

Notice 2020-23 Expands COVID-19 Tax Deadline Postponement Relief

4.16.20

Commentary by Logan Gans and Francis Rodriguez

On April 9, 2020, the Internal Revenue Service (“IRS”) released Notice 2020-23, which amplifies previous guidance provided in Notice 2020-18 and Notice 2020-20 by expanding the relief that is available to taxpayers as a result of the current COVID-19 emergency.

Postponement of Due Dates with Respect to Certain US Federal Tax Returns and Federal Tax Payments

Under Notice 2020-23, any person (as defined in Internal Revenue Code Section 7701(a)(1)) with a US Federal tax payment or US Federal tax return or other filing obligation, which is due on or after April 15, 2020 and before July 15, 2020 is postponed until July 15, 2020 because of the COVID-19 emergency. The taxpayer is not required to take any action in order to invoke such relief. Among the payment and filing obligations covered by Notice 2020-23 include the following:

- Individual income tax payments and return filings using the Form 1040 series;
- Calendar year or fiscal year corporate income tax payments and returns filing using the Form 1120 series (including Form 1120-F for foreign corporation);
- The Section 965(h) installment payment;
- Calendar year or partnership return filings using Form 1065;
- Estate and trust income tax payment and return filings using the Form 1041 series;
- Estate and generation-skipping transfer tax payment and return filings using the Form 706 series;
- Gift and generation-skipping transfer tax payment and return filings on Form 709;
- Estate tax payments of principal or interest due as a result of an election under Code Sections 6166, 6161, or 6163;
- Exempt organization business income tax, other payments, and return filings for exempt organizations and private foundations;
- Quarterly estimated income tax payments, including the June 15th estimated tax payment for individuals; and
- Any schedules, returns, and other forms that are required to be filed as attachments to the forms described above (e.g., Schedules H and SE, and Forms 3520, 5471, 5472, 8621, 8858, 8865, and 8938).

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Relief with Respect to Specified Time-Sensitive Actions

Furthermore, Notice 2020-23 postpones the deadline for taxpayers to perform other specified time-sensitive actions that were originally due to be performed on or after April 1, 2020 and before July 15, 2020. Among these actions including the following:

- Filing all petitions with the US Tax Court, or for review of a decision rendered by the Tax Court;
- Filing a claim for credit or refund of any tax;
- Bringing suit upon a claim for credit or refund of any tax;
- The 75-day filing deadline for retroactive entity classification elections made by filing Form 8832;
- The 45-day identification period and the 180-day exchange period for Section 1031 exchanges; and
- The 180-day period for making an investment in a qualified opportunity fund.

Postponement of Due Dates with Respect to Certain Government Acts

Finally, Notice 2020-23 provides a 30-day postponement for the IRS to perform certain time-sensitive actions if the last date to perform such action is on or after April 6, 2020 and before July 15, 2020. This applies to:

- Persons who are under examination;
- Persons whose cases are with IRS Appeals; and
- Persons who, during the period beginning April 6, 2020 and ending before July 15, 2020, file amended returns or submit payments with respect to a tax for which the time for assessment would otherwise expire during this period.

Should you have questions regarding US Federal or Florida tax relief concerning COVID-19, please contact Logan Gans or [Francis Rodriguez](#).

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