



UBA
ACA Advisor

What you need to know about the Affordable Care Act



IRS Notice 2020-76

As the deadline for reporting of group health coverage offered in 2020 under the Patient Protection and Affordable Care Act (ACA) approaches, the Internal Revenue Services (IRS) has issued [IRS Notice 2020-76](#) (Notice) regarding deadline extensions and requirements as it has done in prior years.

In past years, the IRS provided relief to employers who made a good faith effort to comply with the information reporting requirements and determined that they would not be subject to penalties for failure to correctly or completely file. This did not apply to employers that failed to timely file or furnish a statement.

Under the Notice, this relief has been extended for group health coverage offered in 2020. As in prior years, the relief is applied only to incorrect or incomplete information reported on the statement or return in good faith. The relief does not apply to a failure to timely furnish or file a statement or return. The Notice provides that this is the final year the Treasury Department and the IRS intend to provide this relief.

Because the individual shared responsibility payment has been reduced to \$0 as of January 1, 2019, the Notice provides that the IRS will not assess a penalty for failing to furnish Form 1095-B to individuals if two conditions are met:

- The reporting entity posts a notice prominently on its website stating that individuals may receive a copy of their 2020 Form 1095-B upon request, accompanied by an email address and a physical address to which a request may be sent, and a telephone number that individuals can use to contact the reporting entity with any questions.
- The reporting entity furnishes a 2020 Form 1095-B within 30 days of the date the request is received.

This relief also applies to reporting entities that are required to furnish Form 1095-C to any employee enrolled in the reporting entity's self-funded health plan who is not a full-time employee for any month of 2020.



Under the Notice, the IRS extended the due date for furnishing statements to individuals (Form 1095-B and 1095-C) from February 1, 2021 (the normal due is January 31, however in 2021, that date falls on a weekend), to March 2, 2021. The permissive 30-day extension that the IRS may grant to an employer for good cause will not apply to this extended due date for furnishing statements to individuals.

The Notice does not extend the due date for filing Forms 1094-B, 1095-B, 1094-C, or 1095-C with the IRS for calendar year 2020. Forms 1094-B, 1095-B, 1094-B, and 1095-C must be filed by February 28, 2021, or March 31, 2021, if filing electronically. Employers may file [Form 8809](#) to receive an automatic 30-day extension of this due date for forms due to the IRS.

The IRS notes that unless it receives comments as to why relief continues to be necessary, no relief for furnishing statements will be granted in future years.

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You should not act on this information without consulting legal counsel or other knowledgeable advisors.