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Taxation Basics for Gift Planners

Date: August 31, 2023
Time: 1:00 – 2:30 Eastern
Presenter: Craig Wruck
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Tax Fundamentals

- Income tax
 - Effective and marginal tax rates
 - Capital gains tax
- After tax cost of giving
- Donor nuts and bolts
- Transfer tax
- Split interest gifts

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Federal Tax System

- Income tax system
 - Income tax – on earned income
 - Capital gains tax – on investment profit
- Transfer tax system
 - Estate taxes – on transfers at death
 - Gift taxes – on gifts during lifetime

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After-tax Cost of a Gift

After-tax Cost of Giving	
	Value Contributed
Minus	Taxes Saved or Avoided
Equals	Cost of Giving

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Individual Income Tax

Taxable Income	
	Gross Income
Minus	Adjustments to Income
Equals	Adjusted Gross Income (AGI)
Minus	Certain items – including charitable contributions – may be deducted, but only if total exceeds the “standard deduction” amount (in 2023: \$27,700 married filing jointly, \$13,850 individual)*
Equals	Taxable Income

Note: Add another \$1,500 for taxpayers over age 65. A married couple, both age 65 filing jointly, has a \$30,700 standard deduction.

*Amounts adjusted for inflation each year

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Graduated and Progressive Rates

- Rates apply to *taxable* income
- Seven different rates, or “brackets”
- Rates range from 10% to 37%
- *Effective* rate is less than *marginal* rate

Key point:

- Charitable deductions reduce taxable income, which saves taxes at the *highest marginal rate*

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2023 Income Tax Rates

Rate	Married Filing Jointly	Single
10%	\$0 – \$22,000	\$0 – \$15,700
12%	\$22,001 – \$89,450	\$15,701 – \$59,850
22%	\$89,451 – \$190,750	\$59,851 – \$95,350
24%	\$190,751 – \$364,200	\$95,351 – \$182,100
32%	\$364,201 – \$462,500	\$182,101 – \$231,250
35%	\$462,501 – \$693,750	\$231,251 – \$578,100
37%	\$693,751 and over	\$578,101 and over

Brackets are adjusted annually for inflation

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Effective Tax Rate vs Marginal Tax Rate

Taxable income \$250,000, married filing jointly:

Taxable Income	Tax Rate	Tax Due
the first \$22,000	10%	\$2,200
the next \$67,450	12%	\$8,094
the next \$101,300	22%	\$22,286
the last \$59,250	24%	\$14,220
Total: \$250,000		\$46,800

Marginal Tax Rate = 24%
Effective Tax Rate = 19%
(47k/\$250k)

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Capital Gains Tax

- Capital gain: profit on sale of an investment
- Long-term capital gain: held more than one year
 - Taxed at preferential rates: 15% or 20%
- Short-term capital gain: held one year or less
 - Taxed at ordinary income rates: up to 37%

Key point:

- No capital gains tax when long-term capital gain property is transferred to charity

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- Publicly traded securities: average between the high and low prices on the date of the gift
- Other non-cash gifts: “fair market value” (price arrived at between a willing buyer and a willing seller both having adequate knowledge of the facts and circumstances surrounding the transaction and neither being under any compulsion to complete the transaction)
- More than \$5,000 – qualified appraisal required to determine value

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Assume a donor in the 24% tax bracket is considering a contribution of \$10,000 either in cash or in appreciated securities with a cost basis of \$2,000 (\$8,000 gain)

	Cash	Securities
Contribution	\$10,000	\$10,000
Income taxes saved	2,400	2,400
Capital gains taxes avoided	--	1,200
After-tax cost of gift	\$7,600	\$6,400

Remember: The capital gains tax savings applies even if the donor does not itemize.

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- 60% of AGI – maximum deduction in any one year for cash contributions
- 30% of AGI – maximum deduction for contributions of appreciated property
- 5-year carryover for unused deductions
- Gifts to private foundations subject to lower limits: 30% cash, 20% appreciated property

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- Amount of deduction is reduced by value of goods or services *made available* as a result of contribution
- Applies to all premiums offered as a result of contribution as well as “benefit” events
- Must be disclosed in solicitation
- Applies if goods or services are offered – *whether or not they are accepted*

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Year in which the deduction can be taken depends upon date of gift – generally when the donor irrevocably surrenders control of the gift

By mail	Postmark date
Delivered	Date delivered
Credit card	Date charge authorized
Electronic transfer	Date completed by bank
Physical securities	Date delivered in negotiable form
Brokerage account	Date entered into charity's account

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- Donors must have written acknowledgement to substantiate income tax charitable deductions
- Non-cash gifts
 - \$500 or less – estimate value on Schedule A
 - \$501 through \$5,000 – estimate value, complete Form 8283 explaining valuation methodology*
 - Over \$5,000 – qualified appraisal, complete Form 8283 with charity acknowledgement
- * Deductions over \$500 for contributions of clothing require appraisal

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Non-deductible contributions (Say what ???)

Even though not deductible, a carefully planned contribution can save taxes by eliminating what would have been taxable income

- Example: a farmer who produces commodity crops* for sale
 - If sold, the farmer would owe income tax on the sale
 - Contributing the commodity to charity eliminates the taxable income
 - Farmer can still take deductions for the costs of producing the crop

* Note: the charity must have ownership and control of the commodity but need not take physical possession

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Transfer Taxes

- Tax paid by the giver whenever something of value is given to another individual
- Annual gift exclusion: \$17,000 per individual
- Lifetime exclusion: \$12.92 million tax free (in 2023)
 - Cumulative total of lifetime gifts plus gifts at death
 - Unlimited exclusion on transfers to spouse
 - Portability of unused deceased spousal exclusion
- 40% rate on taxable transfers

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Transfer Taxes

- Step-up in cost basis for transfers at death but lifetime transfers carry over original basis: heirs avoid capital gains tax, recipients of gifts during lifetime must pay tax
- Unlimited charitable deduction
- Affects less than 0.2% of Americans
- Lifetime exclusion (\$12.92) adjusted annually
- Annual exclusion (\$17K) adjusted periodically
- After 2025, lifetime exclusion reduced by about half

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State tax laws affect after-tax cost of giving

- State income taxes
- Charitable deduction limitations
- State estate taxes, different thresholds
- State income tax deductible from Federal income up to \$10,000
- State estate tax deductible from Federal taxable estate up to amount of Federal taxable estate

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- Donor makes irrevocable contribution but retains right to receive income
- Deduction is for amount contributed minus the estimated value of the right to receive income
- Larger deductions: older and fewer beneficiaries, smaller payouts
- Smaller deductions: younger and more beneficiaries, higher payouts

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Still Have a Question?

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