

## IRM PROCEDURAL UPDATE

**DATE:** 02/24/2016

**NUMBER:** SBSE-20-0216-0385

**SUBJECT:** Notice 2015-30 Penalty Relief

**AFFECTED IRM(s)/SUBSECTION(s):** 20.1.2.1.4.4

**CHANGE(s):**

**IRM 20.1.2.1.4.4 Added subsection *Notice 2015-30 Penalty Relief***

1. Notice 2015-30 provides penalty relief for qualifying taxpayers with respect to the penalty for failure to pay tax under IRC 6651(a)(2) and IRC 6651(a)(3) on their 2014 return. It also provides for relief with respect to the penalty for underpayment of estimated tax under IRC 6654, and the accuracy-related penalty under IRC 6662 for 2014. (See IRM 20.1.3 for estimated tax waiver information, and IRM 20.1.5.1.6 for information on accuracy-related penalty relief.)
2. To qualify for the relief from the penalty for failure to pay, all of the following criteria must be met:
  - a. A portion of the unpaid balance is attributable to the taxpayer having received a Form 1095-A, *Health Insurance Marketplace Statement*, that was delayed, or which the taxpayer believes to be incorrect.
  - b. The taxpayer timely filed their 2014 federal income tax return, including extensions.
  - c. The taxpayer is eligible for the premium tax credit and is enrolled in a qualifying health care plan.

**NOTE:** Some taxpayers who were not enrolled in a qualifying plan during 2014, erroneously received a Form 1095-A and may have used it to file their return. To be eligible for the relief, these individuals must amend their 2014 income tax return by April 15, 2016 to reflect that they were not eligible to claim the premium tax credit, and pay any additional tax liability due.

3. If any portion of the unpaid balance qualifies for relief under Notice 2015-30, the entire failure-to-pay penalty should be abated, even the portion that is unrelated to the late receipt or incorrect Form 1095-A.
4. If the taxpayer qualifies for the penalty relief, abate the penalty as described in IRM 20.1.2.1.4.1 (4) with reason code 062 and penalty reason code 022.