

## Delayed Filing Season for Certain Tax-Exempt Hospitals

Announcement 2011-20

This announcement grants tax-exempt organizations that operate one or more hospital facilities (hospital organizations), and that would otherwise be required to file Form 990, *Return of Organization Exempt From Income Tax*, including Schedule H, *Hospitals*, for the 2010 tax year before August 15, 2011, an automatic three-month extension of time to file the Form 990 for 2010. In addition, this announcement directs these hospital organizations not to file the 2010 Form 990 before July 1, 2011.

In order to complete implementation of changes to IRS forms and systems that are required to reflect additional requirements for charitable hospitals enacted by Section 9007 of the Patient Protection and Affordable Care Act of 2010 (Pub. L. 111-148), the IRS is delaying the start of the 2010 filing season for certain hospital organizations. Pursuant to section 6081 of the Internal Revenue Code, this announcement grants hospital organizations with original 2010 tax year filing due dates before August 15, 2011, an automatic three-month extension of time to file the Form 990. This automatic extension of the filing due date applies only to hospital organizations that are required to file Schedule H with the 2010 Form 990 and that would otherwise be required to file the 2010 Form 990 before August 15, 2011. This automatic extension of the filing due date does not apply to any other tax-exempt organization required to file Form 990.

In addition, this announcement directs hospital organizations not to file 2010 Forms 990 (with Schedule H attached) before July 1, 2011, regardless of whether the hospital organization files an electronic return or a paper return. This delay of the filing season does not apply to any other tax-exempt organization required to file Form 990.

Hospital organizations affected by this announcement are not required to file Form 8868, *Application for Extension of Time To File an Exempt Organization Return* in order to take advantage of the automatic extension. Nevertheless, recently formed hospital organizations that did not file Form 990 Schedule H for tax year 2009, and who believe they are entitled to the extension of time under this announcement, are encouraged to file Form 8868 to reduce the risk that they may incorrectly receive a penalty notice from the IRS.

No late filing penalties under Section 6652(c)(1)(A)(i) will apply to a tax year 2010 Form 990 (with Schedule H attached) filed by an affected hospital organization on or before the extended due date described in this announcement. If an affected hospital organization determines that it needs additional time beyond the automatic three-month extension period to file its Form 990, the hospital organization may request an additional three-month extension of time to file by properly completing and filing Form 8868, Part II. An affected hospital organization may receive no more than a six-month extension of time to file for its 2010 tax year. If a hospital organization that was granted an automatic extension of time to file pursuant to this announcement and filed by its extended due

date receives a late filing penalty notice from the IRS, the hospital organization should call the telephone number on the penalty notice to request that the IRS abate the late filing penalty.

#### Drafting Information

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