



# TAX BULLETIN 12-7

## *Virginia Department of Taxation*

October 30, 2012

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### IMPORTANT INFORMATION REGARDING THOSE AFFECTED BY HURRICANE SANDY

### **PENALTY AND INTEREST WAIVER FOR VICTIMS OF HURRICANE SANDY**

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Tax Commissioner Craig M. Burns has announced that Virginia will provide a penalty waiver to those individuals and businesses affected by Hurricane Sandy. This penalty waiver applies to any late returns filed or payments made by affected taxpayers between October 29, 2012 and November 9, 2012. To notify the Department of Taxation that you were affected by Hurricane Sandy, you must write "Hurricane Sandy" at the top of your return. The Department of Taxation will then abate any late-filing or late-payment penalties that would otherwise apply.

To qualify for this penalty waiver, taxpayers must be unable to meet their filing obligations because the financial books and records they need to file their taxes are unavailable because of hurricane damage or power outage.

The penalty waiver applies to the following returns:

- **Individual and Fiduciary Income Tax Returns (Forms 760, 763, 760PY, and 770):** Individual and fiduciary income tax returns with a due date or an extended due date of November 1, 2012 will be granted a penalty waiver if the return is filed between October 29, 2012 and November 9, 2012. Taxpayers whose original due date for the return falls on November 1 may elect to use the six-month automatic extension for filing their Virginia income tax returns as usual. However, the six-month extension does not apply to payment of the tax. A taxpayer who elects to use the six-month extension would need to pay at least 90% of his final tax liability by the original due date for filing the return in order to avoid any penalties.
- **Withholding Returns (Forms VA-5, VA-15 and VA-16):** Withholding returns with a due date of October 30, 2012 will be granted a penalty waiver if the return is filed between October 29, 2012 and November 9, 2012.

- **Forest Products Tax Returns (Form 1034):** Forest product tax returns with a due date of October 30, 2012 will be granted a penalty waiver if the return is filed between October 29, 2012 and November 9, 2012.
- **Corn Tax Returns (Form CO-1):** Corn tax returns with a due date of October 31, 2012 will be granted a penalty waiver if the return is filed between October 29, 2012 and November 9, 2012.
- **Cotton Tax Returns (Form CX-1):** Cotton tax returns with a due date of October 31, 2012 will be granted a penalty waiver if the return is filed between October 29, 2012 and November 9, 2012.
- **Soybean Tax Returns:** Soybean tax returns with a due date of October 31, 2012 will be granted a penalty waiver if the return is filed between October 29, 2012 and November 9, 2012.
- **Sheep Tax Returns (Form SH-1):** Sheep tax returns with a due date of October 31, 2012 will be granted a penalty waiver if the return is filed between October 29, 2012 and November 9, 2012.
- **Other State Taxes Administered by the Department of Taxation:** An automatic penalty waiver is granted for any other state tax return filed late with the Department between October 29, 2012 and November 9, 2012.

The penalty waiver also applies to filers who use electronic funds transfer (EFT) for payment. Affected EFT filers should contact the Department of Taxation at (804) 367-8037 if they receive notices of penalty.

Additional penalty waivers may be granted in hardship cases. Written requests for additional waivers should be emailed to [TaxIndReturns@tax.virginia.gov](mailto:TaxIndReturns@tax.virginia.gov) for personal tax inquiries and [TaxBusQuestions@tax.virginia.gov](mailto:TaxBusQuestions@tax.virginia.gov) for business tax inquiries, or directed to:

Virginia Department of Taxation  
Customer Service Section  
Severe Storm Relief Extension  
P.O. Box 1115  
Richmond, VA 23218-1115

Customers can use Live Chat on the Department of Taxation's website at <http://www.tax.virginia.gov> to discuss account-specific questions. If customers prefer asking questions by telephone, then individual income tax filers should contact the Department at (804) 367-8031; business taxpayers should call (804) 367-8037 for assistance. Information is also available through the agency's website at <http://www.tax.virginia.gov/>.