *single-underline italics Times New Roman font*.
11 **Deletions to Codes** are in ~~*strikethrough italics Times New Roman font*~~.
12 **Board amendment additions** are in double-underlined Arial font.
13 **Board amendment deletions** are in ~~strikethrough Arial font~~.
14 **Asterisks (* * * *)** indicate the omission of unchanged Code
15 subsections or parts of tables.

13

14 Be it ordained by the People of the City and County of San Francisco:

15

16 Section 1. The Administrative Code is hereby amended by revising Section 10.2 of
17 Article I of Chapter 10, to read as follows:

18

19 **SEC. 10.2. AUTHORIZATION FOR THE ASSESSOR-RECORDER, CONTROLLER,**
20 **TAX COLLECTOR, AND CITY ATTORNEY TO PERFORM CERTAIN ACTS.**

21 (a) In accordance with California Revenue and Taxation Code Section 4804 ~~of the Revenue~~
22 ~~and Taxation Code of the State of California~~, the Board of Supervisors ~~of the City and County of San~~
23 ~~Francisco, hereby~~ authorizes the Assessor-Recorder, the Controller, and the Tax Collector ~~of~~
24 ~~the City and County of San Francisco~~ to perform on its behalf any act required or authorized to
25 be performed by the Board of Supervisors ~~of the County of San Francisco for the City and County~~

1 ~~of San Francisco~~ under the following sections of the California Revenue and Taxation Code
2 regardless of the amount of taxes involved:

3 Sections 166, 270, 271, 2610.5;

4 Sections 480 through 485, both inclusive;

5 Sections 4831 through 4842, both inclusive;

6 Sections 4985 through 4986, both inclusive;

7 Sections 5026 through 5029, both inclusive;

8 Sections 5061 through 5064, both inclusive; and

9 Sections 5071 through 5073, both inclusive;

10 Provided, however, that the Controller ~~of the City and County of San Francisco~~ is hereby
11 required to record each act performed under this authorization; and provided further, that the
12 Assessor-Recorder shall make periodic reports, not less frequently than quarterly, to the
13 Board of Supervisors of any and all acts performed under this authorization.

14 Any act performed by the Assessor-Recorder under this authorization shall comply with
15 the following administrative rules and procedures:

16 (1) If such act will increase the amount of taxes due, the Assessor-Recorder
17 shall give the Assessee opportunity for a hearing after at least five days' notice at which time
18 the Assessee may present objections to the change. The decision of the Assessor-Recorder
19 in the matter is final.

20 (2) Any such act performed by the Assessor-Recorder under this authorization
21 shall be performed pursuant to a statement of findings reciting the facts found by the
22 Assessor-Recorder and further reciting the section or sections of the California Revenue and
23 Taxation Code pursuant to which such act was performed.

24 In accordance with the request heretofore made by the City Attorney ~~of the City and~~
25 ~~County of San Francisco~~ under Section 4804 of the California Revenue and Taxation Code ~~of~~

1 ~~the State of California~~, there is hereby granted a waiver of the requirement for written consent
2 of the County Legal Advisor in any act performed under the provisions hereof.

3 The Controller may perform such acts in reliance upon action of the Assessor-Recorder
4 as provided herein as though such action was performed by the Board of Supervisors.

5 * * * *

6
7 Section 2. The Administrative Code is hereby amended by adding Section 10.5 to
8 Article I of Chapter 10, to read as follows:

9
10 **SEC. 10.5. DELINQUENT PROPERTY TAX PENALTY CANCELLATION.**

11 (a) Under California Revenue and Taxation Code Section 2610.5, the Board of Supervisors
12 authorizes the Tax Collector to establish specific procedures for the consideration of delinquent
13 property tax penalty cancellations.

14 (b) The procedures established under Section 10.5(a) shall require the Tax Collector to cancel
15 delinquent property tax penalties if the assessee or fee owner demonstrates to the Tax Collector that the
16 delinquency was due to the City's failure to send a notice of taxes to the owner of property acquired
17 after the lien date on the secured roll, provided payment of the amount of taxes due, minus any
18 penalties and costs, is made no later than June 30 of the fiscal year in which the property owner is
19 named as the assessee for taxes coming due.

20
21 Section 3. Effective Date. This ordinance shall become effective 30 days after
22 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
23 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
24 of Supervisors overrides the Mayor's veto of the ordinance.

1 Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
2 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
3 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
4 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
5 additions, and Board amendment deletions in accordance with the "Note" that appears under
6 the official title of the ordinance.

7
8 Section 5. Undertaking for the General Welfare. In enacting and implementing this
9 ordinance, the City is assuming an undertaking only to promote the general welfare. It is not
10 assuming, nor is it imposing on its officers and employees, an obligation for breach of which it
11 is liable in money damages to any person who claims that such breach proximately caused
12 injury.

13
14 APPROVED AS TO FORM:
15 DAVID CHIU, City Attorney

16 By: /s/ Moe Jamil
17 MOE JAMIL
18 Deputy City Attorney

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LEGISLATIVE DIGEST

[Administrative Code - Cancellation of Delinquent Property Tax Penalties]

Ordinance amending the Administrative Code to authorize the Tax Collector to establish procedures for the consideration of delinquent property tax penalty cancellations when the delinquency is due to the City's failure to send a notice of taxes to the owner of property acquired after the lien date on the secured roll, and to delegate the authority to grant such penalty cancellations to the Tax Collector.

Existing Law and Background

California Revenue and Taxation Code Section 2610.5 permits the Board of Supervisors to authorize the Tax Collector to establish procedures under which it would waive delinquent property tax penalties, subject to Board of Supervisors' approval by resolution, if the delinquency is due to the City's failure to send a notice of taxes to the owner of property acquired after the lien date on the secured roll, provided the taxes are paid by June 30 of the fiscal year in which the property owner is named as the assessee for taxes coming due.

To date, the Board of Supervisors has not provided this authorization.

Amendments to Current Law

This ordinance would authorize the Tax Collector to establish procedures under which it would waive delinquent property tax penalties if the delinquency is due to the City's failure to send a notice of taxes to the owner of property acquired after the lien date on the secured roll, provided the taxes are paid by June 30 of the fiscal year in which the property owner is named as the assessee for taxes coming due. And this ordinance would delegate the approval of such waiver from the Board of Supervisors to the Tax Collector as permitted by state law.

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BOARD of SUPERVISORS



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MEMORANDUM

TO: Jose Cisneros, Treasurer, Office of the Treasurer and Tax Collector
Ben Rosenfield, Controller, Office of the Controller
Joaquin Torres, Assessor-Recorder, Office of the Assessor-Recorder

FROM: Brent Jalipa, Assistant Clerk, Budget and Finance Committee

DATE: May 17, 2022

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Budget and Finance Committee has received the following proposed legislation, introduced by Supervisor Ahsha Safai:

File No. 220541

Ordinance amending the Administrative Code to authorize the Tax Collector to establish procedures for the consideration of delinquent property tax penalty cancellations when the delinquency is due to the City's failure to send a notice of taxes to the owner of property acquired after the lien date on the secured roll, and to delegate the authority to grant such penalty cancellations to the Tax Collector.

If you have any comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

c: Amanda Kahn Fried, Office of the Treasurer and Tax Collector
Todd Rydstrom, Office of the Controller
Kurt Fuchs, Office of the Assessor-Recorder
Holly Lung, Office of the Assessor-Recorder

Print Form

Introduction Form

By a Member of the Board of Supervisors or Mayor

Time stamp
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion or Charter Amendment).
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning : "Supervisor [] inquiries"
- 5. City Attorney Request.
- 6. Call File No. [] from Committee.
- 7. Budget Analyst request (attached written motion).
- 8. Substitute Legislation File No. []
- 9. Reactivate File No. []
- 10. Topic submitted for Mayoral Appearance before the BOS on []

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission
- Youth Commission
- Ethics Commission
- Planning Commission
- Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use the Imperative Form.

Sponsor(s):

Safai

Subject:

Ordinance - Property Tax Payments

The text is listed:

Please see attached ordinance introduced at the request of the Treasurer-Tax Collector's Office.

Signature of Sponsoring Supervisor:



For Clerk's Use Only