

## **Federal Tax – Administrative Relief**

(4/14/2020)

On April 9, 2020, the IRS issued Notice 2020-23 which extends additional key tax deadlines for individuals and businesses in response to the COVID-19 pandemic. Notice 2020-23 expands on the relief previously provided in Notice 2020-18 and Notice 2020-20. While the previous notices generally extended until July 15, 2020 the time to file and pay federal income taxes originally due on April 15, 2020, Notice 2020-23 now expands this relief to additional returns, tax payments, and other actions. The July 15, 2020 extension generally now applies to all taxpayers (including individuals, trusts, estates, corporations, and other non-corporate tax filers) that have a filing or payment deadline on or after April 1, 2020 and before July 15, 2020. This relief is automatic and no election or other filing is required. Taxpayers who need additional time beyond July 15, 2020 to file a return may choose to file the appropriate form by July 15, 2020 to obtain an extension to file the return, but the extension date may not go beyond the original statutory or regulatory extension date.

Notice 2020-23 also provides relief with respect to “time-sensitive actions” that are due to be performed on or after April 1, 2020 and before July 15, 2020. These actions include filing all petitions with the Tax Court, seeking review of a decision rendered by the Tax Court, filing a claim for credit or refund of any tax, and bringing suit upon a claim for credit or refund of any tax.

In addition, the list of “time-sensitive actions” includes the 45-day identification period and the 180-day exchange period under IRC Section 1031 for like-kind exchanges. Specifically, under Notice 2020-23, a taxpayer whose 45-day identification period or 180-day exchange period ends between April 1, 2020 and July 14, 2020 has until July 15, 2020 to complete the identification or exchange, as the case may be.

Notice 2020-23 also includes as a “time-sensitive action” a taxpayer’s deadline to invest in a qualified opportunity fund (QOF) under IRC Section 1400Z-2(a)(1)(A). IRC Section 1400Z-2(a)(1)(A) requires a taxpayer to generally invest in a QOF during the 180-day period beginning on the date of the sale or exchange giving rise to the gain. Under Notice 2020-23, a taxpayer has until July 15, 2020 to make its investment in a QOF if the taxpayer’s 180-day-period ends between April 1, 2020 and July 14, 2020.