

Department of the Treasury
Internal Revenue Service

► **For Paperwork Reduction Act Notice, see instructions on page 2.**

For calendar year 1991 or tax year beginning _____, 1991, and ending _____, 19

Use IRS label. Otherwise, please print or type.	Name	Employer identification number (see instructions)
	Number, street, and room or suite no. (If a P.O. box, see page 4 of instructions.)	
	City or town, state, and ZIP code	Date association formed

Check applicable boxes: (1) Final return (2) Change in address (3) Amended return

A Total exempt function income. Must meet 60% gross income test (see instructions)	A	
B Total expenditures made for purposes described in 90% expenditure test (see instructions)	B	
C Association's total expenditures for the tax year (see instructions)	C	
D Tax-exempt interest received or accrued during the tax year	D	

Gross Income (excluding exempt function income)

1 Dividends	1	
2 Taxable interest	2	
3 Gross rents	3	
4 Gross royalties	4	
5 Capital gain net income (attach Schedule D (Form 1120))	5	
6 Net gain (or loss) from Form 4797, Part II, line 18 (attach Form 4797)	6	
7 Other income (excluding exempt function income) (attach schedule)	7	
8 Gross income (excluding exempt function income). Add lines 1 through 7	8	

Deductions (directly connected to the production of gross income, excluding exempt function income)

9 Salaries and wages	9	
10 Repairs	10	
11 Rents	11	
12 Taxes	12	
13 Interest	13	
14 Depreciation (attach Form 4562)	14	
15 Other deductions (attach schedule)	15	
16 Total deductions. Add lines 9 through 15	16	
17 Taxable income before specific deduction of \$100. Subtract line 16 from line 8	17	
18 Specific deduction of \$100	18	\$100
19 Taxable income. Subtract line 18 from line 17	19	

Tax and Payments

20 Enter 30% of line 19	20	
21 Credits (see Instructions)	21	
22 Total tax. Subtract line 21 from line 20. See instructions for Recapture of Low-Income Housing Credit	22	
23 Payments:		
a 1990 overpayment credited to 1991	23a	
b 1991 estimated tax payments	23b	
c Total	23c	
d Tax deposited with Form 7004	23d	
e Credit from regulated investment companies (attach Form 2439)	23e	
f Credit for Federal tax on fuels (attach Form 4136)	23f	
g Add lines 23c through 23f	23g	
24 Tax due. Subtract line 23g from line 22. See instructions for depository method of tax payment	24	
25 Overpayment. Subtract line 22 from line 23g	25	
26 Enter amount of line 25 you want: Credited to 1992 estimated tax ►	26	Refunded ►

Please Sign Here

Under penalties of perjury, I declare that I have examined this return, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct, and complete. Declaration of preparer (other than taxpayer) is based on all information of which preparer has any knowledge.

Signature of officer _____ Date _____ Title _____

Paid Preparer's Use Only

Preparer's signature _____ Date _____ Check if self-employed Preparer's social security number _____

Firm's name (or yours if self-employed) and address _____ E.I. No. _____ ZIP code _____

General Instructions

(Section references are to the Internal Revenue Code unless otherwise noted.)

Paperwork Reduction Act Notice

We ask for the information on this form to carry out the Internal Revenue laws of the United States. You are required to give us this information. We need it to ensure that you are complying with these laws and to allow us to figure and collect the right amount of tax.

The time needed to complete and file this form will vary depending on individual circumstances. The average estimated time is:

Recordkeeping11 hr., 14 min.

Learning about the law or the form5 hr., 2 min.

Preparing the form . . .12 hr., 53 min.

Copying, assembling, and sending the form to the IRS2 hr., 9 min.

If you have comments concerning the accuracy of these time estimates or suggestions for making this form more simple, we would be happy to hear from you. You can write to both the **Internal Revenue Service**, Washington, DC 20224, Attention: IRS Reports Clearance Officer, T:FP; and the **Office of Management and Budget**, Paperwork Reduction Project (1545-0127), Washington, DC 20503. **DO NOT** send the tax form to either of these offices. Instead, see **Where To File** on page 3.

A homeowners association that is a corporation may want to file **Form 1120**, U.S. Corporation Income Tax Return, or **Form 1120-A**, U.S. Corporation Short-Form Income Tax Return (using the instructions for Form 1120), because the tax may be less on that form in comparison to the tax figured on Form 1120-H.

Note: *The taxable income of a homeowners association is taxed at a flat rate of 30%. This rate applies to both ordinary income and capital gains.*

Purpose of Form

A homeowners association files Form 1120-H as its income tax return to take advantage of certain tax benefits. These benefits, in effect, allow the association to exclude exempt function income from its gross income.

Definitions

Homeowners association.—There are two kinds of homeowners associations:

1. A condominium management association organized and operated to acquire, build, manage, and care for the property in a condominium project substantially all of whose units are homes for individuals, and

2. A residential real estate management association organized and operated to acquire, build, manage, and care for a subdivision, development, or similar area substantially all of whose lots or buildings are homes for individuals.

Regulations section 1.528-4 explains the "substantially all" test. In addition:

- At least 60% of the association's gross income for the tax year must consist of exempt function income. See instructions below.
- At least 90% of the association's expenses for the tax year must consist of expenses to acquire, build, manage, and care for its property. See Item B on page 4.
- No private shareholder or individual can profit from the association's net earnings except by acquiring, building, managing, or caring for association property or by a rebate of excess membership dues or other fees.
- The association must file Form 1120-H to elect under section 528 to be treated as a homeowners association.

Association property.—Association property includes real and personal property that:

1. the association holds,
2. the association's members hold in common,
3. the association's members hold privately within the association, and
4. is owned by a governmental unit and is used to benefit the unit's residents.

For more information, see Regulations section 1.528-3.

Taxable income.—Taxable income is the excess, if any, of:

1. gross income for the tax year, excluding exempt function income, over
2. allowed deductions directly connected with producing any gross income except exempt function income. Allowed deductions include a specific \$100 deduction. The following are not allowed:

- Net operating loss deduction (section 172).
- Deductions under Part VIII of subchapter B (special deductions for corporations).

If facilities are used (or personnel are employed) for both exempt and nonexempt purposes, see Regulations section 1.528-10.

Exempt function income.—Exempt function income consists of membership dues or other fees the homeowners association received from those who own the association's residential units or lots. This income must come from members as owners, not as customers of the association's services.

Assessments or fees for a common activity qualify, but charges for providing services do not qualify.

Examples.—In general, exempt function income includes assessments made to:

1. Pay principal, interest, and real estate taxes on association property.
2. Maintain association property.
3. Clear snow from public areas and remove trash.

Income that is **not** exempt function income includes:

1. amounts that are not includible in the organization's gross income other than under section 528 (for example, tax-exempt interest),
2. payments from nonmembers,
3. payments from members for special use of the organization's facilities, apart from the uses generally available to all members,
4. interest on amounts in a sinking fund,
5. payments for work done on nonassociation property, and
6. members' payments for transportation.

For more information, see Regulations section 1.528-9.

Filing the Return

Electing To File Form 1120-H

By filing a properly completed Form 1120-H, the association elects to take advantage of the tax benefits provided by section 528. This election must be made not later than the time, including extensions, for filing an income tax return for the year in which the election is to apply. The association makes the election separately for each tax year. Once Form 1120-H is filed, the association cannot revoke its election for that year unless the Commissioner consents.

If the homeowners association does not elect to use Form 1120-H, it must file the applicable income tax return (Form 1120, etc.).

If the association is tax exempt under section 501, do not file Form 1120-H. See section 6033 and related sections. If the association loses its exempt status, see Regulations section 1.528-8(e).

When To File

Generally, an association must file Form 1120-H by the 15th day of the 3rd month after the end of the tax year.

Extension.—File **Form 7004**, Application for Automatic Extension of Time To File Corporation Income Tax Return, to request a 6-month extension of time to file.

Where To File

If the homeowners association's main office is located in

Use the following Internal Revenue Service Center address

New Jersey, New York (New York City and counties of Nassau, Rockland, Suffolk, and Westchester)	Holtsville, NY 00501
New York (all other counties), Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont	Andover, MA 00501
Florida, Georgia, South Carolina	Atlanta, GA 39901
Indiana, Kentucky, Michigan, Ohio, West Virginia	Cincinnati, OH 45999
Kansas, New Mexico, Oklahoma, Texas	Austin, TX 73301
Alaska, Arizona, California (counties of Alpine, Amador, Butte, Calaveras, Colusa, Contra Costa, Del Norte, El Dorado, Glenn, Humboldt, Lake, Lassen, Marin, Mendocino, Modoc, Napa, Nevada, Placer, Plumas, Sacramento, San Joaquin, Shasta, Sierra, Siskiyou, Solano, Sonoma, Sutter, Tehama, Trinity, Yolo, and Yuba), Colorado, Idaho, Montana, Nebraska, Nevada, North Dakota, Oregon, South Dakota, Utah, Washington, Wyoming	Ogden, UT 84201
California (all other counties), Hawaii	Fresno, CA 93888
Illinois, Iowa, Minnesota, Missouri, Wisconsin	Kansas City, MO 64999
Alabama, Arkansas, Louisiana, Mississippi, North Carolina, Tennessee	Memphis, TN 37501
Delaware, District of Columbia, Maryland, Pennsylvania, Virginia	Philadelphia, PA 19255

Associations having their principal place of business outside the United States must file with the Internal Revenue Service Center, Philadelphia, PA 19255.

Other Forms and Statements That May Be Required

The association may have to file any of the following:

Forms W-2 and W-3, Wage and Tax Statement; and Transmittal of Income and Tax Statements.

Form 1096, Annual Summary and Transmittal of U.S. Information Returns.

Form 1098, Mortgage Interest Statement. This form is used to report the receipt from any individual of \$600 or more of mortgage interest in the course of the association's trade or business during any calendar year.

Forms 1099-A, B, DIV, INT, MISC, OID, PATR, R, and S. Information returns for reporting abandonments, acquisitions through foreclosure, proceeds from brokers and barter exchange transactions, certain dividends and distributions, interest payments, medical and dental health care payments, miscellaneous income payments, nonemployee compensation, original

issue discount, patronage dividends, total distributions from profit-sharing plans, retirement plans, individual retirement arrangements, insurance contracts, etc., and proceeds from real estate transactions. Also use these returns to report amounts that were received as a nominee on behalf of another person.

For more information, see the instructions for Form 1099 and **Pub. 937**, Business Reporting.

Form 8300, Report of Cash Payments Over \$10,000 Received in a Trade or Business. Generally, this form is used to report the receipt of more than \$10,000 in cash or foreign currency in one transaction or in a series of related transactions.

Attachments. Attach **Form 4136**, Credit for Federal Tax on Fuels, after page 1. Attach schedules in alphabetical order and other forms in numerical order after the Form 4136.

If more space is needed on the forms or schedules, attach separate sheets to the back of Form 1120-H. Be sure to put the association's name and employer identification number (EIN) on each sheet.

Who Must Sign

The return must be signed and dated by the president, vice president, treasurer, assistant treasurer, chief accounting officer, or any other association officer (such as tax officer) authorized to sign. A receiver, trustee, or assignee must sign and date any return required to be filed on behalf of an association.

If the association officer filled in Form 1120-H, the Paid Preparer's space under "Signature of officer" should remain blank. If someone prepares Form 1120-H and does not charge the association, that person should not sign the return. Certain others who prepare Form 1120-H should not sign. For example, a regular, full-time employee of the association, such as a clerk, secretary, etc., should not sign.

Generally, anyone who is paid to prepare Form 1120-H must sign the return and fill in the other blanks in the Paid Preparer's Use Only area of the return.

The preparer required to sign the return MUST complete the required preparer information and:

- Sign it, by hand, in the space provided for the preparer's signature. (Signature stamps or labels are not acceptable.)
- Give a copy of Form 1120-H to the association in addition to the copy filed with the IRS.

Figuring and Paying the Tax**Accounting Information**

Accounting methods.—Taxable income must be computed using the method of

accounting regularly used in keeping the association's books and records. In all cases, the method adopted must clearly reflect taxable income. See section 446.

Unless the law specifically permits otherwise, the association may change the method of accounting used to report taxable income in earlier years (for income as a whole or for any material item) only by first getting consent on **Form 3115**, Application for Change in Accounting Method. Also see **Pub. 538**, Accounting Periods and Methods.

Change in accounting period.—Generally, before changing an accounting period, the Commissioner's approval must be obtained (Regulations section 1.442-1) by filing **Form 1128**, Application To Adopt, Change, or Retain a Tax Year. Also see Pub. 538.

Rounding Off to Whole-Dollar Amounts

The association may show the money items on the return and accompanying schedules as whole-dollar amounts. To do so, drop any amount less than 50 cents and increase any amount from 50 cents through 99 cents to the next higher dollar.

Depository Method of Tax Payment

The association must pay the tax due in full when the return is filed but no later than the 15th day of the 3rd month after the end of the tax year.

Deposit association income tax payments with a Federal Tax Deposit Coupon (Form 8109). Do not submit deposits directly to an IRS office. Mail or deliver the completed Federal Tax Deposit Coupon (Form 8109) and the payment to a qualified depository for Federal taxes or to the Federal Reserve bank (FRB) servicing the association's geographic area. Make checks or money orders payable to that depository or FRB. To help ensure proper crediting to the account, write the association's employer identification number, "Form 1120-H," and the tax period to which the deposit applies on your check or money order. Be sure to darken the "1120" box on the coupon. Records of deposits will be sent to the IRS for crediting to the association's account.

A penalty may be imposed for failure to deposit the required amount of tax. See section 6656. This penalty may also apply if deposits are mailed or delivered to IRS offices rather than to authorized depositories or FRBs.

For more information about deposits, see the instructions contained in the coupon book (Form 8109) and **Pub. 583**, Taxpayers Starting a Business.

Backup Withholding

If the association has had income tax withheld from any payments it received because, for example, it failed to give

the payer its correct employer identification number, it may claim a credit on Form 1120-H for the total amount withheld. This type of withholding is called "backup withholding." Show the amount withheld in the blank space in the right hand column between lines 22 and 23g, Form 1120-H, and label the amount as "backup withholding." Also include the amount in the total for line 23g.

Estimated Tax, Alternative Minimum Tax, Environmental Tax, Investment Credit, and Jobs Credit

These items do not apply to homeowners associations electing to file Form 1120-H. However, a homeowners association that does **not** elect to file Form 1120-H may be required to make payments of estimated tax. Because the election is **not** made until the return is filed, Form 1120-H provides lines for estimated tax payments and the crediting of overpayments against estimated tax in case payments or overpayments apply.

Credits

The association may qualify for the following credits:

Foreign tax credit. See **Form 1118**, Foreign Tax Credit—Corporations.

Credit for fuel produced from a nonconventional source. See section 29 for a definition of qualified fuels, provisions for figuring the credit, and other special rules.

Alcohol fuel credit. See **Form 6478**, Credit for Alcohol Used as Fuel, and section 40.

Credit for increasing research activities. See **Form 6765**, Credit for Increasing Research Activities, and section 41.

Low-income housing credit. See **Form 8586**, Low-Income Housing Credit, and section 42.

Disabled access credit. See **Form 8826**, Disabled Access Credit, and section 44.

Enhanced oil recovery credit. See **Form 8830**, Enhanced Oil Recovery Credit, and section 43.

Enter the total amount of credits on line 21, and attach the appropriate form(s).

Recapture of Low-income Housing Credit

If the association must recapture part of the low-income housing credit, enter the amount of the recapture to the left of the entry space for line 22, and also include the amount of the recapture in the Total tax for that line. See **Form 8611**, Recapture of Low-Income Housing Credit.

Interest and Penalties

Interest.—Interest is charged on taxes not paid by the due date even if an extension of the time to file is granted. Interest is also charged on penalties imposed for failure to file, negligence, fraud, gross valuation overstatements, and substantial understatements of tax from the due date (including extensions) to the date of payment. The interest charge is figured at a rate determined under section 6621.

Late filing of return.—In addition to losing the right to elect to have section 528 apply for the tax year, a homeowners association that fails to file its tax return when due (including extensions of time for filing) may be subject to a penalty of 5% of the unpaid tax for each month or part of a month the return is late, up to a maximum of 25% of the unpaid tax. The minimum penalty for a return that is more than 60 days late is the smaller of the tax due or \$100. The penalty will not be imposed if the association can show that failure to file a timely return is due to reasonable cause. Associations filing late (after the due date, including extensions) must attach a statement to the return explaining the reasonable cause.

Late payment of tax.—The penalty for late payment of taxes is usually 1/2 of 1% of the unpaid tax for each month or part of a month the tax is unpaid. The penalty cannot exceed 25% of the amount due. This penalty may also apply to any additional tax not paid within 10 days of the date of the notice and demand for payment.

Other penalties.—Other penalties can also be imposed for negligence, substantial understatement of tax, and fraud. See sections 6662 and 6663.

Specific Instructions

Period covered.—File the 1991 return for calendar year 1991 and fiscal years that begin in 1991 and end in 1992. For a fiscal year, fill in the tax year space at the top of the form.

Address.—Include the suite, room, or other unit number after the street address. If a pre-addressed label is used, include this information on the label.

If the Post Office does not deliver mail to the street address and the association has a P.O. box, show the P.O. box number instead of the street address.

Note: *If a change in address occurs after the return is filed, the association can use **Form 8822**, Change of Address, to notify the IRS of the new address.*

Employer identification number.—All homeowners associations must use an employer identification number (EIN). If the EIN on the label is wrong or if the

association did not receive a label, enter the correct number at the top of the return.

An association that does not have an EIN should apply for one on **Form SS-4**, Application for Employer Identification Number. This form may be obtained from most IRS and Social Security Administration offices. Send Form SS-4 to the same Internal Revenue Service Center to which Form 1120-H is mailed. If the EIN has not been received by the filing time for Form 1120-H, write "Applied for" in the space for the EIN.

For more information concerning an EIN, see Pub. 583.

Final return, change of address, or amended return.—If the association ceases to exist, file Form 1120-H and check the "Final return" box at the top of the form. Indicate a change in address by checking the "Change in address" box.

To amend a previously filed Form 1120-H, file a corrected Form 1120-H and check the "Amended return" box at the top of the form.

Item A.—Enter the association's exempt function income for the tax year, figured by the association's accounting method. This income must meet the 60% test discussed in the General Instructions on page 2.

Item B.—Enter the association's expenditures for the tax year to acquire, build, manage, and care for association property. Include current and capital expenditures. These expenditures must meet the 90% test discussed in the General Instructions on page 2. Use the association's accounting method to figure the total.

Include:

- Salary for an association manager or secretary.
- Expenses for gardening, paving, street signs, security guards, and property taxes assessed on association property.
- Current operating or capital expenditures for tennis courts, swimming pools, recreation halls, etc.
- Replacement costs for common buildings, heating, air conditioning, elevators, etc.

Do not include expenditures for property that is not association property. Also, do not include investments or transfers of funds held to meet future costs. An example would be transfers to a sinking fund to replace a roof, even if the roof is association property.

Item C.—Enter the association's total expenditures for the tax year in item C, whether or not used to figure taxable income discussed on page 2. Use the association's accounting method to figure the entry for item C.