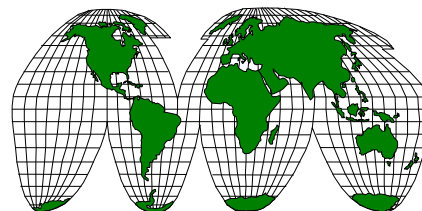


Schreiber & Schreiber

Certified Public Accountants



Due Dates for Returns Affected by Hurricane Ida

By Gerard H. Schreiber, Jr., CPA

(updated Monday, January 3, 2022 9:14 AM)

IRS issued News Release IR-2021-254 (**updated December 30, 2021**)

(<https://www.irs.gov/newsroom/hurricane-ida-tax-relief-extended-to-february-15-for-part-or-all-of-six-qualifying-states>) providing updated relief for the entire states of Louisiana and Mississippi, as well as parts of New York, New Jersey, Connecticut and Pennsylvania.

The updated relief postpones various tax filing and payment deadlines that occurred starting on dates that vary by state:

- August 26, 2021 for **Louisiana** (entire state)
- August 28, 2021 for **Mississippi** (entire state)
- August 31, 2021 for **Pennsylvania** (Bedford, Bucks, Chester, Dauphin, Delaware, Fulton, Huntingdon, Luzerne, Montgomery, Northampton, Philadelphia, Schuylkill and York counties)
- September 1, 2021 for **New York** (Bronx, Dutchess, Kings, Nassau, New York, Orange, Putnam, Queens, Richmond, Rockland, Suffolk, Sullivan, Ulster, and Westchester counties),
- September 1, 2021 for **New Jersey** (Bergen, Essex, Gloucester, Hudson, Hunterdon, Mercer, Middlesex, Morris, Passaic, Somerset, Union and Warren counties), and
- September 1, 2021 for **Connecticut** (Fairfield County, New Haven County, New London County, Mashantucket Pequot Tribal Nation, and Mohegan Tribal Nation)

As a result, affected individuals and businesses will have until February 15, 2022, to file returns and pay any taxes that were originally due during this period. This means individuals who had a valid extension to file their 2020 return that ran out on October 15, 2021, will now have until February 15, 2022, to file. The IRS noted, however, that because tax payments related to these 2020 returns were due on May 17, 2021, those payments are not eligible for this relief.

The February 15 extended deadline also applies to quarterly estimated income tax payments that were due on September 15, 2021, and January 18, 2022.

The February 15 deadline also applies to the quarterly payroll and excise tax returns normally due on November 1, 2021, and January 31, 2022. Businesses with an original or extended due date also have the additional time including, among others, calendar-year partnerships and S corporations whose 2020 extensions ran out on September 15, 2021, and calendar-year corporations whose 2020 extensions ran out on October 15, 2021. It also applies to calendar-year tax-exempt organizations whose 2020 extensions ran out on November 15, 2021.

The IRS disaster relief (page <https://www.irs.gov/businesses/small-businesses-self-employed/disaster-assistance-and-emergency-relief-for-individuals-and-businesses>) has additional details on returns, payments and tax-related actions qualifying for the additional time.

Practitioners should look to Code Section 7508A (<https://www.law.cornell.edu/uscode/text/26/7508A>) and the 7508A Regulations (<https://www.law.cornell.edu/cfr/text/26/301.7508A-1>) to fully understand the terms, definitions, and examples applicable to this set of filing circumstances.

The disaster declaration permits IRS to postpone certain deadlines for taxpayers who reside or have a business in the disaster area under Code Section 7508A. This includes 2020 individual income tax returns.

The following forms are amongst those that are affected:

- Form 1040
- Form 1120
- Form 1120S
- Form 1065
- Form 1041
- Form 990
- Form 720
- Form 5500
- Form 706
- Form 709
- Form 941

Payments on all estimated tax (individual, corporation, trust, etc.) that would have been due during these periods are also affected.

This relief also includes the filing of Form 5500 series returns in the manner described in Rev. Proc. 2018-58 (<https://www.irs.gov/pub/irs-drop/rp-18-58.pdf>). The relief described in section 17 of Rev. Proc. 2018-58, pertaining to like-kind exchanges of property, also applies to certain taxpayers who are not otherwise affected taxpayers and may include acts required to be performed before or after the period above.

Taxpayers considered to be affected taxpayers eligible for the postponement of time to file returns, pay taxes and perform other time-sensitive acts are those taxpayers listed in Treas. Reg. § 301.7508A-1(d)(1), and include individuals who live, and businesses (including tax-exempt organizations) whose principal place of business is located, in the covered disaster area. Taxpayers not in the covered disaster area, but whose records necessary to meet a deadline listed in Treas. Reg. § 301.7508A-1(c) are in the covered disaster area, are also entitled to relief. In addition, all relief workers affiliated with a recognized government or philanthropic organization assisting in the relief activities in the covered disaster area and any individual visiting the covered disaster area who was killed or injured as a result of the disaster are entitled to relief.

Under section 7508A, the IRS gives affected taxpayers until February 15, to file most tax returns (including individual, corporate, and estate and trust income tax returns; partnership returns, S corporation returns, and trust returns; estate, gift, and generation-skipping transfer tax returns; annual information returns of tax-exempt organizations; and employment and certain excise tax returns), that have either an original or extended due date occurring during the period covered.

The IRS also gives affected taxpayers until February 15, 2022 to perform other time-sensitive actions described in Treas. Reg. § 301.7508A-1(c)(1) and Rev. Proc. 2018-58, 2018-50 IRB 990 (December 10, 2018), that are due to be performed during the covered period.

Unless an act is specifically listed in Rev. Proc. 2018-58, the postponement of time to file and pay **does not apply** to information returns in the W-2, 1094, 1095, 1097, 1098 or 1099 series; to Forms 1042-S, 3921, 3922 or 8027; or to employment and excise tax deposits.

The Surface Transportation Act of 2015 change certain due dates. These changes are generally effective for taxable years starting after December 31, 2015. These would include fiscal year taxpayers including Forms 1065, 1120, 1120S, 1041, and others. Refer to the instructions for the applicable form to answer any questions on the extension period and appropriate form to file.

**Returns due the 15th day of the third month following the year end (1065 and 1120S)
(Extension is for six months)**

Year End	Extension Due Date	Extension Granted to	Return/Extension would be due
12/31/2020	3/15/2021	9/15/2021	<u><i>Return due on 2/15/2022</i></u>
1/31/2021	4/15/2021	10/15/2021	<u><i>Return due on 2/15/2022</i></u>
2/29/2021	5/15/2021	11/15/2021	<u><i>Return due on 2/15/2022</i></u>
3/31/2021	6/15/2021	12/15/2021	<u><i>Return due on 2/15/2022</i></u>
4/30/2021	7/15/2021	1/15/2022	<u><i>Return due on 2/15/2022</i></u>
5/31/2021	8/15/2020	2/15/2022	<u><i>No Effect.</i></u>
6/30/2021	9/15/2021	3/15/2022	<u><i>Extension due on or before 2/15/2022</i></u>
7/31/2021	10/15/2021	4/15/2022	<u><i>Extension due on or before 2/15/2022</i></u>
8/31/2021	11/15/2021	5/15/2022	<u><i>Extension due on or before 2/15/2022</i></u>
9/30/2021	12/15/2021	6/15/2022	<u><i>Extension due on or before 2/15/2022</i></u>
10/31/2021	1/15/2022	7/15/2022	<u><i>Extension due on or before 2/15/2022</i></u>
11/30/2021	2/15/2022	8/15/2022	<u><i>No Effect</i></u>

**Returns due the 15th day of the fourth month following the year end (1120)
(Extension is for six months)**

Year End	Extension Due Date	Extension Granted to	Return/Extension would be due
-----------------	---------------------------	-----------------------------	--------------------------------------

11/30/2020	3/15/2021	9/15/2021	<u><i>Return due on 2/15/2022</i></u>
12/31/2020	4/15/2021	10/15/2021	<u><i>Return due on 2/15/2022</i></u>
1/31/2021	5/15/2021	11/15/2021	<u><i>Return due on 2/15/2022</i></u>
2/28/2021	6/15/2021	12/15/2021	<u><i>Return due on 2/15/2022</i></u>
3/31/2021	7/15/2021	1/15/2022	<u><i>Return due on 2/15/2022</i></u>
4/30/2021	8/15/2021	2/15/2022	<u><i>No Effect</i></u>
5/31/2021	9/15/2021	3/15/2022	<u><i>Extension would be due 2/15/2022</i></u>
6/30/2021	10/15/2021	4/15/2022	<u><i>Extension would be due 2/15/2022</i></u>
7/31/2021	11/15/2021	5/15/2022	<u><i>Extension would be due 2/15/2022</i></u>
8/31/2021	12/15/2021	6/15/2022	<u><i>Extension would be due 2/15/2022</i></u>
9/30/2021	1/15/2022	7/15/2022	<u><i>Extension would be due 2/15/2022</i></u>
10/31/2021	2/15/2022	8/15/2022	<u><i>No Effect</i></u>

**Returns due the 15th day of the fourth month following the year end (1041)
(Extension is for 5 ½ months)**

Year End	Extension Due Date	Extension Granted to	Return/Extension would be due
11/30/2020	3/15/2021	8/31/2021	<u><i>LA, MS, PA returns would be due on 2/15/2022. NY, NJ, and CT returns not covered</i></u>
12/31/2020	4/15/2021	9/30/2021	<u><i>Return would be due 2/15/2022</i></u>
1/31/2021	5/15/2021	10/31/2021	<u><i>Return would be due 2/15/2022</i></u>
2/29/2021	6/15/2021	11/30/2021	<u><i>Return would be due 2/15/2022</i></u>
3/31/2021	7/15/2021	12/31/2021	<u><i>Return would be due 2/15/2022</i></u>
4/30/2021	8/15/2021	1/31/2022	<u><i>Return would be due 2/15/2022</i></u>
5/31/2021	9/15/2021	2/28/2022	<u><i>Extension would be due 2/15/2022</i></u>
6/30/2021	10/15/2021	3/31/2022	<u><i>Extension would be due 2/15/2022</i></u>
7/31/2021	11/15/2021	4/30/2022	<u><i>Extension would be due 2/15/2022</i></u>
8/31/2021	12/15/2021	5/31/2022	<u><i>Extension would be due 2/15/2022</i></u>

9/30/2021	1/15/2022	6/30/2022	<u><i>Extension would be due 2/15/2022</i></u>
10/31/2021	2/15/2022	7/31/2022	<u><i>No Effect</i></u>

**Returns due the 15th day of the fifth month following the year end (990)
(Extension is for six months)**

Year End	Extension Due Date	Extension Granted to	Return/Extension would be due
10/31/2020	3/15/2021	9/15/2021	<u><i>Return would be due 2/15/2022</i></u>
11/30/2020	4/15/2021	10/15/2021	<u><i>Return would be due 2/15/2022</i></u>
12/31/2020	5/15/2021	11/15/2021	<u><i>Return would be due 2/15/2022</i></u>
1/31/2021	6/15/2021	12/15/2021	<u><i>Return would be due 2/15/2022</i></u>
2/29/2021	7/15/2021	1/15/2022	<u><i>Return would be due 2/15/2022</i></u>
3/31/2021	8/15/2021	2/15/2022	<u><i>No Effect</i></u>
4/30/2021	9/15/2021	3/15/2022	<u><i>Extension would be due 2/15/2022</i></u>
5/31/2021	10/15/2021	4/15/2022	<u><i>Extension would be due 2/15/2022</i></u>
6/30/2021	11/15/2021	5/15/2022	<u><i>Extension would be due 2/15/2022</i></u>
7/31/2021	12/15/2021	6/15/2022	<u><i>Extension would be due 2/15/2022</i></u>
8/31/2020	1/15/2022	7/15/2022	<u><i>Extension would be due 2/15/2022</i></u>
9/30/2020	2/15/2022	8/15/2022	<u><i>No Effect</i></u>

Revenue Procedure 2018-58(<https://www.irs.gov/pub/irs-drop/rp-18-58.pdf>) provides guidance on the acts covered by a Code 7508A interruption. It should be noted some specific acts not mentioned in the Revenue Procedure are not covered by this extension. This would include some Code Section elections.

Practitioners with taxpayers affected by this interrupted period should be familiar with Code Section 7508A(<https://www.law.cornell.edu/uscode/text/26/7508A>) and the 7508A regulations(<https://www.law.cornell.edu/cfr/text/26/301.7508A-1>).

Many will remember Code Section 7508A and the related regulations from previous disasters. IRS is experiencing decreased service levels as a consequence of budget cuts. It is suggested practitioners have a copy of this Code Section and Regulations to use during the preparation of

returns for affected taxpayers and in contacting IRS on taxpayer matters. Most important is an understanding of the examples included in the Regulations.

IRS has indicated they automatically identify taxpayers located in the covered disaster area and apply automatic filing and payment relief. Affected taxpayers who reside or have a business located outside the covered disaster area must call the IRS disaster hotline at 866-562-5227 to request this tax relief. Practitioners in the covered disaster area also have relief under 7508A.

IRS identifies “affected taxpayers” by zip codes and these accounts are generally coded as such in IRS records. Practitioners with clients outside of the covered disaster area have to contact the IRS disaster hotline to indicate the client is an “affected taxpayer” as defined in Code Section 7508A. Practitioners should also be aware a Form 2848 may be needed to discuss the taxpayer’s account with the IRS representative.

Practitioners should check with the different states that taxpayers have to file in to determine if filing relief for this event is being granted in that particular state.

Important resources are located at:

- www.irs.gov
- <https://www.irs.gov/uac/Tax-Relief-in-Disaster-Situations>
- <https://www.irs.gov/Businesses/Small-Businesses-&Self-Employed/FAQs-for-Disaster-Victims>
- www.fema.gov
- www.disasterassistance.gov

Continual monitoring of the various taxing authority websites and announcements will be required to adequately service taxpayers affected by this disaster and have taxpayers meet all the filing requirements.