



Client ACA Penalties

ACA Filing Dates

for 2023 Tax Year



Deadline to send 1095-C forms to employees in California



Deadline to file 1094-C and 1095-C paper forms



Must provide 1095-C forms to applicable ACA full-time employees



Deadline to electronically file Forms 1094-C and 1095-C. This is also the deadline for state ACA reporting for California, New Jersey, and Rhode Island



Deadline for ACA filing



Employer Filing and Penalties

Failure to File Penalty-IRC 6721 – If incorrect information is not corrected by the deadline of August 1st, the full penalty is assessed per applicable individual.

Failure to File Penalty–IRC 6722 - If the IRS-established deadlines for providing the ACA-mandated health insurance information to applicable employees are not met, penalties are applied per applicable individual who does not get this information.

Penalty Amount for Reporting Year	2018	2019	2020	2021	2022	2023	2024
Less than 30 days late	\$50 per return \$536,000 max	\$50 per return \$545,500 max	\$50 per return \$556,500 max	\$50 per return \$565,000 max	\$50 per return \$571,000 max	\$50 per return \$588,500 max	\$60 per return \$630,500 max
30+ days late, before August 1st	\$100 per return \$1,609,000 max	\$100 per return \$1,637,500 max	\$110 per return \$1,669,500 max	\$110 per return \$1,696,000 max	\$110 per return \$1,713,000 max	\$110 per return \$1,766,000 max	\$120 per return \$1,891,500 max
Any time after August 1st	\$260 per return \$3,193,000 max	\$270 per return \$3,275,500 max	\$270 per return \$3,339,000 max	\$280 per return \$3,392,000 max	\$280 per return \$3,426,000 max	\$290 per return \$3,532,500 max	\$310 per return \$3,783,000 max
Intentional disregard	\$530 per return No limitation	\$540 per return No limitation	\$550 per return No limitation	\$560 per return No limitation	\$570 per return No limitation	\$580 per return No limitation	\$630 per return No limitation

Employer Mandate Penalties

The “B” Penalty – IRC 4980H(b) – A penalty owed by the employer the employer for any full-time employee who is not offered minimum-value, affordable coverage if that employee enrolls through a public Exchange and qualifies for a tax subsidy.

	2016	2017	2018	2019	2020	2021	2022	2023	2024
Monthly Penalty Per Employee	\$270.00	\$282.50	\$290.00	\$312.50	\$321.66	\$338.33	\$343.33	\$360.00	\$371.66
Annualized Penalty Per Employee	\$3,240.00	\$3,390.00	\$3,480.00	\$3,750.00	\$3,860.00	\$4,060.00	\$4,120.00	\$4,320.00	\$4,460.00
Federal Poverty Level (FPL) Monthly Amount (household size 1)	\$94.75	\$95.93	\$96.08	\$99.75	\$101.79	\$104.53	\$103.15	\$103.28	TBD
Federal Poverty Level (FPL) Annual Amount (household size 1)	\$1,136.93	\$1,151.12	\$1,152.94	1,197.00	\$1,221.48	\$1,254.31	\$1,237.77	\$1,239.41	TBD
Affordability Safe Harbor %	9.66%	9.69%	9.56%	9.86%	9.78%	9.83%	9.61%	9.12%	TBD



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