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Obamacare Delays Should Delay Tax Day Too: April 15? How About August

Deadlines are part of government and our system of laws. We're used to meeting them, including the dreaded April 15 tax day. Yet the repeated delays in implementing Obamacare have become the new normal. So far, according to [Politico](#), delays have included the following and more:

- **Nov. 15, 2012:** Exchange deadline delayed. The Department of [Health](#) and Human Services gave states an extra month to decide whether they would set up their own health insurance exchanges — a decision it announced just one day before the original deadline.
- **Dec. 24, 2013:** Enrollment deadline extended. In a message on HealthCare.gov, customers were told they could get help finishing their Jan. 1 applications if they were already in line on Dec. 24.
- **Feb. 10, 2013:** Employer mandate delayed. This time, businesses with between 50 and 100 workers were given until 2016 to offer coverage, and the mandate will be phased in for employers with more than 100 workers.

Many have questioned the legal authority for these delays. The [latest delay will extend the enrollment deadline](#) by two to three weeks for three dozen states. With this delay and so many others, isn't it reasonable to think that *taxpayers* too deserve a delay in that merciless April 15 tax day?



President Obama, Vice President Biden, and senior staff, react in the Roosevelt Room of the White House, as the House passes the health care reform bill. (Photo credit: Wikipedia)

While we're at it, let's not just get a *filing* deadline delay, but a *payment* delay too. The latter seems only fair. After all, you can already get an extension to file your taxes from April 15. You may need time to consider proper reporting, get professional advice, etc. There's no shame in getting an extension. Millions are processed every year.

The extension used to be an automatic four months, with two more thereafter if you had a good reason. Then, the IRS dropped the reason requirement and the two-step process. Now automatic extensions are six months, from April 15 to October 15. Who couldn't use the extra time?

But that extension is just to *file* your return, not to *pay*. Your payment is still due April 15. It would sure be nice to have an extension of that! Yet despite the repeated extensions in the implementation of the Affordable Care Act, it seems awfully unlikely that Congress, the IRS or the White House will extend the due date for your tax payment.

That means you should make your payment, get your extension, and use the time wisely to make your return accurate and complete. You may be waiting for Forms K-1, gathering documents, etc. If there are debatable points on

your return, get some professional advice. It is better to go on extension and be thorough than to file rashly.

To extend, you can mail a [Form 4868](#), ask your return preparer, use TurboTax or other commercial software, or do it yourself electronically. Go to IRS.gov and click: [Application for Automatic Extension of Time To File U.S. Individual](#). For more IRS guidance, see [IRS Tax Topic 304 Extensions of Time to File Your Tax Return](#).

Does going on extension subject you to a higher [IRS audit](#) risk? Probably not. Some people claim that going on extension increases audit risk. Others say that going on extension actually decreases it. Neither can be proven. There are many opinions about what triggers an audit.

Many believe that filing at or near a deadline reduces audit risk. Who knows, the crush of other filers April 15th might reduce the chance that your return will stand out. Of course, that logic may also apply to the crush of extended returns filed on October 15th. Just go on extension if you need the time.

Need more time to pay, and wish that you could get an Obamacare-style delay? Don't hold your breath for an extension of the April 15 tax due date.

You can reach me at Wood@WoodLLP.com. This discussion is not intended as legal advice, and cannot be relied upon for any purpose without the services of a qualified professional.