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IRS Will Not Alert Taxpayers of Revoked REIT Real Property Rulings

At a conference sponsored by the National Association of Real Estate Investment Taxpayers, Andrea Hoffenson, branch 2 chief, IRS Office of Associate Chief Counsel (Financial Institutions and Products), announced that the IRS will not be notifying taxpayers if they have real property letter rulings revoked for being inconsistent with final regulations that were issued in 2016 affecting REITs (see T.D. 9784 (<https://www.gpo.gov/fdsys/pkg/FR-2016-10-05/pdf/2016-23991.pdf>)). For example, certain rulings that state that an asset “is real property and income is good rents from real property” may now be revoked by the 2016 final regulations because the asset no longer qualifies as real property. Now that the regulations include a full definition of real property for REIT purposes, Hoffenson added, taxpayers will have a greater burden to obtain a ruling and must demonstrate that their request is for more than just applying the factors to determine if their asset is REIT real property.

Application Information Added to FATCA FAQ

The IRS has updated a list of frequently asked questions (<https://www.irs.gov/businesses/corporations/frequently-asked-questions-faqs-fatca-compliance-legal>) on FATCA requirements to provide application information regarding (1) how to list the approximate value in U.S. dollars (using notional values for derivatives) of potential Section 871(m) transactions, (2) why it is an eligible entity, (3) how an applicant determines which transactions are included in its qualified derivatives dealer business and (4) which entities may be eligible entities, e.g., a partnership or “any other person otherwise acceptable to the IRS.”

IRS Adds New Information to FATCA Systems FAQ

In private letter The IRS has updated its list of frequently asked questions (<https://www.irs.gov/businesses/corporations/fatca-ides-technical-faqs>) on the systems used for FATCA data, updating several questions and adding questions on some data elements for the FATCA report.

IRS Establishes Small Business/Self Employed Fast Track Settlement Program

Revenue Procedures 2017-25, 2017-14 IRB 1 (<https://www.irs.gov/pub/irs-drop/rp-17-25.pdf>), formally establishes the Small Business/Self Employed Fast Track Settlement program (SB/SE FTS) to provide an expedited format for resolving disputes with SB/SE taxpayers. SB/SE taxpayers that currently have unagreed issues in at least one open year under examination can work together with SB/SE and Appeals to resolve outstanding disputed issues while the case is still in SB/SE jurisdiction and preserve the taxpayer’s ability to request an appeals hearing. SB/SE FTS can be used to resolve both factual and legal issues. The objective of the SB/SE FTS is to have the process completed within 60 days after acceptance into the program.

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