

AMENDED IN SENATE APRIL 4, 2002

**SENATE BILL**

**No. 2085**

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**Introduced by Committee on Revenue and Taxation (Senators  
Scott (Chair), Alpert, Bowen, and Burton)**

March 4, 2002

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An act to amend Sections 2152, 2152.5, 2605, 2635, 2921.5, ~~2963,~~  
~~and 3007~~ 3007, and 3795.5 of, and to add Section 2910.2 to, the  
Revenue and Taxation Code, relating to taxation.

LEGISLATIVE COUNSEL'S DIGEST

SB 2085, as amended, Committee on Revenue and  
Taxation. Property taxation.

Existing property tax law requires the computation of property taxes  
to be in dollars and cents, but rejecting fractions of a cent. Existing law  
generally provides that secured roll property taxes are due and payable  
in 2 installments, also calculated in dollars and cents.

This bill would require local tax officials to determine amounts of tax  
by rounding off the total amount of the tax due into an amount of whole  
dollars that, when divided in half, will result only in dollars.

Existing law requires the tax collector to send a notice of  
overpayment to a taxpayer when the amount of the taxes paid exceeds  
the amount due by more than \$10.

This bill would require the tax collector to send the notice of  
overpayment to the taxpayer only if a refund is not sent to the taxpayer.

Existing property tax law provides procedures for the collection of  
taxes on the unsecured roll.

This bill would permit the auditor-controller or the tax collector to  
utilize a bill for unsecured taxes when collecting an amount erroneously  
refunded to any person.

Existing property tax law provides that a delinquent penalty does not attach to taxes as a result of a public agency acquisition, unless the delinquent penalty was on the property at the time of acquisition.

This bill would remove this condition on the attachment of a delinquent penalty.

~~Existing property tax law requires seizures and sales of property for taxes on the unsecured roll, and civil actions for delinquent taxes or assessments, to be commenced within 3 years of the date upon which the unsecured taxes became delinquent.~~

~~This bill would extend that time period to 5 years.~~

*Existing property tax law generally authorizes a county tax collector to sell tax-defaulted property 5 years or more after that property has become tax defaulted, and also authorizes a public agency, as provided, or a nonprofit organization, making certain written statements regarding the rehabilitation and use of property for low-income persons, to file a written objection to a proposed sale of tax-defaulted property. Existing law imposes various conditions on a nonprofit organization that objects to the sale of the tax-defaulted property, one of which is that the nonprofit organization obtain a certificate of consistency with a consolidated plan approved by the Department of Housing and Community Development.*

*This bill would remove that condition.*

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 2152 of the Revenue and Taxation Code  
2 is amended to read:

3 2152. The auditor shall then:

4 (a) Compute and enter in a separate column on the roll the sum  
5 in dollars, to be paid as a tax on each property listed, to be  
6 determined by rounding off the raw sum calculated to the closest  
7 dollar amount, rejecting cents, that will result in dollars only when  
8 divided in half. Notwithstanding any contrary provisions  
9 elsewhere set forth in the law, all rates applicable to any assessment  
10 may be combined into a single figure for purposes of computation  
11 and extension of the roll.

12 (b) Place in other columns the respective amounts due in  
13 installments.



1 (c) Foot each column, showing the totals.

2 Provided, however, that if the assessment roll is a  
3 machine-prepared roll the above prescribed computations and  
4 entries may be made and entered upon a newly prepared roll which  
5 shall incorporate the adjustments authorized by the local board of  
6 equalization.

7 SEC. 2. Section 2152.5 of the Revenue and Taxation Code is  
8 amended to read:

9 2152.5. Notwithstanding the provisions of any other law of  
10 this state, if so ordered by resolution of the board of supervisors  
11 of any county, adopted prior to the time the county auditor is  
12 required to compute and enter on the secured roll the respective  
13 amounts due in installments as taxes for the assessment year in  
14 which the resolution shall become effective, the county auditor  
15 shall reject any cents and round off the amount to the closest dollar  
16 in the computation of taxes on any assessment and in the extension  
17 of taxes, special assessments or charges on the county assessment  
18 roll for any other public agency. The provisions of this section  
19 shall continue in effect in the county until otherwise ordered by  
20 resolution of the board of supervisors.

21 SEC. 3. Section 2605 of the Revenue and Taxation Code is  
22 amended to read:

23 2605. The following taxes on the secured roll are due and  
24 payable November 1:

25 (a) All taxes on personal property.

26 (b) Half the taxes on real property.

27 SEC. 4. Section 2635 of the Revenue and Taxation Code is  
28 amended to read:

29 2635. When the amount of taxes paid exceeds the amount due  
30 by more than ten dollars (\$10), if a refund is not sent to the taxpayer  
31 the tax collector shall send notice of the overpayment to the  
32 taxpayer. If the notice is sent, it shall be mailed to the taxpayer's  
33 last known address and shall state the amount of overpayment and  
34 that a refund claim may be filed pursuant to Chapter 5  
35 (commencing with Section 5096) of Part 9.

36 SEC. 5. Section 2910.2 is added to the Revenue and Taxation  
37 Code, to read:

38 2910.2. The auditor-controller or tax collector may mail or  
39 electronically transmit an unsecured tax bill for the amount of a tax  
40 refund erroneously made to any person. Failure to receive a tax bill



1 does not relieve the lien of taxes, nor does it prevent the imposition  
2 of penalties imposed by this code.

3 SEC. 6. Section 2921.5 of the Revenue and Taxation Code is  
4 amended to read:

5 2921.5. Taxes, penalties, and costs on unsecured property as  
6 defined in subdivision (b) of Section 134, shall be transferred from  
7 the “secured roll” to the “unsecured roll” of the corresponding  
8 year by the county auditor on order of the board of supervisors with  
9 the written consent of the county legal advisor pursuant to Article  
10 5 (commencing with Section 5081) of Chapter 4 of Part 9 at the  
11 same time the taxes are canceled on the property, and shall be  
12 collected in the same manner as other delinquent taxes on the  
13 “unsecured roll.” Amounts transferred pursuant to this  
14 subdivision shall continue to be subject to delinquent penalties  
15 until the amounts are paid, and are collectible from either the  
16 person from whom the property was acquired or the public entity  
17 that acquired the property.

18 ~~SEC. 7. Section 2963 of the Revenue and Taxation Code is~~  
19 ~~amended to read:~~

20 ~~2963. Property shall not be seized and sold for taxes on the~~  
21 ~~unsecured roll after five years from the date taxes due become~~  
22 ~~delinquent. The limitation period shall be tolled for any period~~  
23 ~~during which collection actions are prohibited by bankruptcy laws~~  
24 ~~or rules, or by court order.~~

25 ~~SEC. 8.—~~

26 SEC. 7. Section 3007 of the Revenue and Taxation Code is  
27 amended to read:

28 3007. Civil actions for delinquent taxes or assessments  
29 pursuant to Section 3003 shall be commenced within five years of  
30 the date upon which unsecured taxes became delinquent. The  
31 limitation period of this section shall be tolled for any and all  
32 periods during which a civil action described by this section is  
33 prohibited by federal bankruptcy laws or rules, or by a court order.

34 SEC. 8. *Section 3795.5 of the Revenue and Taxation Code is*  
35 *amended to read:*

36 3795.5. In the case of an agreement involving a nonprofit  
37 organization, the board of supervisors may establish conditions of  
38 sale, including reporting, to assure the completion of rehabilitation  
39 within a reasonable time and maximum benefit to low-income



1 persons. These conditions shall include, but are not limited to, all  
2 of the following:

3 ~~(a) Requiring a certification of consistency with a consolidated~~  
4 ~~plan approved by the Department of Housing and Community~~  
5 ~~Development.~~

6 ~~(b) Requiring compliance with a jurisdiction's consolidated~~  
7 ~~plan or a community development plan.~~

8 ~~(c)~~

9 *(b)* Articles of incorporation filed with the Secretary of State,  
10 stating that the organization is incorporated for the purposes  
11 specified in subdivision (b) of Section 3772.5.

