

FinCEN Updates Beneficial Ownership Information FAQ

The Financial Crimes Enforcement Network [FinCEN] has published updates to its FAQ relating to beneficial ownership information [BOI], which can be found on the BOI website: fincen.gov/boi.

Below are several of the updated and/or new FAQs.



A.5. How is an Indian Tribe defined under the Corporate Transparency Act? ... “Indian Tribe” means any Indian or Alaskan Native tribe, band, nation, pueblo, village, or community that the Secretary of the Interior acknowledges to exist as an Indian tribe.

C.8. Do the BOI reporting requirements apply to S-Corporations? ... The S-Corp’s pass-through structure for tax purposes does not affect its BOI reporting obligations. In particular, pass-through treatment under Subchapter S does not qualify an S-Corp as a “tax exempt entity” under FinCEN BOI reporting regulations.

C.9. If a domestic corporation or limited liability company is not created by the filing of a document with a secretary of state or similar office, is it a reporting company? ... the inclusion of those entities (domestic reporting company) is based on an understanding that domestic corporations and LLCs are generally created by the filing of a document...In an unusual circumstance where a domestic corporation or LLC is created, but **not** by the filing of a document ..., such an entity is **not** a reporting company.

C.10. Are homeowners associations reporting companies? It depends. ...An incorporated HOA or other HOA that was created by ... filing also may qualify for an exemption from the reporting requirements. An incorporated HOA that is not a section 501(c)(4) organization, may fall within the reporting company definition and therefore be required to report BOI to FinCEN.

C.12. Do beneficial ownership information reporting requirements apply to companies created or registered before the Corporate Transparency Act was enacted (January 1, 2021)? Yes. Beneficial ownership information reporting requirements apply to all companies that qualify as “reporting companies”, regardless of when they were created or registered.

C.13. Is a company required to report its beneficial ownership information to FinCEN if the company ceased to exist before reporting requirements went into effect on January 1, 2024? A company is not required to report ... if it ceased to exist as a legal entity before January 1, 2024, meaning that it entirely completed the process of formally and irrevocably dissolving.

F.5. What are acceptable forms of identification that will meet the reporting requirements? The Corporate Transparency Act [CTA] requires a unique identification number found in one of the following acceptable forms of identification for individuals:

1. Non-expired U.S. driver’s license
2. Non-expired identification issued by a U.S. state or local government, or Indian Tribe
3. Non-expired passport issued by the U.S. government
4. Non-expired passport issued by a foreign government (permitted only when an individual does not have one of the other three forms of identification listed above)