



IRS Extends Due Date for Furnishing 1095 Forms to Individuals and Good Faith Transition Relief for ACA Reporting

Issue Date: November 2018

As stated in a memorandum on November 29, the Internal Revenue Service (IRS) has released [Notice 2018-94](#) (Notice) which extends the due date for furnishing to individuals the 2018 Form 1095-B (generally provided by insurers), and the 2018 Form 1095-C, *Employer-Provided Health Insurance Offer and Coverage*, from January 31, 2019, to March 4, 2019. This comes as a welcome relief for employers and insurers.

Extension of Due Date to Furnish Forms to Individuals

The IRS determined that a substantial number of employers, insurers, and other providers of minimum essential coverage need additional time to gather and analyze the information and prepare the 2018 Forms 1095-B and 1095-C to be furnished to individuals.

The IRS cautioned employers that this blanket extension is in lieu of the procedures that employers generally can use to request a 30-day extension for furnishing individual statements. Consequently, the IRS will not grant additional extensions beyond what the Notice provides.

Despite the announced extension, the IRS also encouraged employers to furnish 2018 statements as soon as possible.

No Extension for IRS Filing

The Notice does not extend the deadline for employers, insurers, and other providers of minimum essential coverage to file 2018 Forms 1095 with the IRS. Thus, employers still must file the applicable forms by February 28, 2019, if not filing electronically, or April 1, 2019, if filing electronically.

The Notice does not affect the provision that allows employers to get an automatic extension of time for filing information returns, which remain available by submitting a Form 8809.

Good Faith Transition Relief Extended

Finally, the Notice extends previously announced transition relief from penalties relating to ACA reporting to employers that can show that they have made good faith efforts to comply with their ACA information reporting obligations for 2018 (both for individual statements and IRS filings). This relief applies to incorrect or incomplete information on employer reports, missing and inaccurate taxpayer identification numbers and dates of birth, as well as other information required on the return or statement.

No relief applies to employers that fail to make a good faith effort to comply with the regulations or that fail to file an information return or furnish a statement by the due dates (as extended under the rules described above). In determining good faith, the IRS will determine whether an employer made reasonable efforts to prepare for reporting required information and furnishing it to employees and covered individuals, such as gathering and transmitting the necessary data to an agent to prepare the data for submission or testing its ability to transmit information to the IRS.

Please be aware that this does not represent legal or tax advice and is only Frenkel's interpretation of the laws, regulations and statutes. It is highly recommended that you seek the advice of your legal and tax professional as to the applicability of this information to your particular situation.