

## October 1st ObamaCare Deadline—or, \$100 Per Day Penalty?

By HOA Pulse Staff

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The requirement is very simple; it is that all employers (whether they provide health insurance benefits or not) must notify their employees about the provisions of the Act. This means simply providing a form to the employees. We've attached the two forms to this article ([FLSA With Plans](#)) ([FLSA Without Plans](#)). Please feel free to download and use these forms.

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Technical requirements for providing notice are explained at the DOL (Department of Labor) website. (After reading the notice, we're convinced that DOL is pronounced "dull." See if you can stay awake reading this notice. [Guidance on the Notice to Employees of Coverage Options under Fair Labor Standards Act](#)

But, even if you understand and follow this requirement, important questions still exist.

- How do you prove that you distributed the forms on a timely basis?
- Do you have employees sign acknowledgments of receiving the form? – In an abundance of caution, we think the answer is yes, you should!
- Who is going to enforce this on behalf of the government? – Probably the IRS
- Is the government presently prepared to enforce this provision? – Apparently not, as there is not even any acknowledgment as to WHO is going to enforce it.
- Has an enforcement structure been created? – No!

This situation keeps evolving. Last Wednesday, the SBA (Small Business Administration) could not respond to a question about whether or not a \$100 per day penalty would be assessed. On Thursday, [SBA posted a blog](#) (The following image is what you will see. Please note the date at the bottom):



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Article Title	Article Summary	State
<a href="#">Edgehill Condos face potential risk, contractor says</a>	An inspector brought in to look at the fuel-burning water heater and found the potential for carbon monoxide poisoning in their buildings.	Virginia
<a href="#">Housing Industry Veterans launch new advocacy organization, America's homeowner alliance</a>	An advocacy group has been established to serve the nation's 75 million existing homeowners.	West Virginia
<a href="#">Court rules in favor of couple's right to display for sale sign</a>	A court in Arizona has upheld the right of homeowners to place for sale signs in their yard.	Arizona
<a href="#">New water conservation law for homeowner associations</a>	Numerous laws went into affect this week that will affect homeowners associations. One law stops associations from banning drought-tolerant landscaping and rain barrels.	Texas
<a href="#">Understand your home owner association rules, or else</a>	Make sure to take a look at your association rules before you buy to determine if you can live with their regulations.	Pennsylvania
<a href="#">Kennedy to consider suspending homeowner foreclosure ordinance</a>	A law firm in Boston is requesting from the Mayor to suspend enforcement of the city's foreclosure ordinance.	Massachusetts
<a href="#">Belmor mobile home park residents solve zoning issue</a>	Residents of a mobile home park, who wanted zoning changes for their park, have come to a resolution with the ownership group.	Washington
<a href="#">Foreclosures close to home</a>	A homeowner who is behind in paying her association dues faces foreclosure. She asks that author how the association has the right to do that.	National
<a href="#">Rogersville: Possible R2Z rezoning worries Leabrooke residents</a>	Residents of a subdivision are concerned with having patio homes built near their homes.	Missouri
<a href="#">Frisco HOAs band together in fight against high-voltage lines</a>	A group of homeowners associations have joined forces under the West Frisco Homeowners Coalition. They have joined forces to fight new high-voltage transmission lines from being built in their town.	Texas
<a href="#">Recent HOA laws affect foreclosures</a>	This article highlights Assembly Bill 273 in Nevada. It is a complex law that revises the provisions of homeowners who enroll in the foreclosure mediation program.	Nevada
<a href="#">New state laws about HOAs voided</a>	The Attorney General's Office in Arizona has agreed to not enforce new laws governing HOA's, claiming the laws were enacted illegally and are void.	Arizona
<a href="#">PD: HOA security guard shot trying to quell fight</a>	A homeowners association security guard was shot trying to break up a fight. The security guard was unarmed and uniformed when he was found.	Arizona
<a href="#">Condo association sues children of deceased owner seeking \$5k in unpaid dues</a>	A condominium association is suing the family of a deceased owner for non-payment of dues.	Louisiana
<a href="#">Owner, CFO of homeowner association management company accused of embezzlement</a>	A woman and her employer, the owner and CEO of a management group, were arrested and accused of embezzling nearly \$1 million from a Simi Valley homeowners association.	California