

Federal Tax Adjustments and Your Notification Responsibilities to California

This Publication applies to federal determinations that became final on or after January 1, 2000.

Introduction

Individual taxpayers. You are required to notify us if the Internal Revenue Service (IRS) examines your federal return and makes adjustments that increase your tax for any year.

If the IRS examination decreases tax for any year, see **Notification Requirements** under the caption “**If federal changes decrease your income or increase tax credits.**”

Corporate taxpayers. Your entity must report all changes or corrections to gross income or deductions, even if the changes or corrections do not result in an increase in tax payable to California for any year.

Exempt organizations. Your entity must report changes or corrections including adjustments in filing requirements or revocation of exempt status.

Notification Requirements

You are required to notify us if the IRS adjusts or corrects your gross income or deductions. Your notification to us should include any IRS assessed penalties, adjustments or corrections resulting from math errors, tax credit adjustments, other tax adjustments, or supplemental income even if the IRS did not examine these adjustments.

You are required to notify us within six months of each final federal determination. The final federal determination is the date each IRS examination adjustment or resolution is assessed as described in IRC Section 6203. If we receive the federal changes within the six-month period, we have two years from the date FTB receives a report of the federal changes to apply the federal changes to your California return. Notification of a change or correction by the taxpayer or IRS must be sufficiently detailed to allow computation of the resulting California tax change.

If you or the IRS notify us more than six months after the date of the final federal determination, the notification is considered untimely. In that case, we have four years from the date we receive “sufficiently-detailed” information to apply the federal changes to your California return. “Sufficiently-detailed” information is defined as enough information to allow us to compute the resulting California tax change.

If we are not notified by either you or the IRS

If you or the IRS does not provide us timely notification of your federal changes, the statute of limitations for assessment by the Franchise Tax Board remains open and we may issue an assessment at any time. Interest accrues from the original tax year due date until you fully pay the tax liabilities and penalties.

When you properly notify us, we may be able to resolve your case without the need to request more information. Notification also ensures prompt assessment of any additional tax, which may reduce the amount of interest being charged.

If federal changes decrease your income or increase tax credits and result in a California tax refund, you must file a claim for refund if you want to have the overpayment refunded. Your claim must be filed within either:

- The normal statute of limitations.
- Two years after the final federal determination (whichever is later).

If you are filing a claim for refund on Form 540X (individuals) or Form 100X (corporation) for a tax year where litigation is pending or where a final determination by the IRS is pending, write “PROTECTIVE CLAIM” in red ink at the top of your completed Form 540X or Form 100X. This will leave the statute of limitations open for a claim for refund.

Unexpected results can occur if you do not notify us of a federal examination. This is particularly true in multiple year cases where one year results in an assessment and another year results in an overpayment (i.e. refund). If all normal statutes of limitations expire, the Franchise Tax Board can still assess you based on the open-ended statute law. However, if you do not file a claim for refund within two years of the final federal determination, there is no open statute to allow the overpayment. The overpayment cannot offset against any amounts due and no refund can be issued.

See page 2 for method of notification.

Method of Notification

You must notify us in writing of an IRS tax adjustment to your return. Specifically, you must complete all of the following:

- Tell us that a final federal determination or IRS change has been made.
- Identify the adjusted tax year.
- Fully explain all adjustments.
- Provide federal documentation showing the adjustments made to taxable income.

You should provide us with all of the following:

- A complete copy of the final federal determination or audit report including all schedules (e.g., tax court decisions, settlements, and/or closing agreements).
- Copies of original and revised schedules and forms (e.g., Passive Activity Losses, Alternative Minimum Tax, Schedule A, etc.). Be sure to note state and federal differences.
- A complete copy of the state and federal tax returns, if the adjusted years affect tax years older than three years from the current year.
- A telephone number where you or your representative can be reached and the most convenient hours that we may call if we have any questions.
- A completed *Power of Attorney* (FTB Form 3520) or letter of explanation must be attached, if we should contact someone other than you.

Submitting Your Notification

To prevent processing delays after you have notified us, be sure the notification information provided is complete. The more information you provide about the federal adjustments, such as the effect on the return (including schedules), or the effect on credits and carryovers, the more quickly your case can be resolved.

Note: See Page 3 for information on where to request a Form 540X or Form 100X for notification purposes.

Individual taxpayers

Individual taxpayers may provide notification by either:

- Faxing a copy of all federal information and changes to: (916) 843-2269.
- Sending a notification letter with a copy of all federal information and changes to:

**RAR/VOL
FRANCHISE TAX BOARD MS F310
PO BOX 1998
RANCHO CORDOVA CA 95741-1998**

- Or filing Form 540X, Amended Individual Income Tax Return.

Corporate taxpayers

Corporate taxpayers may provide notification by either:

- Faxing a copy of all federal information and changes to: (916) 843-2269.
- Sending a notification letter with a copy of all federal information and changes to:

**CORPORATION RAR
FRANCHISE TAX BOARD MS F310
PO BOX 942857
SACRAMENTO CA 94257-0501**

- Or filing Form 100X, Amended Corporation Franchise or Income Tax Return.

Exempt organizations

Exempt organizations may provide notification by either:

- Filing Form 100X, Amended Corporation Franchise or Income Tax Return.
- Sending a notification letter with a copy of all federal information and changes to:

**EXEMPT RAR
FRANCHISE TAX BOARD MS F120
PO BOX 1286
RANCHO CORDOVA CA 95741-1286**

Assistance

If you need additional information or have any questions, call one of the following numbers (not toll-free) Monday through Friday:

- Personal Income Tax**(916) 845-4028
- Corporation Income Tax**
Apportioning and Combined
Reporting(916) 845-6135
- Exempt Organization**(916) 845-4171
- All others(916) 845-4028

How To Get California Tax Information

Automated Telephone Service

To answer questions, the automated telephone service is available 24 hours a day, seven days a week. To order forms or to find out about your tax refund, the service is available from 6 a.m. to 10 p.m. seven days a week, except state holidays. Call us to:

- Get recorded answers to many of your questions about California taxes.
- Obtain balance due and payment information.
- Order California or federal tax forms.
- Find out about your tax refund.

This service is available in English and Spanish. Have paper and pencil handy to take notes.

From within the United States. (800) 338-0505
From outside the United States
(not toll-free), call (916) 845-6600

Taxpayer Service Center

Our taxpayer Service Center is available to answer your general tax questions.

From within the United States, call . . (800) 852-5711
From outside the United States
(not toll-free), call (916) 845-6500
Website. www.ftb.ca.gov

Assistance for persons with disabilities: We comply with the Americans with Disabilities Act. Persons with hearing or speech impairments please call TTY/TDD (800) 822-6268.

Asistencia para personas discapacitadas. Nosotros estamos en conformidad con el Acta de Americanos Discapacitados. Personas con problemas auditivos pueden llamar al TTY/TDD (800) 822-6268.

Volunteer Income Tax Assistance/Tax Counseling for the Elderly

At more than 1,500 sites throughout California, trained volunteers provide free assistance to low-income, senior, disabled, or non-English speaking persons who need to file simple federal and state income tax returns. Many military bases also provide this service for members of the U.S. armed forces. Call the Franchise Tax Board at (800) 852-5711 to find the volunteer assistance location nearest you.

Letters

We can serve you quickly if you call us for information to complete your California income tax return or to find out about your tax refund. However, you may want to write to us if you are replying to a notice that we sent you or to get a written reply. If you write to us, be sure to include your account number, your daytime and evening telephone numbers, and a copy of the notice with your letter. Send your letter to:

**FRANCHISE TAX BOARD
PO BOX 942840
SACRAMENTO CA 94240-0040**

We will acknowledge receipt of your letter within six to eight weeks. In some cases, we may need to call you for additional information.

Where To Get California Income Tax Forms

Internet www.ftb.ca.gov

Phone (800) 338-0505

Mail Write to:

TAX FORMS REQUEST UNIT
FRANCHISE TAX BOARD
PO BOX 307
RANCHO CORDOVA CA 95741-0307

Please allow two weeks for us to receive your order.

In person Most libraries, post offices and banks also provide free California tax booklets during the filing season. Many libraries and some quick print businesses have forms and schedules for you to photocopy (you may have to pay a nominal fee). Note that employees at libraries, post offices, banks and quick print businesses cannot provide tax information or assistance.

Your Rights As A Taxpayer

Our goal at the Franchise Tax Board is to make certain that your rights are protected so that you will have the highest confidence in the integrity, efficiency, and fairness of our state tax system. FTB Pub. 4058, *California Taxpayers' Bill of Rights*, includes information on your rights as a California taxpayer, the Taxpayer Advocate Program, and how you can request written advice from the Franchise Tax Board on whether a particular transaction is taxable. See **Where To Get Income Tax Forms**, to order FTB Pub. 4058.