

**Internal Revenue Service**

Department of the Treasury  
Washington, DC 20224

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Person To Contact:  
, ID No.

Telephone Number:

Refer Reply To:  
CC:ITA:B04  
PLR-102643-17

Date:  
April 04, 2017

In Re:

TY:

Legend:

Taxpayer =

Year =

Dear \_\_\_\_\_ :

This letter ruling refers to your request that the Internal Revenue Service grant an extension of time, under the authority in § 301.9100-3 of the Regulations on Procedure and Administration, to file Form 1128, *Application to Adopt, Change, or Retain a Tax Year*. Taxpayer requests to change its accounting period, for federal income tax purposes, from a taxable year ending December 31 to a taxable year ending March 31, effective March 31, Year, and requests that Form 1128 be considered timely filed under § 301.9100-3.

Taxpayer, a Homeowners Association within the meaning of § 528 of the Internal Revenue Code, is requesting relief. Taxpayer uses an overall accrual method of accounting for federal income tax purposes.

Although Taxpayer has maintained an accounting period ending December 31, it decided to change to a March 31 year-end in order to align with its revenue cycle. Taxpayer assigned filing of Form 1128 to its external tax professionals. The tax

professionals inadvertently overlooked the required filing date, but filed the forms as soon as the error was discovered. Thus, Taxpayer has requested an extension of time to file its Form 1128 under § 301.9100-3.

Section 301.9100-3(a) provides that requests for extensions of time for regulatory elections that do not meet the requirements of § 301.9100-2 (automatic extensions), such as the instant case, must be made under the rules of § 301.9100-3. Requests for relief subject to § 301.9100-3 will be granted when the taxpayer provides evidence to establish that the taxpayer acted reasonably and in good faith, and that the granting of relief will not prejudice the interests of the government.

Based on the facts and information submitted and the representations made, we conclude that Taxpayer has acted reasonably and in good faith, and that the granting of relief will not prejudice the interests of the government. Accordingly, Taxpayer has satisfied the requirements of the regulations for the granting of relief, and Taxpayer's late filed Form 1128 requesting to change to March 31, effective March 31, Year, is considered timely filed. However, the granting of an extension of time is not a determination that Taxpayer is otherwise eligible to make the election. See § 301.9100-1(a).

This ruling addresses the granting of § 301.9100-3 relief only. We express no opinion regarding the tax treatment of the instant transaction under the provisions of any other sections of the Code or regulations that may be applicable, or regarding the tax treatment of any conditions existing at the time of, or effects resulting from, the instant transaction. Specifically, we express no opinion as to whether Taxpayer is permitted under the Code and applicable regulations to change to the tax year requested in the Form 1128.

This ruling is based upon facts and representations that Taxpayer submitted, accompanied by a penalty of perjury statement. This office has not verified any of the material submitted in support of the request for a ruling. However, as part of an examination process, the Service may verify the factual information, representations, and other data submitted.

This ruling is directed only to the taxpayer that requested it. Section 6110(k)(3) of the Code provides that it may not be used or cited as precedent. Enclosed is a copy of the letter ruling showing the deletions proposed to be made when it is disclosed under § 6110.

In accordance with the Power of Attorney on file with this office, we are sending a copy of this letter to your authorized representative.

Sincerely,

Angella L. Warren  
Assistant to the Branch Chief, Branch 4  
Office of Associate Chief Counsel  
(Income Tax & Accounting)