



As you may be aware, on December 17th, Congress passed the Paperwork Burden Reduction Act (PBRA) as well as the Employer Reporting Improvement Act (ERIA) and the president signed into law on December 23rd. These Acts both apply to 2024 reporting.

The key takeaways for Employers are as follows:

Paperwork Burden Reduction Act (PBRA) - <https://www.congress.gov/bill/118th-congress/house-bill/3797>

The Act removes the requirement for employers to send Form 1095-B or 1095-C to employees, unless requested. (This does NOT remove the requirement to file Forms with the IRS!)

Employers must provide a clear and accessible notice informing employees of their right to request these forms. (The PBRA notes the IRS may issue regulations on the notice's timing and delivery method.)

To use this method, employers must meet the following conditions:

- Provide a clear notice on their website, accessible to all responsible individuals, stating that statements are available upon request.
- Post the notice by January 31, 2025, and keep it online through October 15, 2025.
- Provide requested statements within 30 days, and offer electronic delivery if the recipient consents.+

Note, there are very specific requirements on what needs to be included with the notice on an employer's website to inform employees of their options. The same applies for obtaining and keeping an employee's consent for electronic delivery. Please be sure to review 2024 Instructions from the IRS on forms 1095-B and 1095-C for these important requirements:

<https://www.irs.gov/pub/irs-pdf/i109495b.pdf>

<https://www.irs.gov/pub/irs-pdf/i109495c.pdf>

Employer Reporting Improvement Act-<https://www.congress.gov/bill/118th-congress/house-bill/3801>

- Beginning with the 2024 Forms 1095, employers can rely upon a consent to electronic delivery for 2024 and subsequent years without having to obtain a new consent each year. The consent remains effective unless and until revoked in writing.
- Beginning with the 2024 Forms 1095, employers can use an individual's name and date of birth in place of their SSN/TIN if the employee does not provide it. This also appears to relieve employers from having to request the SSNs/TINs at least three times.
- IRS Letter 226-J response due date extended to 90 days beginning in 2025
- Employer mandate penalties are subject to a six-year statute of limitations.

As always, please be sure to review with your legal counsel for more information as well.