

Assembly Bill No. 1952

Passed the Assembly August 25, 2016

Chief Clerk of the Assembly

Passed the Senate August 22, 2016

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2016, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Sections 16180, 16182, 16183, 16184, 16186.5, 16200, 16202, and 27282 of the Government Code, and to amend Sections 2514, 2515, 2781, 20503, 20505, 20583, 20585, 20586, 20621, 20627, 20640.3, 20641, 20645.5, and 20645.6 of the Revenue and Taxation Code, relating to taxation, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 1952, Gordon. Property tax postponement.

(1) Existing law authorizes the Controller, upon approval of a claim for the postponement of ad valorem property taxes, to directly pay a county tax collector for the property taxes owed by the claimant, as provided. Existing law establishes the Senior Citizens and Disabled Citizens Property Tax Postponement Fund and continuously appropriates moneys in the fund to the Controller for specified purposes, including disbursements relating to the postponement of property taxes pursuant to the Property Tax Postponement Law. Existing law requires the Controller to, on June 30, 2018, and on June 30 each year thereafter, transfer any moneys in the fund in excess of \$15,000,000 to the General Fund.

This bill would eliminate the requirement that the Controller transfer any moneys in the fund in excess of \$15,000,000 to the General Fund. The bill would authorize the Director of Finance, upon determination by the Controller that there are insufficient moneys in the fund to cover the cost of all approved claims for the postponement of property taxes, to authorize a transfer from the General Fund to the Senior Citizens and Disabled Citizens Property Tax Postponement Fund in an amount necessary to pay those claims, as specified. By authorizing the expenditure of additional General Fund moneys for the purpose of the property tax postponement program, this bill would make an appropriation.

(2) Existing law requires that all sums paid for the postponement of property taxes be secured by a lien in favor of the state. In the case of a lien on real property for this purpose, existing law requires, among other things, the recorder for the county in which

the real property is subject to the lien to provide a copy of the notice of lien to the county tax collector.

This bill would additionally require the county recorder to provide a copy of the notice of lien to the county assessor.

(3) Existing law establishes a formula for calculating the interest on a payment made by the Controller for postponed property taxes from the time a payment is made. Under existing law, for purposes of this provision, a payment is deemed to be made at the time an electronic funds transfer is made by the Controller to the tax collector or the delinquency date of the respective tax installment, whichever is later. Existing law, in the event of willful neglect, authorizes an electronic funds transfer for that current fiscal year to be used to pay delinquent taxes only if accompanied by sufficient amounts to pay all of the delinquent penalties, costs, fees, and interest. Existing law, if a denial of a claim for postponement is reversed on appeal, requires the Controller to electronically transfer funds to the county.

This bill would instead deem a payment to be made at the time a payment is made by the Controller to the tax collector or the delinquency date of the respective tax installment, whichever is later. The bill would instead authorize a payment from the Controller to be used to pay delinquent taxes under the circumstances described above. The bill would eliminate the requirement that funds be transferred electronically if a denial of a claim for postponement is reversed on appeal. The bill would also make various conforming changes.

(4) Existing law requires the Controller to reduce the amount of the obligation secured by the lien against the real property by the amount of any payments received for that purpose and by specified amounts paid by the Franchise Tax Board or by certain other authorized amounts.

This bill would require that payments received for the reduction of the obligation be applied first to any interest due on the loan, 2nd to the principal property tax amount, and finally, if there is any remaining balance, to administrative fees.

(5) Existing law authorizes recordation of certain documents, including a release, discharge, or subordination of a lien for postponed property taxes, without acknowledgment, certificate of acknowledgment, or further proof.

This bill would delete the reference to the subordination of a lien for postponed property taxes from the above-described list of documents that may be recorded without acknowledgment, certificate of acknowledgment, or further proof.

(6) Existing law requires, with respect to a claimant whose property taxes are paid by a lender from an impound, trust, or other specified type of account, the tax collector to notify the auditor of the claimant's name and address, and the duplicate amount of money the Controller transferred to the tax collector via an electronic fund transfer. Existing law requires the county auditor, treasurer, or disbursing officer to send a check, in the amount of money based on the electronic transfer by the Controller, to the Controller within 60 days of the replicated payment.

This bill would require the county tax collector to notify the auditor, as described above, upon receipt of the payment by the Controller. The bill would require the tax collector to maintain a record of the fact that taxes on the property have been postponed and, in the case of the secured roll, authorize entry of this information in that portion of the roll which has been designated for tax default information. The bill would require the county auditor, treasurer, or disbursing officer to refund a replicated payment to the claimant, instead of the Controller.

(7) Existing law, upon receipt of a "notice of lien for postponed property taxes" from the Controller, requires the tax collector or the assessor, whichever is applicable, to immediately enter on the assessment records applicable to the property the fact that the taxes on the property have been postponed and the Controller's identification number and to notify the Controller of a subsequent change in ownership status, as provided.

This bill would instead require the assessor to maintain a record of the fact that the taxes on the property have been postponed and the Controller's identification number and to notify the Controller as described above.

(8) Existing law requires, for purposes of the Gonsalves-Deukmejian-Petris Senior Citizens Property Tax Assistance Law, that all losses and nonexpenses be converted to zero for the purpose of determining whether the homeowner meets the property tax postponement requirement.

This bill would instead require that all losses and nonexpenses be converted to zero, as specified above, for the purposes of the Property Tax Postponement Law.

(9) Existing law requires that a claimant for property tax postponement, generally, be an individual who is a member of the household, is either an owner-occupant, tenant stockholder occupant, or possessory interestholder occupant of the residential dwelling as to which postponement is claimed, and is either 62 years of age or older, blind, or disabled. With respect to blind and disabled claimants, existing law requires that the claimant be blind or disabled, as specified, at the time of application or on December 10 of the fiscal year for which postponement is claimed, whichever is earlier.

This bill would instead require, for blind and disabled claimants, that the claimant be blind or disabled at the time of application or on February 10 of the fiscal year for which postponement is claimed.

(10) Existing law requires that a claim for postponement of property taxes be for the residential dwelling, defined generally as the principal place of residence of the claimant and so much of the land surrounding it as is reasonably necessary for the use of the dwelling as a home that is owned by the claimant alone or by the claimant and other specified individuals.

Existing law authorizes an applicant, defined as including a public agency, an entity acting on behalf of and with the written consent of a public agency, or a financial institution for specified purposes, to assist property owners in financing the installation of distributed generation renewable energy sources, electric vehicle charging infrastructure, or energy or water efficiency improvements through the issuance of Property Assessed Clean Energy (PACE) bonds that are secured by a voluntary contractual assessment on property or a special tax on property.

This bill would exclude from a residential dwelling eligible for the property tax postponement program any residential dwelling that is subject to a PACE bond.

(11) This bill would make various technical changes related to the property tax postponement program, including updating statutory references to the Senior Citizens and Disabled Citizens Property Tax Postponement Fund and deleting obsolete references to certificates of eligibility and postponement for mobilehomes.

(12) This bill would incorporate additional changes to Section 20583 of the Revenue and Taxation Code proposed by SB 909 that would become operative if this bill and SB 909 are enacted and this bill is enacted last.

(13) By changing the duties of local officials with respect to the administration of the property tax postponement program, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Appropriation: yes.

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

SECTION 1. Section 16180 of the Government Code, as amended by Section 1 of Chapter 391 of the Statutes of 2015, is amended to read:

16180. (a) There is hereby created in the State Treasury a Senior Citizens and Disabled Citizens Property Tax Postponement Fund. The fund shall be an interest-bearing fund. Notwithstanding Section 13340, the fund is continuously appropriated to the Controller, commencing January 1, 2015, for purposes of administering this chapter, including, but not limited to, necessary administrative costs and disbursements relating to the postponement of property taxes pursuant to the Property Tax Postponement Law (Chapter 2 (commencing with Section 20581), Chapter 3 (commencing with Section 20625), and Chapter 3.5 (commencing with Section 20640) of Part 10.5 of Division 2 of the Revenue and Taxation Code).

(b) On or after January 1, 2015, any loan repayments relating to the Senior Citizens and Disabled Citizens Property Tax Postponement Law shall be deposited into the Senior Citizens and Disabled Citizens Property Tax Postponement Fund.

(c) Any funds remaining upon the effective date of this section in an impound account formerly provided for pursuant to this

chapter, shall be transferred to the Senior Citizens and Disabled Citizens Property Tax Postponement Fund.

(d) If the Controller determines that there are insufficient moneys in the fund to cover the cost of all claims that will be approved for the postponement of property taxes in that fiscal year, the Controller shall notify the Director of Finance on or before April 1 of each year of the deficiency. The Director of Finance may authorize a transfer from the General Fund to the Senior Citizens and Disabled Citizens Property Tax Postponement Fund in an amount necessary to cover the costs of paying those claims within 60 days of receiving notice of deficiency and not sooner than 30 days after providing written notification of the authorization of that expenditure to the chairperson of the fiscal committees of each house of the Legislature and the Chairperson of the Joint Legislative Budget Committee.

SEC. 2. Section 16182 of the Government Code, as amended by Section 2 of Chapter 391 of the Statutes of 2015, is amended to read:

16182. (a) All sums paid by the Controller under the provisions of this chapter, together with interest thereon, shall be secured by a lien in favor of the State of California when funds are transferred to the county by the Controller upon the real property for which property taxes have been postponed. In the case of a residential dwelling which is part of a larger parcel taxed as a unit, such as a duplex, farm, or multipurpose or multidwelling building, the lien shall be against the entire tax parcel.

(b) In the case of real property:

(1) The lien shall be evidenced by a notice of lien for postponed property taxes executed by the Controller, or the authorized delegate of the Controller, and shall secure all sums paid or owing pursuant to this chapter, including amounts paid subsequent to the initial payment of postponed taxes on the real property described in the notice of lien.

(2) The notice of lien may bear the facsimile signature of the Controller. Each signature shall be that of the person who shall be in the office at the time of execution of the notice of lien; provided, however, that such notice of lien shall be valid and binding notwithstanding any such person having ceased to hold the office of Controller before the date of recordation.

(3) The form and contents of the notice of lien for postponed property taxes shall be prescribed by the Controller and shall include, but not be limited to, the following:

(A) The names of all record owners of the real property for which the Controller has advanced funds for the payment of real property taxes.

(B) A description of the real property for which real property taxes have been paid.

(C) The identification number of the notice of lien which has been assigned the lien by the Controller.

(4) Within 14 business days of the transfer of funds and the notice of lien to the county by the Controller, the notice of lien shall be recorded in the office of the county recorder for the county in which the real property subject to the lien is located.

(5) The recorded notice of lien shall be indexed in the Grantor Index to the names of all record owners of the real property and in the Grantee Index to the Controller of the State of California.

(6) After the notice of lien has been duly recorded and indexed, it shall be returned by the county recorder to the office of the Controller. The Controller shall provide the county tax collector and the county assessor with a copy of the notice of lien which has been executed.

(7) From the time of recordation of a notice of lien for postponed property taxes, a lien shall attach to the real property described therein and shall have the priority of a judgment lien for all amounts secured thereby, except that the lien shall remain in effect until either of the following occurs:

(A) It is released by the Controller in the manner prescribed by Section 16186.

(B) The foreclosure or sale of an obligation secured by a lien which is senior in recording priority to the lien of the State of California.

(c) In the case of mobilehome loans established prior to February 20, 2009, all of the following shall apply:

(1) The lien shall be evidenced by a notice of lien for postponed property taxes executed by the Controller, or the authorized delegate of the Controller, and shall secure all sums paid owing pursuant to this chapter.

(2) From the time that the Department of Housing and Community Development receives the notice of lien from the

Controller, the department shall impose a moratorium on any other amendments to the permanent title record of the mobilehome unit until released by the Controller in the manner prescribed by Section 16186, or an authorization for the amendments is given by the Controller in writing.

(3) From the time of filing a notice of lien, a lien shall attach to the mobilehome for which eligibility for the postponement of property taxes has been granted.

SEC. 3. Section 16183 of the Government Code, as amended by Section 3 of Chapter 391 of the Statutes of 2015, is amended to read:

16183. (a) From the time a payment is made pursuant to Section 16180, the amount of that payment shall bear interest at a rate (not compounded), determined as follows:

(1) Beginning July 1, 2016, the rate of interest shall be 7 percent per annum.

(2) The Controller shall establish an adjusted rate of interest for the purpose of this subdivision not later than July 15th of any year if the effective annual yield of the Pooled Money Investment Account for the prior fiscal year is at least a full percentage point more or less than the interest rate which is then in effect. The adjusted rate of interest shall be equal per annum to the effective annual yield earned in the prior fiscal year by the Pooled Money Investment Account rounded to the nearest full percent, and shall become effective for new deferrals, beginning on July 1, 1984, and on July 1 of each immediately succeeding year, until June 30, 2016.

(3) For loans made prior to June 30, 2016, the rate of interest provided pursuant to this subdivision for the first fiscal year commencing after payment is made pursuant to Section 16180 shall apply for that fiscal year and each fiscal year thereafter until these postponed property taxes are repaid.

(b) The interest provided for in subdivision (a) shall be applied beginning the first day of the month following the month in which that payment is made and continuing on the first day of each month thereafter until that amount is paid. In the event that any payments are applied, in any month, to reduce the amount paid pursuant to Section 16180, the interest provided for herein shall be applied to the balance of that amount beginning on the first day of the following month.

(c) In computing interest in accordance with this section, fractions of a cent shall be disregarded.

(d) For the purpose of this section, the time a payment is made shall be deemed to be the time a payment is made by the Controller to the tax collector or the delinquency date of the respective tax installment, whichever is later.

(e) The Controller shall include on forms supplied to claimants pursuant to Sections 20621, 20630.5, 20640.9, and 20641 of the Revenue and Taxation Code, a statement of the interest rate which shall apply to amounts postponed for the fiscal year to which the form applies.

SEC. 4. Section 16184 of the Government Code is amended to read:

16184. (a) The Controller shall reduce the amount of the obligation secured by the lien against the real property by the amount of any payments received for that purpose and by notification of any amounts paid by the Franchise Tax Board pursuant to Section 20564 of the Revenue and Taxation Code or by any amounts authorized pursuant to subdivision (f) of Section 20621 of the Revenue and Taxation Code. Any payment received for that purpose shall be applied in the following order:

- (1) To any interest due on the loan.
- (2) To the principal property tax amount.
- (3) The remaining balance, if any, to administrative fees.

(b) The Controller shall also increase the amount of the obligation secured by the lien by the amount of any subsequent payments made pursuant to Section 16180 with respect to the real property and to reflect the accumulation of interest. All such increases and decreases shall be entered in the record described in Section 16181.

SEC. 5. Section 16186.5 of the Government Code is amended to read:

16186.5. In the event that a payment which is made to satisfy an obligation secured by a lien for postponed property taxes exceeds the amount owing to the state, the Controller may refund the overpayment to the party entitled thereto. The Controller shall pay those refunds out of the amount appropriated by Section 16180, or any appropriation in lieu thereof.

SEC. 6. Section 16200 of the Government Code is amended to read:

16200. In the event that the Controller receives the notice described in Section 16187 of this code or Section 3375 of the Revenue and Taxation Code, the Controller may take any of the following actions which will best serve the interests of the state:

(a) Notify, by United States mail, the tax collector or other party that such notice has been received and that the Controller must be given at least 20 days prior notice of the date that the property will be sold at auction. If the Controller elects to proceed under this subdivision, the Controller may use funds appropriated by Section 16180 to bid on the property at the auction up to the amount secured by the state's lien on the property and any lien on such property having priority over the state's lien. All additional amounts paid pursuant to this subdivision shall be added to the amount secured by the lien on such property provided for in Article 1 (commencing with Section 16180) of this chapter.

(b) Acknowledge by United States mail that the notice required by Section 16187 of this code or Section 3375 of the Revenue and Taxation Code has been received.

SEC. 7. Section 16202 of the Government Code is amended to read:

16202. Notwithstanding any other provision of law, in the event that the state acquires an interest in real property pursuant to subdivision (b) of Section 16200, the Controller may, in addition to the options provided in Section 16201, take any other action with respect to that real property interest as will best serve the interest of the state. These actions may include, but shall not be limited to, the sale, lease, or retention of any interest so acquired. The Controller may contract with licensed real estate brokers, maintenance and repair contractors, security contractors, appraisers, property managers, insurance brokers, and any other experts or specialists as may be necessary to protect or preserve the state's interest in that property. The Controller may pay the costs incurred pursuant to those contracts out of the amount appropriated by Section 16180, or from any appropriation in lieu thereof.

The sale of those interests may be made on the basis of conventional financing arrangements including the securing of payment through the use of promissory notes, deeds of trust, and other accepted methods of deferred payment.

SEC. 8. Section 27282 of the Government Code is amended to read:

27282. (a) The following documents may be recorded without acknowledgment, certificate of acknowledgment, or further proof:

(1) A judgment affecting the title to or possession of real property, authenticated by the certificate of the clerk of the court in which the judgment was rendered.

(2) A notice of support judgment, an interstate lien, a release of lien, or any other document completed and recorded by a local child support agency or a state agency acting pursuant to Title IV-D of the Social Security Act (42 U.S.C. Sec. 651 et seq.).

(3) A notice of location of mining claim.

(4) Certificates of amounts of taxes, interest and penalties due, notices of state tax liens and extensions thereof executed by the state, county, or city taxing agencies or officials pursuant to Chapter 14 (commencing with Section 7150) of Division 7 of Title 1 of the Government Code, and Sections 2191.3, 2191.4, and 11495 of the Revenue and Taxation Code, and releases, partial releases, and subordinations executed pursuant to Chapter 14 (commencing with Section 7150) of Division 7 of Title 1 of the Government Code, and Sections 2191.4, 11496, 14307, and 14308 of the Revenue and Taxation Code.

(5) Notices of lien for postponed property taxes executed pursuant to Section 16182.

(6) A release or discharge of a lien for postponed property taxes as authorized by Chapter 6 (commencing with Section 16180) of Part 1 of Division 4 of Title 2.

(7) A fixture filing as defined by paragraph (40) of subdivision (a) of Section 9102 of the Commercial Code.

(8) An order affecting title to or possession of real property issued by a court in an action subject to Section 12527, authenticated by the certificate of the clerk of the court in which the order was issued or a copy of that order authenticated by a declaration under penalty of perjury by the Attorney General or by an assistant or deputy of the Attorney General attesting that the contents of the copy are the same as the original order issued by the court.

(9) A court certified copy of a satisfaction of judgment.

(10) A certificate of correction filed pursuant to Sections 66470 and 66472.1.

(b) Any document described in this section, from the time it is filed with the recorder for record, is constructive notice of the contents thereof to subsequent purchasers and mortgagees.

SEC. 9. Section 2514 of the Revenue and Taxation Code is amended to read:

2514. (a) Upon receipt of the payment by the Controller described in Section 20602, 20630, or 20640.6, the following shall occur:

(1) The tax collector shall maintain a record of the fact that taxes on the property have been postponed. In the case of the secured roll, this information may be entered in that portion of the roll which has been designated for tax default information as required by Section 3439.

(2) With respect to a claimant whose property taxes are paid by a lender from an impound, trust, or other type of account described in Section 2954 of the Civil Code, the tax collector shall notify the auditor of the claimant's name and address, and the duplicate amount of money the Controller paid to the tax collector.

The county auditor, treasurer, or disbursing officer shall refund the amount of money, based on the payment by the Controller, to the claimant within 60 days of the replicated payment.

(b) The procedures established by this chapter shall not be construed to require a lender to alter the manner in which a lender makes payment of the property taxes of such a claimant.

SEC. 10. Section 2515 of the Revenue and Taxation Code is amended to read:

2515. (a) Upon receiving a copy of the "notice of lien for postponed property taxes" from the Controller, the assessor shall maintain a record of the fact that the taxes on the property have been postponed and the Controller's identification number and shall, if such record reveals a change in the ownership status of the property subsequent to the date of entry of the postponement information thereon, notify the Controller within 60 days of processing the change in the ownership status in the manner prescribed by the Controller.

(b) From the time of recordation of the notice of lien pursuant to Section 16182 of the Government Code, the lien for postponed property taxes shall be deemed to impart constructive notice of the contents thereof to subsequent purchasers, mortgagees, lessees, and other lienors.

SEC. 11. Section 2781 of the Revenue and Taxation Code is amended to read:

2781. If a taxpayer or agent for the taxpayer submits a payment indicated for application to a specific tax or tax installment and that tax or tax installment already has been paid, the county shall return the replicated payment to the tendering party within 60 days of the date the payment becomes final. For purposes of this section, “final” means the original payment that is not subject to chargeback, dishonor, or reversal. However, when a replicated payment is made of any tax or tax installment paid by the Controller to the county pursuant to Section 2514, the amount of the replicated payment shall be paid to the claimant on whose behalf the payment was made.

SEC. 12. Section 20503 of the Revenue and Taxation Code is amended to read:

20503. (a) “Income” means adjusted gross income as defined in Section 17072 plus all of the following cash items:

- (1) Public assistance and relief.
- (2) Nontaxable amount of pensions and annuities.
- (3) Social security benefits (except Medicare).
- (4) Railroad retirement benefits.
- (5) Unemployment insurance payments.
- (6) Veterans’ benefits.
- (7) Exempt interest received from any source.
- (8) Gifts and inheritances in excess of three hundred dollars (\$300), other than transfers between members of the household. Gifts and inheritances include noncash items.
- (9) Amounts contributed on behalf of the contributor to a tax-sheltered retirement plan or deferred compensation plan.
- (10) Temporary workers’ compensation payments.
- (11) Sick leave payments.
- (12) Nontaxable military compensation as defined in Section 112 of the Internal Revenue Code.
- (13) Nontaxable scholarship and fellowship grants as defined in Section 117 of the Internal Revenue Code.
- (14) Nontaxable gain from the sale of a residence as defined in Section 121 of the Internal Revenue Code.
- (15) Life insurance proceeds to the extent that the proceeds exceed the expenses incurred for the last illness and funeral of the deceased spouse of the claimant. “Expenses incurred for the last

illness” includes unreimbursed expenses paid or incurred during the income calendar year and any expenses paid or incurred thereafter up until the date the claim is filed. For purposes of this paragraph, funeral expenses shall not exceed five thousand dollars (\$5,000).

(16) If an alternative minimum tax is required to be paid pursuant to Chapter 2.1 (commencing with Section 17062) of Part 10, the amount of alternative minimum taxable income (whether or not cash) in excess of the regular taxable income.

(17) Annual winnings from the California Lottery in excess of six hundred dollars (\$600) for the current year.

(b) For purposes of this chapter, total income shall be determined for the calendar year (or approved fiscal year ending within that calendar year) which ends within the fiscal year for which assistance is claimed.

(c) For purposes of Chapter 2 (commencing with Section 20581), Chapter 3 (commencing with Section 20625), and Chapter 3.5 (commencing with Section 20640), all losses and nonexpenses shall be converted to zero for the purpose of determining whether the homeowner meets the Property Tax Postponement requirement.

(d) For purposes of Chapter 2 (commencing with Section 20581), Chapter 3 (commencing with Section 20625), and Chapter 3.5 (commencing with Section 20640), total income shall be determined for the calendar year ending immediately prior to the commencement of the fiscal year for which postponement is claimed.

SEC. 13. Section 20505 of the Revenue and Taxation Code, as amended by Section 8 of Chapter 391 of the Statutes of 2015, is amended to read:

20505. “Claimant” means an individual who:

(a) For purposes of this chapter was either (1) 62 years of age or older on the last day of the calendar year or approved fiscal year designated in subdivision (b) or (c) of Section 20503, whichever is applicable, or (2) blind or disabled, as defined in Section 12050 of the Welfare and Institutions Code on the last day of the calendar year or approved fiscal year designated in subdivision (b) of Section 20503, who was a member of the household, and who was either: (1) the owner and occupier of a residential dwelling on the last day of the year designated in subdivision (b) or (c) of Section 20503, or (2) the renter of a rented residence on or before the last

day of the year designated in subdivision (b) of Section 20503. An individual who qualifies as an owner-claimant may not qualify as a renter-claimant for the same year.

(b) For purposes of Chapter 2 (commencing with Section 20581), Chapter 3 (commencing with Section 20625), Chapter 3.3 (commencing with Section 20639), and Chapter 3.5 (commencing with Section 20640) was a member of the household and either an owner-occupant, or a tenant stockholder occupant, or a possessory interestholder occupant, or a mobilehome owner-occupant, as the case may be, of the residential dwelling as to which postponement is claimed on the last day of the year designated in subdivision (b) or (c) of Section 20503, and who was (1) 62 years of age or older by December 31 of the fiscal year for which postponement is claimed, or (2) blind or disabled, as defined in Section 12050 of the Welfare and Institutions Code, at the time of application or on February 10 of the fiscal year for which postponement is claimed.

SEC. 14. Section 20583 of the Revenue and Taxation Code is amended to read:

20583. (a) “Residential dwelling” means a dwelling occupied as the principal place of residence of the claimant, and so much of the land surrounding it as is reasonably necessary for use of the dwelling as a home, owned by the claimant, the claimant and spouse, or by the claimant and either another individual eligible for postponement under this chapter or an individual described in subdivision (a), (b), or (c) of Section 20511 and located in this state. It shall include condominiums that are assessed as realty for local property tax purposes. It also includes part of a multidwelling or multipurpose building and a part of the land upon which it is built.

(b) As used in this chapter in reference to ownership interests in residential dwellings, “owned” includes (1) the interest of a vendee in possession under a land sale contract provided that the contract or memorandum thereof is recorded and only from the date of recordation of the contract or memorandum thereof in the office of the county recorder where the residential dwelling is located, (2) the interest of the holder of a life estate provided that the instrument creating the life estate is recorded and only from the date of recordation of the instrument creating the life estate in the office of the county recorder where the residential dwelling is located, but “owned” does not include the interest of the holder of

any remainder interest or the holder of a reversionary interest in the residential dwelling, (3) the interest of a joint tenant or a tenant in common in the residential dwelling or the interest of a tenant where title is held in tenancy by the entirety or a community property interest where title is held as community property, and (4) the interest in the residential dwelling in which the title is held in trust, as described in subdivision (d) of Section 62, provided that the Controller determines that the state's interest is adequately protected.

(c) Except as provided in subdivision (c), and Chapter 3 (commencing with Section 20625), ownership must be evidenced by an instrument duly recorded in the office of the county where the residential dwelling is located.

(d) "Residential dwelling" does not include any of the following:

(1) Any residential dwelling in which the owners do not have an equity of at least 40 percent of the full value of the property as determined for purposes of property taxation or at least 40 percent of the fair market value as determined by the Controller and where the Controller determines that the state's interest is adequately protected. The 40-percent equity requirement shall be met each time the claimant or authorized agent files a postponement claim.

(2) Any residential dwelling in which the claimant's interest is held pursuant to a contract of sale or under a life estate, unless the claimant obtains the written consent of the vendor under the contract of sale, or the holder of the reversionary interest upon termination of the life estate, for the postponement of taxes and the creation of a lien on the real property in favor of the state for amounts postponed pursuant to this act.

(3) Any residential dwelling on which the claimant does not receive a secured tax bill.

(4) Any residential dwelling in which the claimant's interest is held as a possessory interest, except as provided in Chapter 3.5 (commencing with Section 20640).

(5) Any residential dwelling that is subject to a Property Assessed Clean Energy bond, or PACE bond, as defined in Section 26054 of the Public Resources Code.

SEC. 14.5. Section 20583 of the Revenue and Taxation Code is amended to read:

20583. (a) "Residential dwelling" means a dwelling occupied as the principal place of residence of the claimant and so much of

the land surrounding it as is reasonably necessary for use of the dwelling as a home, owned by the claimant, the claimant and spouse, or by the claimant and either another individual eligible for postponement under this chapter or an individual described in subdivision (a), (b), or (c) of Section 20511 and located in this state. It shall include condominiums that are assessed as realty for local property tax purposes. It also includes part of a multidwelling or multipurpose building and a part of the land upon which it is built.

(b) As used in this chapter in reference to ownership interests in residential dwellings, “owned” includes (1) the interest of a vendee in possession under a land sale contract provided that the contract or memorandum thereof is recorded and only from the date of recordation of the contract or memorandum thereof in the office of the county recorder where the residential dwelling is located, (2) the interest of the holder of a life estate provided that the instrument creating the life estate is recorded and only from the date of recordation of the instrument creating the life estate in the office of the county recorder where the residential dwelling is located, but “owned” does not include the interest of the holder of any remainder interest or the holder of a reversionary interest in the residential dwelling, (3) the interest of a joint tenant or a tenant in common in the residential dwelling or the interest of a tenant where title is held in tenancy by the entirety or a community property interest where title is held as community property, and (4) the interest, including the interest of a beneficiary of a special needs trust, in the residential dwelling in which the title is held in trust, as described in subdivision (d) of Section 62, provided that the Controller determines that the state’s interest is adequately protected.

(c) Except as provided in subdivision (c), and Chapter 3 (commencing with Section 20625), ownership must be evidenced by an instrument duly recorded in the office of the county where the residential dwelling is located.

(d) “Residential dwelling” does not include any of the following:

(1) Any residential dwelling in which the owners do not have an equity of at least 40 percent of the full value of the property as determined for purposes of property taxation or at least 40 percent of the fair market value as determined by the Controller and where the Controller determines that the state’s interest is adequately

protected. The 40-percent equity requirement shall be met each time the claimant or authorized agent files a postponement claim.

(2) Any residential dwelling in which the claimant's interest is held pursuant to a contract of sale or under a life estate, unless the claimant obtains the written consent of the vendor under the contract of sale, or the holder of the reversionary interest upon termination of the life estate, for the postponement of taxes and the creation of a lien on the real property in favor of the state for amounts postponed pursuant to this act.

(3) Any residential dwelling on which the claimant does not receive a secured tax bill.

(4) Any residential dwelling in which the claimant's interest is held as a possessory interest, except as provided in Chapter 3.5 (commencing with Section 20640).

(5) Any residential dwelling that is subject to a Property Assessed Clean Energy bond, or PACE bond, as defined in Section 26054 of the Public Resources Code.

SEC. 15. Section 20585 of the Revenue and Taxation Code is amended to read:

20585. Postponement shall not be allowed under this chapter, Chapter 3 (commencing with Section 20625), or Chapter 3.5 (commencing with Section 20640) if household income exceeds thirty five thousand five hundred dollars (\$35,500).

SEC. 16. Section 20586 of the Revenue and Taxation Code is amended to read:

20586. For the purposes of Chapter 2 (commencing with Section 20581), Chapter 3 (commencing with Section 20625), and Chapter 3.5 (commencing with Section 20640), only one claimant per household each year shall be entitled to postponement. When two or more individuals in a household are qualified as claimants, they may determine who the claimant shall be. Such decision is irrevocable. If the individuals are unable to agree, the matter shall be determined by the Controller and his or her decision shall be final.

SEC. 17. Section 20621 of the Revenue and Taxation Code, as amended by Section 13 of Chapter 391 of the Statutes of 2015, is amended to read:

20621. Each claimant applying for postponement under Article 2 (commencing with Section 20601) shall file a claim under penalty

of perjury with the Controller on a form supplied by the Controller. The claim shall contain all of the following:

(a) Evidence acceptable to the Controller that the person (1) is 62 years of age or older on or before December 31 of the fiscal year for which the postponement is claimed or (2) blind or disabled, as defined in Section 12050 of the Welfare and Institutions Code, at the time of application or on February 10 of the fiscal year for which the postponement is claimed.

(b) A statement showing the household income for the period set forth in Section 20503.

(c) A statement describing the residential dwelling in a manner that the Controller may prescribe.

(d) The name of the county in which the residential dwelling is located and the address of the residential dwelling.

(e) The county assessor's parcel number applicable to the property for which the claimant is applying for the postponement of property taxes.

(f) (1) Documentation evidencing the current existence of any abstract of judgment, federal tax lien, or state tax lien filed or recorded against the applicant, and any recorded mortgage or deed of trust that affects the subject residential dwelling, for the purpose of determining that the claimant possesses a 40-percent equity in the subject residential dwelling as required by paragraph (1) of subdivision (b) of Section 20583.

(2) Actual costs, not in excess of fifty dollars (\$50), paid by the claimant to obtain the documentation shall reduce the amount of the lien for the year, but not the face amount of the payment prescribed in Section 16180 of the Government Code.

(g) Other information required by the Controller to establish eligibility.

SEC. 18. Section 20627 of the Revenue and Taxation Code, as amended by Section 15 of Chapter 391 of the Statutes of 2015, is amended to read:

20627. A tenant-stockholder claimant (hereinafter referred to as "claimant") is an individual who, on the last day of the calendar year ending immediately prior to the commencement of the fiscal year for which postponement is claimed is: (a) a tenant-stockholder in a cooperative housing corporation (as defined in Section 216(b) of the Internal Revenue Code) and (b) occupies, as a principal place of residence, a residential unit in the cooperative housing

corporation (notwithstanding Section 216(b) of the Internal Revenue Code). For the purposes of this chapter, a claimant must be (1) 62 years of age or older on or before December 31 of the fiscal year for which postponement is claimed or (2) blind or disabled, as defined in Section 12050 of the Welfare and Institutions Code, at the time of application or on February 10 of the fiscal year for which the postponement is claimed.

SEC. 19. Section 20640.3 of the Revenue and Taxation Code, as amended by Section 29 of Chapter 391 of the Statutes of 2015, is amended to read:

20640.3. A claimant is an individual who:

(a) Holds a right to a possessory interest pursuant to a validly recorded instrument conveying such possessory interest for a term of years no less than 45 years beyond the last day of the calendar year ending immediately prior to the fiscal year for which taxes are initially postponed.

(b) Occupies as a principal place of residence the residential dwelling affixed to such possessory interest real property on the last day of the year designated in subdivision (d) of Section 20503.

(c) Is either (1) 62 years of age or older on or before December 31 of the fiscal year for which postponement is claimed or (2) blind or disabled, as defined in Section 12050 of the Welfare and Institutions Code, at the time of application or on February 10 of the fiscal year for which the postponement is claimed.

SEC. 20. Section 20641 of the Revenue and Taxation Code is amended to read:

20641. Forms filed pursuant to this part shall not be under oath but shall contain, or be verified by, a written declaration that they are made under the penalty of perjury. All forms filed pursuant to Chapter 1 (commencing with Section 20501) shall require such information as the Franchise Tax Board may from time to time prescribe, and shall be filed with the Franchise Tax Board. The Franchise Tax Board shall prepare blank forms for the claimant and shall distribute them throughout the state and furnish them upon application. All forms filed pursuant to Chapter 2 (commencing with Section 20581), Chapter 3 (commencing with Section 20625), or Chapter 3.5 (commencing with Section 20640), shall require such information as the Controller may from time to time prescribe, shall be filed with the Controller, and the Controller

shall prepare such blank forms for the claimant and shall distribute them throughout the state and furnish them upon application.

SEC. 21. Section 20645.5 of the Revenue and Taxation Code is amended to read:

20645.5. (a) If a postponement claim under Chapter 2 (commencing with Section 20581), Chapter 3.3 (commencing with Section 20639), or Chapter 3.5 (commencing with Section 20640) is received by the Controller by February 10 for the fiscal year in which postponement is being claimed or by another date set by the Controller pursuant to Section 20622, then any delinquent penalties, costs, fees, and interest accrued for that fiscal year shall be canceled unless the failure to perfect the claim was due to willful neglect on the part of the claimant or representative.

(b) In the event of willful neglect, a payment from the Controller for that current fiscal year can be used to pay delinquent taxes only if accompanied by sufficient amounts to pay all of the delinquent penalties, costs, fees, and interest. If an amount sufficient to pay all of the delinquent penalties, costs, fees, and interest is not received by the tax collector within 30 days from the date of the payment from the Controller, the tax collector may return the payment to the Controller to deny the postponement claim.

(c) (1) The Controller shall notify the claimant in writing when the payment has been submitted to the tax collector.

(2) In the event of willful neglect, in addition to the information required pursuant to paragraph (1), the Controller shall also notify the claimant in writing and provide a copy of the notification to the tax collector that a payment amount sufficient to pay all of the delinquent penalties, costs, fees, and interest must be received by the tax collector within 30 days from the date of the payment from the Controller to the county and that if this payment is not received by the tax collector, the tax collector may return the payment to the Controller to deny the postponement claim.

SEC. 22. Section 20645.6 of the Revenue and Taxation Code is amended to read:

20645.6. (a) If the Controller denies a postponement claim under Chapter 2 (commencing with Section 20581), Chapter 3 (commencing with Section 20625), Chapter 3.3 (commencing with Section 20639), or Chapter 3.5 (commencing with Section 20640), and the denial is reversed after appeal pursuant to Section 20645.1, the Controller shall transfer funds to the county for the amount of

the taxes. If the taxes for the fiscal year were previously paid, the county shall refund the overpayment to the taxpayer. If the taxes for the fiscal year are delinquent, any resulting penalties or interest shall be canceled.

(b) The Controller shall notify the claimant in writing when a payment has been made pursuant to subdivision (a).

SEC. 23. Section 14.5 of this bill incorporates amendments to Section 20583 of the Revenue and Taxation Code proposed by both this bill and Senate Bill 909. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2017, (2) each bill amends Section 20583 of the Revenue and Taxation Code, and (3) this bill is enacted after Senate Bill 909, in which case Section 14 of this bill shall not become operative.

SEC. 24. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

Approved _____, 2016

Governor