§ 1.36B–1 Premium tax credit definitions.

(a) In general. Section 36B allows a refundable premium tax credit for taxable years ending after December 31, 2013. The definitions in this section apply to this section and §§ 1.36B–2 through 1.36B–5.


(c) Qualified health plan. The term qualified health plan has the same meaning as in section 1301(a) of the Affordable Care Act (42 U.S.C. 18021(a)) but does not include a catastrophic plan described in section 1302(e) of the Affordable Care Act (42 U.S.C. 18022(e)).

(d) Family and family size. A taxpayer’s family means the individuals for whom a taxpayer properly claims a deduction for a personal exemption under section 151 for the taxable year. Family size means the number of individuals in the family. Family and family size may include individuals who are not subject to or are exempt from the penalty under section 5000A for failing to maintain minimum essential coverage.

(e) Household income. Household income means the sum of—

(i) A taxpayer’s modified adjusted gross income; plus

(ii) The aggregate modified adjusted gross income of all other individuals who—

(A) Are included in the taxpayer’s family under paragraph (d) of this section; and

(B) Are required to file a return of tax imposed by section 1 for the taxable year (determined without regard to filing status)

§ 1.36B–4 Reconciling the premium tax credit with advance credit payments.

(a) Reconciliation.

(1) Coordination of premium tax credit with advance credit payments.

(2) Responsibility for advance credit payments.

(3) Advance credit payment for a month in which an issuer does not provide coverage.

(2) Credit computation.

(3) Limitation on additional tax.

(i) In general.

(ii) Additional tax limitation table.

(4) Examples.

(b) Changes in filing status.

(1) In general.

(2) Taxpayers who marry during the taxable year.

(i) In general.

(ii) Alternative computation of additional tax liability.

(A) In general.

(B) Alternative premium assistance amounts for pre-marriage months.

(C) Premium assistance amounts for marriage months.

(D) Taxpayers not married to each other at the end of the taxable year.

(E) Married taxpayers filing separate returns.

(F) Taxpayers filing returns as head of household and married filing separately.

(G) Examples.

§ 1.36B–5 Information reporting by Exchanges.

(a) Information required to be reported.

(b) Time of reporting.

(c) Manner of reporting.

to the exception under section (1)(g)(7) to the requirement to file a return).

(2) **Modified adjusted gross income.** Modified adjusted gross income means adjusted gross income (within the meaning of section 62) increased by—

(i) Amounts excluded from gross income under section 911;

(ii) Tax-exempt interest the taxpayer receives or accrues during the taxable year; and

(iii) Social security benefits (within the meaning of section 86(d)) not included in gross income under section 86.

(f) **Dependent.** Dependent has the same meaning as in section 152.

(g) **Lawfully present.** Lawfully present has the same meaning as in 45 CFR 155.20.

(h) **Federal poverty line.** The Federal poverty line means the most recently published poverty guidelines (updated periodically in the Federal Register by the Secretary of Health and Human Services under the authority of 42 U.S.C. 9902(2)) as of the first day of the regular enrollment period for coverage by a qualified health plan offered through an Exchange for a calendar year. Thus, the Federal poverty line for computing the premium tax credit for a taxable year is the Federal poverty line in effect on the first day of the initial or annual open enrollment period preceding that taxable year. See 45 CFR 155.410. If a taxpayer’s primary residence changes during a taxable year from one state to a state with different Federal poverty guidelines or married taxpayers reside in separate states with different Federal poverty guidelines (for example, Alaska or Hawaii and another state), the Federal poverty line that applies for purposes of section 36B and the associated regulations is the higher Federal poverty guideline (resulting in a lower percentage of the Federal poverty line for the taxpayers’ household income and family size).

(i) **Advance credit payment.** Advance credit payment means an advance payment of the premium tax credit as provided in section 1412 of the Affordable Care Act (42 U.S.C. 18082).

(k) **Exchange.** Exchange has the same meaning as in 45 CFR 155.20.

(1) **Self-only coverage.** Self-only coverage means health insurance that covers one individual.

(m) **Family coverage.** Family coverage means health insurance that covers more than one individual.

(2) **Effective/applicability date.** This section and §§1.36B–2 through 1.36B–5 apply for taxable years ending after December 31, 2013.