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Form 5500 filing extension for FEMA designated disaster areas

As with other disasters in recent years, the IRS has issued guidance extending tax filing deadlines for individuals and businesses located in areas designated by the Federal Emergency Management Agency (FEMA) as qualifying for assistance due to Hurricane Ida and other recent natural disasters. This extension applies to Form 5500 filings (including Form 8955-SSA).

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Background

Natural disasters continue to wreak havoc in various parts of the United States. Wildfires, tropical storms, flooding and hurricanes have devastated areas of California, Louisiana, Michigan, Mississippi, Nevada, North Carolina, New Jersey, New York, Pennsylvania, and Tennessee to name a few. This list expands almost daily. The IRS has standardized “first tier” disaster relief, which includes extended due dates for tax filings including annual reports (Form 5500), “in concert with IRS news releases issued on or after July 2, 2018 announcing relief the PBGC has instituted a rule that automatically provides extensions of their deadlines.”

Employee benefit plans subject to Form 5500 filing requirements must file by the last day of the seventh month following the plan’s year end, with a two and a half month extension available. For calendar year plans, the initial due date is July 31 and, for those filing Form 5558 before the initial due date of July 31, the extended due date is October 15. The IRS disaster relief guidance extends the filing due date, which may vary depending on the disaster as noted below. Reference [IRS News Release IR-2021-175](#) for details.

Hurricane Ida — extended due date of January 3, 2022

This tax relief postpones filing deadlines for Form 5500s originally due, with valid extensions, starting on or after August 26. For a calendar year plan, subject to extension, with a due date of October 15, 2021, the 5500 is now due on January 3, 2022.

The list of FEMA-designated disaster areas due to Hurricane Ida continues to grow. Businesses, including tax-exempt organizations, are eligible for this relief if their principal place of business is located in a covered disaster area. You should check the [disaster relief](#) page on IRS.gov for updates.

Covered disaster areas due to Hurricane Ida as of today include:

- Louisiana: entire state
- Mississippi: all 82 counties and the Mississippi Choctaw Indian Reservation
- New Jersey: Bergen, Essex, Gloucester, Hudson, Hunterdon, Mercer, Middlesex, Morris, Passaic, Somerset, Union, and Warren counties
- New York: Bronx, Dutchess, Kings, Nassau, New York, Orange, Putnam, Queens, Richmond, Rockland, Suffolk, Sullivan, Ulster, and Westchester counties
- Pennsylvania: Bedford, Bucks, Chester, Delaware, Montgomery, Northampton, Philadelphia, and York counties

Additional disasters with Form 5500 extensions

Earlier this year, the IRS extended Form 5500 filing deadlines in FEMA designated areas due to the following disasters.

Tropical Storm Fred — extended due date of December 15

North Carolina

For businesses whose principal place of business is located in certain counties of North Carolina, Form 5500 filings that were originally due, with valid extensions, starting on or after August 16, are now due on December 15.

Covered disaster areas due to Tropical Storm Fred as of today include Avery, Buncombe, Haywood, Madison, Transylvania, Watauga and Yancey counties.

California wildfires — extended due date of November 15

For businesses whose principal place of business is located in certain counties of California, Form 5500 filings that were originally due, with valid extensions, starting on or after July 14 and before November 15 are now due on November 15.

Covered disaster areas due to California wildfires as of today include Lassen, Nevada, Placer, Plumas, Tehama, and Trinity counties.

Severe storms, flooding and tornadoes — extended due date of November 1

Michigan

For businesses whose principal place of business is located in certain counties of Michigan, Form 5500 filings that were originally due, with valid extensions, starting on or after June 25 and before November 1 are now due on November 1.

Covered disaster areas due to severe storms, flooding and tornadoes as of today include Macomb, Oakland, Washtenaw, and Wayne counties.

Severe storms and flooding — extended due date of January 3, 2022

Tennessee

For businesses whose principal place of business is located in certain counties of Tennessee, Form 5500 filings that were originally due, with valid extensions, starting on or after August 21 and before January 3, 2022 are now due on January 3, 2022.

Covered disaster areas due to severe storms and flooding as today include Dickson, Hickman, Houston and Humphreys counties.

Next steps

These disaster extensions are automatic if the plan qualifies for the extension. Both Form 5500 and Form 8955-SSA have a section to be completed by the Plan Administrator to designate the applicable disaster giving rise to the extension.

In closing

It remains to be seen whether the IRS will extend this relief to other natural disasters, but given that the list keeps expanding, it is likely and plan administrators should check the disaster relief site on IRS.gov for updates. Affected plan sponsors can now take advantage of the Form 5500 filings (including Form 8955-SSA) extensions.

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