

Introduction & Overview

INTRODUCTION

- Income Tax Enacted in 1913
- Charitable Deduction Introduced in 1917
- Purpose Was to Exempt Money Donated to Charity From Tax

/V 0142	York	t Tim	o

July 12, 1917

An amendment to the War Revenue bill which would exempt from income taxes money given to charity up to 20% of the donor's total income during the year is regarded in the financial district as of vital necessity to the welfare of the Red Cross so long as it is dependent upon voluntary contributions for its funds. On its face the amendment seems

INTRODUCTION

- Charitable Deduction Has Undergone Many Changes Over 100 Years
 - How Much Could Be Deducted
 - Which Charities Qualified
 - What Properties Could Be Given
 - How to Value Gifts

SHARPE

INTRODUCTION

- Most Changes Designed to Stop Abuses
- Address Schemes Designed to Make a Profit When Making a Gift

INTRODUCTION

- Sharpe Group Has Interpreted Tax Charitable Tax Law Revisions Since the Tax Reform Act of 1969
- Often Accompanied By Dire Predictions of Decreases in Giving

SHARPE

The New york Times

NEW TAX LAW IS SAID TO ENDANGER BILLIONS IN GIFTS TO PRIVATE GROUPS

Published: August 28, 198

The institute projected a drop of at least \$18 billion in donations for 1981 to 1984 to the nation's more than 300,000 nonprofit groups. The figure represented the difference between a projected total of \$228.1 billion in donations under the former tax laws and a projected total of \$209.8 billion under the Tax Act that President Reagan signed into law Aug. 13.

August 28, 1981



INTRODUCTION

 Recent Tax Legislation Has Prompted Similar Predictions

SHARPE



INTRODUCTION

- Time Will Tell
- The "Sky" Has Never "Fallen" Except in 1930 and 2009 Which Were Not Tax-Related Gift Reductions
- Important to Avoid Creating a Self-Fulfilling Prophecy

INTRODUCTION

- Key Is to Understand What Has Changed and What Has Not
- There Are Always Winners and Losers
- Learn to Help Both Give Most Effectively in the Future

SHARPE

INTRODUCTION

- Tax Benefits Are Rarely Prime Motivation for Gifts
- But They Can Greatly Affect Size, Timing and Property Given
- The Larger the Gift the More Likely to Be Tax Considerations

SHARPE

INTRODUCTION

- Mistake to Overemphasize Taxes
- · Mistake to Ignore Them
- Key Is Balance

Tax Cuts and Job	3
Act of 2017	

OVERVIEW

- Tax Cuts and Jobs Act of 2017 Enacted December 20, 2017
- Largest Revision of Tax Code in Over 30 Years

SHARPE

OVERVIEW

- Primary Goals Were Reduction in Corporate Taxes Coupled With Broad Individual Tax Cuts
- Simplification Was Also a Major Goal at Outset of the Process
- In Final Analysis It Proved Impossible to Accomplish All the Goals
- · Simplification Became "Casualty"

OVERVIEW

- Final Result May Be Thought of as a Two-Tier System
- Closer to Simplified Tax System for Majority of Americans
- Traditional System With Its Complexities Continues for Higher Income Taxpayers

SHARPE

CHANGES AFFECTING CHARITABLE DEDUCTION

- No Structural Change to Charitable Deduction Itself
- Only Major Deduction Not Curtailed

SHARPE

CHANGES AFFECTING CHARITABLE DEDUCTION

- Tax Rates Reduced for Most Americans
- Results in Small Decrease in Value of Charitable Deduction

FUNDAMENTALS OF TAXES AND GIVING

- U. S. Tax System Allows Deductions for Gifts
- Must Be Distinguished From a "Tax Credit"

SHARPE

TAX CREDITS TO REDUCE TAXES DOLLAR FOR DOLLAR Income \$100,000 Tax Before Gift \$18,000 Charitable Gift \$1,000 Tax Credit (\$1,000) Final Tax \$17,000 After-Tax Cost -0-

COST OF A CASH GIFT UNDER PRIOR LAW

G - (G X T) = Cost

 $1.00 - (1.00 \times 39.6\%) = .604$

COST OF A CASH GIFT UNDER NEW LAW

G - (G X T) = Cost

 $1.00 - (1.00 \times 37\%) = .63$

SHARPE

COST OF PROPERTY GIFT UNDER PRIOR LAW

FMV - (FMV X T) - C (FM - B) = Cost

\$1.00 - (\$1.00 x 39.6%) -23.8% (\$1.00 - 0) = \$.366

Note: 23.8% iscombined total of 20% capital gainstax and 3.8% Medicare contribution tax

SHARPE

COST OF PROPERTY GIFT UNDER NEW LAW

FMV - (FMV X T) - C (FM - B) = Cost

\$1.00 - (\$1.00 x 37%) - 23.8% (\$1.00 - 0) = \$.392

Note: 23.8% is combined total of 20% capital gainstax and 3.8% Medicare contribution tax

	Mini	imum C	ost o	of Gift		
	Prio	r Law	New	v Law	Diff	erence
Cash	\$	0.604	\$	0.63	\$	0.026
Appreciated Property	\$	0.366	\$	0.392	\$	0.026
						SHARPE

EXPANSION OF USE OF CHARITABLE DEDUCTION

- Limit of 50% of Adjusted Gross Income (AGI) Increased to 60% for Gifts of Cash
- Limit of 30% of AGI for Gifts of Appreciated Property Remains the Same
- Additional Deduction Amount Can Neutralize Effect of Lower Rates

SHARPE

CHANGES AFFECTING CHARITABLE DEDUCTION

- Under Prior Law Some High Income Taxpayers Had to Reduce Their Total Itemized Deductions
- Amount Was 3% of Income Over a Threshold Amount
- Could Reduce Total Deductions By Up to 80%

CHANGES AFFECTING CHARITABLE DEDUCTION

- Pease Amendment Repealed By New Tax Act
- Can Combine With Increase in AGI Limit to Make Deductions More Valuable for High Income Donors

SHARPE

WINNERS AND LOSERS

- Those Who Don't Use Deductions Benefit When Deductions Are Curtailed and Rates Drop
- But Those Who Have Large Amounts of Itemized Deductions May See Increase in Cost of Giving

SHARPE

Tax Reform & Non-Itemizers

WHO ARE NON-ITEMIZERS?

- Anyone Can Use Standard
 Deduction Even ff They Have
 No Deductible Expenses
- To Benefit From Tax Deductions They Must Total More Than Standard Deduction
- Standard Deduction Doubled Under Provisions of New Law

SHARPE

STANDARD DEDUCTION AMOUNT

Single Taxpayers \$12,000 Married Taxpayers \$24,000 Head of Household \$18,000

Note: If over 65, blind or disabled, add \$1,600 if single, \$1,300 each if married.

SHARPE

HOW DID LAW CHANGE WHAT IS DEDUCTIBLE?

- Limited Mortgage Interest to Loans of No More Than \$750,000
- \$1 Million for Mortgages Prior to 2018
- The Limit Applies to All Homes
- Home Equity Loan Interest No Longer Deductible

HOW DID LAW CHANGE WHAT IS DEDUCTIBLE?

- State and Local Taxes Limited To \$10,000
 - Property Taxes
 - Sales or Income Taxes But Not Both
- Same Limit for Singles and Married Couples Creates Opportunity

SHARPE

HOW DID LAW CHANGE WHAT IS DEDUCTIBLE?

- · Charitable Deduction Not Changed
- But Cash Gifts Can Now Be Used to Eliminate Tax On Up to 60% of AGI
- Increased From 50%
- Property Gift Limit Remains at 30%

SHARPE

MORE NON-ITEMIZERS UNDER NEW LAW

- Married Taxpayers in Low Tax and Property Value States Most Affected
- Singles in High Tax and Property Value States Much Less Affected
- Homeowners Much More Likely to Itemize Than Renters

TWO GROUPS OF NON-ITEMIZERS

- Those Who Did Not Itemize Before Will Continue to Not Itemize
 - 70% Did Not Itemize Before Law
- Accounted for 20% of Individual Gifts
- New Group Will Not Itemize Starting in 2018
 - About 16% of Past Itemizers
 - Accounted for Approximately 24% of Gifts

SHARPE

IMPACT ON INDIVIDUAL GIVING

- Mostly Total Income of \$50,000 to \$150,000. Couples Each Making \$25,000 to \$75,000
- The New Non-Itemizers Average Gifts of Approximately \$2,500 Per Household
- Much of These Funds Are Religious Contributions

SHARPE

IMPACT ON INDIVIDUAL GIVING

- The Truth Is That No One Knows What Impact of Increasing Number of Non-Itemizers Will Be
- Estimates Are 5% to 10% Reduction in Individual Giving
- Amounts to 3% to 7% Decline in Total Giving

IMPACT ON INDIVIDUAL GIVING

- The 16% Who Will Continue to Itemize Gave Approximately 54% of Individual Gifts in 2015
- Bulk of "Major" Donors Are Found in This Group

SHARPE

PRACTICAL IMPLICATIONS

- The Goal of Charities Should Be to Help the New Non-Itemizers Salvage Tax Benefits
- A Number of Strategies Are Beginning to Surface

SHARPE

BUNCH DEDUCTIONS

- Some Will Begin to Bunch Their Deductions
- Instead of Giving \$5,000 Per Year Give \$10,000 Every Other Year
 - Give to Same Charity
 - "Reload" Donor Advised Funds (DAFs)
- · Prepay Pledges or Alternate Years

GIFTS OF QUALIFIED APPRECIATED PROPERTY

- No Capital Gains Due Because There Is No Sale
- Advantage Remains Even if Donor Does Not Itemize

SHARPE

MAKE GIFTS DIRECTLY FROM IRA

- Applicable to Those Age 70 ½ and Older
- Up to \$100,000 Transferred Directly to Charity
- Not Reporting Income Same As Reporting and Fully Deducting

SHARPE

CHARITABLE LEAD TRUSTS

- Will Become Increasingly Effective Tool for Income Tax Planning
- Income Passes to Charity Outside Donor's Income So Tax Deduction Not Necessary
- Also Helps Cope With AGI Limits

CHARITABLE REMAINDER TRUSTS

- Income Tax Deduction May Be Used to Boost Donor Past Standard Deduction Amount
- Diversify Assets Free of Capital Gains Tax Inside Trust

SHARPE

CHARITABLE REMAINDER TRUSTS

- · Value Builds Inside Trust
- Income Can Be Favorably Taxed
- Partial Assignment of Income Passes Income Outside Taxable Income Stream

SHARPE

CHARITABLE GIFT ANNUITIES

- May Also Be Used to Create a "Floor" That Is Greater Than Standard Deduction
- Then Possible to Benefit From Outright Charitable Gifts and Other Deductible Expenses

INTEREST FREE LOANS

- Donor Loans up to \$250,000 Per Charity
- Charity Can Invest and Enjoy Income
- Will Be More Attractive if Interest Rates Rise

SHARPE

Impact of New Law on Those Who Itemize

IMPACT OF LAW ON PRIOR ITEMIZERS

- Latest IRS Data Is for 2015 Tax Year
- Some 44 Million Taxpayers Itemized Their Deductions
- Of This Group 37 Million Claimed Charitable Deductions

IMPACT OF LAW ON PRIOR ITEMIZERS

- They Accounted for 80% of Individual Gifts
- Those With Incomes Over \$100,000
 Gave 75% of Itemized Gifts
- Amounts to Approximately 60% of All Individual Gifts

SHARPE

IMPACT OF LAW ON PRIOR ITEMIZERS

- Most of These 18 Million Donors Will Continue to Itemize
- The Law Has Little Negative Impact on the Value of Charitable Gifts Made By This Group
- In Some Cases Benefits May Be Even Greater Than Before

SHARPE

IMPACT OF LAW ON PRIOR ITEMIZERS

 No One Can Predict How Many Former Itemizers Will Regain That Status Using Methods Previously Discussed

WILL NEW LAW RESULT IN NEW ITEMIZERS

- It Is Possible That the Attention That Will Be Given to Ways to Preserve Itemizer Status May Influence Others
- Those Who Did Not Itemize in Past May Alter Giving Patterns to Begin Deducting Gifts

SHARPE

STEWARDSHIP TIP

- Consider Greater Emphasis on Cumulative Giving For Recognition
- Less Emphasis on Consecutive Years of Giving

SHARPE

WHERE IS NEGATIVE IMPACT FOR ITEMIZERS?

 Recall Value of Charitable Deduction Depends on Tax Rate That Would Be Paid if Gift Not Made

COST OF A CASH GIFT UNDER NEW LAW

$$G - (G X T) = Cost$$

$$1.00 - (1.00 \times 37\%) = .63$$

SHARPE

WHERE IS NEGATIVE IMPACT?

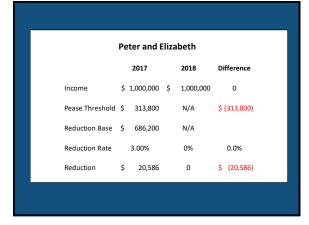
• Most Higher Income Donors Will See Little Impact

	Ju	ılia and I	Hen	ry		
		2017		2018	D	ifference
Taxable Income	\$	350,000	\$	350,000		0
Charitable Gifts	\$	5,000	\$	5,000		0
Tax Rate		33%		32%		-1.0%
Tax Savings	\$	1,650	\$	1,600	\$	(50)
Cost Per Dollar	\$	0.67	\$	0.68	\$	0.01

WHERE IS INCREASED BENEFIT?

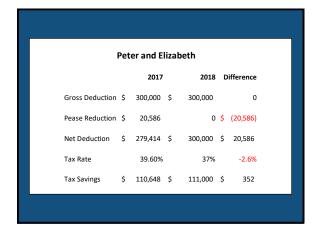
- · Recall Repeal of Pease Amendment
- Required Reduction of Itemized Deductions for Higher Income
- Reduction of 3% of Amount Income of Married Couple Exceeded \$313,800

SHARPE



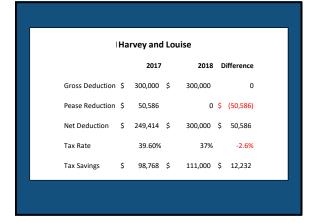
WHERE IS INCREASED BENEFIT?

 Impact of Tax Rate Reductions on Cost of Gift Can Be Offset By Repeal of Pease Limitation



WHERE IS INCREASED BENEFIT?

 The Higher the Income the Greater the Benefit of the Pease Repeal



EFFECT OF AGI LIMIT INCREASE

- According to IRS Data 457,237
 Taxpayers Carried Forward
 \$34 Billion in Gifts Not Deductible in Earlier Years
- More Than Ever Reported in Charitable Bequests

SHARPE

EFFECT OF AGI LIMIT INCREASE

 Over 3/4 of These Taxpayers Were Over Age 65

5 under 45 49,638 \$728,444 29,55 under 55 69,130 \$1,721,389 59,5 under 65 109,528 \$5,059,499 159,5 and over 182,992 \$25,902,662 769,5 under 65 109,528 \$25,902,662		Charitable De	ductions	
5 under 55 69,130 \$1,721,389 59 5 under 65 109,528 \$5,059,499 159 5 and over 182,992 \$25,902,662 769	Under 35	45,949	\$611,632	2%
5 under 65 109,528 \$5,059,499 15% 5 and over 182,992 \$25,902,662 76%	35 under 45	49,638	\$728,444	2%
5 and over 182,992 \$25,902,662 76%	45 under 55	69,130	\$1,721,389	5%
· · · · · · · · · · · · · · · · · · ·	55 under 65	109,528	\$5,059,499	15%
	65 and over	182,992	\$25,902,662	76%
returns 457,237 \$34,023,626 100%				
urre: Internal Revenue Service 2015				

EFFECT OF AGI LIMIT INCREASE

 Many Were Those Who Made Large Life Income Gifts and Couldn't Use the Tax Deductions

SHARPE

FRED AND ETHEL

- Both Age 75
- They Create a 5% Charitable Remainder Annuity Trust
- Funded With \$1 Million in Cash Previously Invested in Treasuries Yielding 2.4%
- Their Adjusted Gross Income Is \$200,000

SHARPE

FRED AND ETHEL

- Their Tax Deduction Is \$398,000
- Under Prior Law They Could Deduct 50% of Their AGI, or \$100,000
- Would Take Four Years to Use Full Deduction

FRED AND ETHEL

- Under New Law They Can Deduct 60% of AGI, or \$120,000 Per Year and Enjoy Tax Savings Sooner
- Their Tax Savings in Their 24% Bracket Will Be \$28,800 the First Year Under New Law
- Would Have Been \$24,000 Under the Prior Law's 50% of AGI Limit

SHARPE

Overview of Estate and Gift Taxes and Charitable Giving

ESTATE AND GIFT TAXES AND GIVING

- Charitable Gifts Are Fully Deductible Under U.S. Gift and Estate Tax Systems
- Unlike the Income Tax System
 There Are No Deduction Limits
- Cost of Gifts Similar to Outright Gifts Under Current Law

0	Copy	yright	2018 k	by S	harpe	Group A	All Rights	Reserved
---	------	--------	--------	------	-------	---------	------------	----------

COST OF ESTATE GIF	COST	OF	ESTATE	GIF.
--------------------	------	----	---------------	------

G - (G X T) = Cost

 $1.00 - (1.00 \times 40\%) = 0.60$

SHARPE

Impact of Tax Reform

EARLY PROPOSALS

- · Eliminate Gift and Estate Taxes
- Heirs Would Have the Basis Prior to Death
- Essentially Substituted Capital Gains Tax for Estate Tax

FINAL COMPROMISE

- Estate and Gift Tax Laws Essentially Unchanged
- Exemption Amount Was Doubled to Approximately \$11.2 Million for Singles and \$22.4 Million for Married

SHARPE

IMPACT OF CHANGE

- Approximately 2.7 Million Americans
 Die Each Year
- Some 99.6% Did Not Owe Estate Tax Under Prior Law
- It Is Estimated That 2,000 Estates Per Year Will Now Pay Tax
- That Means No Tax on 99.9% Percent of Estates

SHARPE

IMPACT OF CHANGE

- Most Americans Live in States Like California, Texas and Florida Where No State Death Taxes
- Estate Tax Planning Is Now Mostly the Realm of Principal Gift Donors
- The Top 1/10 of 1% of Population
- But Large Percentage of Bequest DOLLARS Come From Them

MARY'S BE	QUEST	IN 2017
-----------	-------	---------

Estate \$10,000,000

Bequest \$1,000,000

Tax Rate 40%

Tax Savings (\$400,000)

After-Tax Cost \$600,000

To Family +/- \$7,500,000

SHARPE

MARY'S BEQUEST IN 2018

Estate \$10,000,000

Bequest \$1,000,000

Tax Rate 40%

Tax Savings -0-

After-Tax Cost \$1,000,000

To Family \$9,000,000

SHARPE

ESTATE AND GIFT TAXES AND GIVING

- Are the Wealthy More or Less Likely to Leave Bequests if There Is No Estate Tax?
- Long Tradition of Giving Through Estates Prior to Estate Taxes
- See Annual Report From 1916
 Prior to Enactment of Estate Tax

Boston Children's Aid Society 1916

SPECIAL BENEFACTORS AND DONORS OF THE SOCIETY SINCE ITS FOUNDATION

Since the foundation of the Society many legacies, bequests, and special gifts have come from friends—their names appear be'ow who have taken this means of helping needy children.

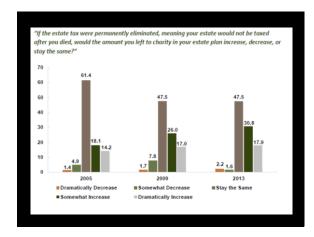
who have taken this means of helping needy children.

It is best that a Society such as this should have to depend upon the general contributing public for a large part of its yearly receipts, for in this way it is most likely to meet changing needs and conditions, and be eliminated if its services are of no value. If, however, the income from the endowment could be increased to one-third or one-half of the total expenditures and the endowment itself be unrestricted as to use, the budget planning would then be put on a stable basis, and the administrative work could be executed with greater certainty.

ESTATE AND GIFT TAXES AND GIVING

- Surveys Show That the Wealthy Would Apportion Estate Tax Savings Among Family and Charity
- Over 90% Say They Would Maintain or Increase Their Charitable Bequests





PRIORITIES OF MOST WEALTHY BENEFACTORS

- Decide How Much They Want to Leave to Heirs
- Taxes Paid on Family Inheritance
- Remainder to Charity
- More Funds for Charity if No Tax on Gifts to Heirs
- Mary's Family Receives More

SHARPE

Planning for Change

PRIMARY STRATEGIES

- Use Bequest Substitutes Where No Benefits From Estate Gifts
- Accelerate Tax Savings Into Donor's Lifetime
- May Be Referred to as "Accelerated Bequests"

SHARPE

PLANNING AFTER ESTATE TAX CHANGES

- Many Will Be Interested in Gifts Completed at Death With Current Income Tax Benefits
- Can Be Referred to as "Accelerated Bequests"
- May Help Some Itemize Other Deductions As Well

SHARPE

EXAMPLES

- Current and Deferred Gift Annuities
- · Charitable Remainder Trusts
- Gifts of Real Estate With Use Retained for Lifetime

PLANNING AFTER ESTATE TAX CHANGES

- Charitable Lead Trusts Will Continue to Appeal to Wealthier Individuals
- Terms May Be Shorter Because Can Be a Way to "Invest" Exemption Amounts

SHARPE

PLANNING AFTER ESTATE TAX CHANGES

- Charitable Lead Trusts Also Represent Way for Wealthy Non-Itemizers to Divert Gifts From Their Income Stream
- Achieves the Same Result as if Fully Deductible

SHARPE

SUMMARY

PUTTING IT ALL TOGETHER

- Most Donors Will Continue to Give Some Amount Whether or Not They Itemize
- How Much They Give and How May Change
- Who Receives Their Gifts May Also Change

SHARPE

PUTTING IT ALL TOGETHER

- Will Depend on Underlying Levels of Donative Intent
- If Donors Reduce Giving By Some Percentage, It Will Not Be "Across the Board"
- Some Nonprofits May See Little Change

SHARPE

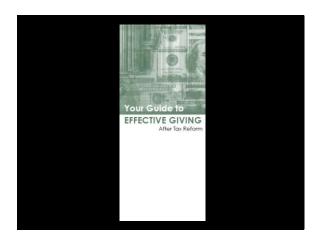
PUTTING IT ALL TOGETHER

- Some May Experience Greater Impact
- Important to Educate Donors
 About Realities of Tax Reform
- News Media Unlikely to Revise Early Predictions of Doom



PUTTING IT ALL TOGETHER

- Take Advantage of Opportunities to Inform Donors
- Use Mass Channels to Inform Broad Base of Donors
- Use Print and Other Media to Convey Messages That Are Relevant to Key Donors



Tax Reform & Charitable Giving A Sharpe Group Webinar

Fortunately, there is good news for		
many who enjoy making charitable gifts. The charitable deduction was the only videly-used deduction that was not limited		
ander the new law. In some cases, the tax benefits of making charitable gifts were		
even expanded.		
Read on for ideas to help you make your charitable gifts most cost-effectively		
nder the new tax law.		
If you own stocks, mutual funds or other securities that have increased in value, and you have owned them for more		
than one year, it can be wise to use them to make charitable gifts.		
The new law retained the special tax enefits that come with making charitable		
rifts in this way.		
You may still claim a deduction for heir full market value, not just the amount you paid, and you do not have to pay		
apital gains tax that would be owed if ou sold those securities and donated		
ne proceeds.		
In the case of a traditional or Roth IF ple age 70½ and older may make tax-		
s totaling up to \$100,000 per year dire		
qualified charitable recipient.		

As a result of reduced estate taxes, it will no longer be necessary for most to set aside funds for payment of taxes on gifts to individuals.

This means it may now be more practical to use all or a portion of your tax savings to fund charitable gifts as part of your estate plans, because your heirs will still receive the same amount or more than they would have after paying taxes under prior law.

Options for making charitable gifts as part of your estate and financial planning include the following:

COMMUNICATIONS CHECKLIST

- Provide information in acknowledgment letters for major and planned gift donors, pledge reminders and gift proposals
- Consider a special communication to major donors, planned gift recognition society members and others
- Provide donor-friendly information for donors in response to inquiries about tax reform
- Equip staff and volunteers with basic knowledge
- Include information in materials at donor events
- Be prepared to inform donors during personal visits or in follow up communication

Conclusion

www.SHARPEnet.com

© Copyright 2018 by Sharpe Group

	RPE anous
Subscribe to Our Blog	www.SHARPEnet.com/blog
Read our monthly Give & Take	www.SHARPEnet.com/give-take
G E	i in

SHARPE

For more information

email us at info@SHARPEnet.com call us at 901.680.5300

visit our website at www.SHARPEnet.com