



**Charitable Giving and
the SECURE Act of 2019**

The SECURE Act—which stands for “Setting Every Community Up for Retirement Enhancement”—puts in place numerous provisions intended to strengthen retirement security across the country. The SECURE Act will significantly impact retirement plan accumulations and distributions for the immediate future. As a consequence, many donors will find it helpful to meet with advisors to review plans and to determine how, when, and if changes to current plans should be made.

There are two especially important provisions that will affect the way donors think about retirement planning in the immediate future. First, the required minimum distribution age is extended to 72 beginning in 2020. Second, the “stretch” provision, once available for an IRA beneficiary’s lifetime, has been reduced to ten years.

How have the minimum distribution rules changed?

Required minimum distributions (RMDs) from qualified accounts must begin at age 72 instead of age 70½ beginning in 2020.

How do changes in RMD rules affect qualified charitable distributions from IRAs?

The rules regarding QCDs have not changed. An IRA owner age 70½ or older can still give by making a qualified charitable distribution from an IRA. For example, a 71-year-old IRA owner can make a qualified charitable distribution from an IRA, even though a distribution may not be required at that age.

Why am I hearing about “stretch” provisions?

“Stretch” provisions allowed non-spouse beneficiaries of IRAs (and other qualified accounts) to take required minimum distributions over the beneficiary’s lifetime. This rule let beneficiaries significantly stretch the period over which funds would ultimately be received and taxed. The SECURE Act limits the stretch period to 10 years for most non-spouse beneficiaries; however, there are no specific requirements for how those funds must be distributed during the 10-year period.

Reminder One:

The wisdom and value of giving from an IRA

There is no question that, for those who are eligible (age 70½ or above), a qualified charitable distribution from an IRA is a tax-wise giving strategy. The QCD amount (annual aggregate limit of \$100,000 per donor) is not counted as income, which means no tax is due.

Reminder Two:

The possible role for CRTs

Because of the change in “stretch” provisions, some donors may find value in naming a charitable remainder trust the beneficiary of retirement account funds. A CRT can provide increased flexibility in distributing assets to children, grandchildren, or other non-spouse beneficiaries. Donors should consult their advisors to explore personal planning needs—including donors who may have implemented this strategy prior to the new law.

Reminder Three:

The benefit of charitable beneficiaries

Because retirement assets are taxed when they are received by beneficiaries, it can be wise for donors to leave other assets to heirs and name a charitable organization as a beneficiary of retirement assets. Heirs who inherit appreciated stock, for example, benefit from a step-up in the basis of the stock when the stock is sold. Income tax will ultimately be due only on the amount the stock has appreciated from the date of inheritance. By contrast, the full amount of retirement assets left to heirs is subject to income tax when received.

Reminder Four:

The importance of planning and giving

Whenever tax laws change, personal planning reviews are in order. But tax law changes do not change the important good that is done through charitable giving. Donors can find many ways to make a difference through planned charitable gifts.

Reminder Five: The 2020 rules for Qualified Charitable Distributions

- The donor must be age 70½ or over.
- The distribution must be a direct transfer from an IRA to the charitable organization.
- Although there is no tax deduction, the amount is excluded from income for federal income tax purposes—no tax is due.
- Transfers up to \$100,000 (annual aggregate limit) are eligible for this favorable tax treatment.
- IRA owners who turned age 70½ in 2019 or before are still required to take minimum distributions in 2020 and beyond. For others, under provisions of the SECURE Act, minimum distributions are required beginning at age 72. A qualified charitable distribution from an IRA counts toward the donor's RMD.

