

Deadline Approaching for Form 990 Filers

May 10, 2010

NONPROFIT ALERT - MAY 10, 2010

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Organizations that have not filed a Form 990 with the Internal Revenue Service for the past three years risk losing their tax exemption if they do not file the applicable Form 990 by **Monday, May 17, 2010**. The IRS issued a [reminder](#) to this effect on January 21, 2010, stating:

“[The Pension Protection Act of 2006](#) requires that non-profit organizations that do not file a required information form for three consecutive years automatically lose their Federal tax-exempt status. This requirement has been in effect since the beginning of 2007.

“A list of revoked organizations will be available to the public, as well as state charity and tax officials on this website.

“If an organization loses its exemption, it will have to reapply with the IRS to regain its tax-exempt status. Any income received between the revocation date and renewed exemption may be taxable.”

Tax-exempt organizations (other than private foundations) with gross receipts in excess of \$25,000 must file either Form 990 or Form 990-EZ. Private foundations must file Form 990-PF. Smaller tax-exempt organizations with gross receipts that are normally \$25,000 or less must file Form 990-N (the “[e-Postcard](#)”).

For a previous alert regarding the redesigned Form 990, please click [here](#).

For more information regarding Form 990-N, please click [here](#).

This memorandum is not intended to provide legal or tax advice. For more information or advice regarding the new filing requirement, please contact [Shirin Philipp](#) or [Sharon Lincoln](#) of Foley Hoag’s [Nonprofit](#) Practice Group or contact your lawyer at Foley Hoag.

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