

## IRS Releases Final 2017 ACA Reporting Forms

The IRS has issued final forms and instructions for 2017 ACA reporting. Employers must furnish Forms 1095-B or 1095-C to individuals for the 2017 calendar year by January 31, 2018, and file the forms with the IRS by April 2, 2018, if filing electronically. Although in each of the past two years the IRS has extended the January 31 due date for furnishing the forms to individuals, no extension has been provided yet for 2017 reporting.

### Background

The ACA added two significant reporting requirements to the Internal Revenue Code (Code) that became effective for medical coverage provided on or after January 1, 2015:

- **Code Section 6055 reporting.** Supports IRS enforcement of the individual mandate
- **Code Section 6056 reporting.** Supports IRS enforcement of the employer shared responsibility provisions (“employer mandate”) and the premium tax credits for coverage purchased in the public marketplace

There are two sets of information returns that employers and coverage providers must use to satisfy their ACA reporting obligations – the Form 1095-B and Form 1095-C. Employers and coverage providers must furnish Forms 1095-B or 1095-C to individuals for the 2017 calendar year by January 31, 2018. They must also submit these forms to the IRS (along with transmittal forms) by April 2, 2018, if filing electronically. (Under IRS rules, because the regulatory filing deadline of March 31 falls on a Saturday, the deadline is extended to the following Monday.)



### Final 2017 Forms and Instructions

The IRS has released final forms and instructions for 2017 ACA reporting. The 2017 forms and instructions are largely unchanged from 2016.

Form 1095-C	<a href="#">Employer-Provided Health Insurance Offer and Coverage</a>
Form 1094-C	<a href="#">Transmittal of Employer-Provided Health Insurance Offer and Coverage Information Returns</a>
1094-C and 1095-C Instructions	<a href="#">Instructions for Forms 1094-C and 1095-C</a>
1095-B	<a href="#">Health Coverage</a>
1094-B	<a href="#">Transmittal of Health Coverage Information Returns</a>
1094-B and 1095-B Instructions	<a href="#">Instructions for Forms 1094-B and 1095-B</a>

## Due Date Extension?

In each of the past two years, the IRS extended the due date for furnishing Forms 1095-C and 1095-B to individuals. For 2016 reporting the deadline was extended by 30 days – from January 31, 2017, to March 2, 2017. But last year, the IRS did not provide this relief until November 18, 2016. (See our [November 21, 2016 For Your Information](#).) Because it is uncertain whether the IRS will provide an extension for 2017 reporting, employers should continue to focus on the January 31 regulatory deadline.

For 2015 reporting, the IRS also extended the due date for submitting the forms electronically from March 31, 2016, to June 30, 2016 for electronic filers. However, it did not provide an extension for 2016 submissions.

Even if the IRS does not extend the deadlines, additional time for furnishing and filing the forms may be available:

- **Furnishing Individual Statements.** An extension of the date for furnishing the forms 1095-C and 1095-B can be requested. Generally, if granted, the extension will be for a maximum of 30 days. This extension is not automatic and must be approved by the IRS. A letter of request indicating the reason for the delay must be mailed to the IRS and be postmarked no later than the date on which the statements are due to recipients. The extension must be requested separately for each EIN.

- **Filing with the IRS.** Filers can obtain an automatic 30-day extension of the IRS filing deadline by submitting Form 8809 (Application for Extension of Time to File Information Returns) by the due date for the ACA information returns. Form 8809 may be submitted on paper or electronically, and no explanation for the extension is required. Under certain conditions, filers may request an additional 30-day extension. These requests are not granted automatically, but instead only where it is shown that extenuating circumstances prevented filing by the due date.

## In Closing

Because it is unclear whether the IRS will provide any automatic extensions for furnishing statements to individuals or filing the returns with the IRS, employers should continue their efforts to comply with the ACA reporting requirements.

### What's the IRS doing with this employer reporting?

The IRS has been using these filings to help enforce the individual shared responsibility provisions of the ACA – the individual mandate. But to our knowledge no employer has been subject to any assessments under the employer shared responsibility provisions for 2015 or 2016, nor has the IRS issued any guidance yet on the process they will use to make assessments or for employers to appeal those assessments. The IRS can still make assessments for 2015 and 2016, as well as for future years.

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