



Dear Clients and Friends,

2020 has been a trying year for all and we hope that as you read this you, your family and friends are healthy and safe. Among all the other issues faced for 2020, there have been several tax and financial changes that were brought up throughout the year. While this may look a little overwhelming, we are here to help you navigate these changes. We thank all of you for your support this past year and into 2021 and look forward to a continued, successful relationship!

With a new President coming into office early next year we can usually expect several tax changes to occur. We are once again making our tax organizers available, for free, to anyone who requires one. If you have not used one in the past, please call the office to request one for 2020. The tax organizer may not be enough however, and we wanted to bring some special items to your attention below.

### **Economic Impact Payments**

The CARES Act provided [Economic Impact Payments](#) (EIPs) to taxpayers based on the following table:

	Single / MFS Head of Household MFJ		
Stimulus	\$1,200	\$1,200	\$2,400
Full Payment (AGI) ≤ \$75,000	≤ \$112,500	≤ \$150,000	
No Payment (AGI) >\$99,000	>\$136,000	>\$198,000	

(\* Phase-out: In between thresholds - payment reduced by \$5 for each \$100 above floor.)

Taxpayers also received a \$500 EIP for each qualifying child, and the IRS issued Notice 1444 within 15 days after the EIP was sent out, showing how the payment was made. The payment is not includible in gross income and will not reduce a refund or increase the amount owed. Taxpayers who did not get some or all the EIP they were entitled to will be able to claim the difference as a Recovery Rebate Credit on their 2020 tax return. According to the IRS, there is no provision in the law that would require individuals who qualify for a Payment based on their 2018 or 2019 tax returns, to pay back all or part of the payment, if based on the information reported on their 2020 tax returns, they no longer qualify for that amount or would qualify for a lesser amount.



## Paycheck Protection Program Loans

The Paycheck Protection Program (PPP) provides low-interest loans to eligible small business owners and other eligible businesses (including nonprofits) to cover payroll and other expenses (mortgage interest, rent, and utilities) for a 24-week period. The Small Business Administration may forgive these loans, in whole or in part, if PPP funds are spent on eligible expenses during the Loan Forgiveness Covered Period. Lenders are responsible for determining [loan forgiveness](#) eligibility.

For tax purposes, loan forgiveness amounts are excluded from gross income, but forgiven expenses are not deductible ([IRS Notice 2020-32](#)). Lenders are not supposed to file, and report forgiven amounts on Form 1099-C, Cancellation of Debt ([Announcement 2020-12](#)).

- *Based on several changes made to the PPP and that Congress is still debating changes on expenses for the PPP, we may advise clients who have a PPP loan to extend their return until we can get more, specific clarity from Congress.*

## Forms 1099-MISC and 1099-NEC

To reduce confusion around filing deadlines, Form 1099-MISC (Miscellaneous Income) has been redesigned, and [Form 1099-NEC](#) for reporting nonemployee compensation has been reintroduced in tax year 2020.

Beginning in tax year 2020, Form 1099-NEC (Nonemployee Compensation) must be filed with the IRS by Feb. 1, and Form 1099-MISC must be filed with the IRS by March 1 if filing on paper (March 31 if filing electronically). Both Forms 1099-MISC & 1099-NEC must be furnished to the recipient by Feb. 1. Payments of more than \$600 in nonemployee compensation, including independent contractors, attorneys, and golden parachute payments, will be reported on Form 1099-NEC, box 1.

## SALT Deduction Notice for PTEs

The IRS released guidance on Nov. 9 (Notice 2020-75) agreeing that pass-through entity (PTE) businesses may claim entity-level deductions for state income tax paid under state laws that shift the tax burden from individual owners to the business entity. Some states have been looking for a workaround to enable their resident taxpayers to avoid the \$10,000 deduction limit. Under current federal income tax law, state and local taxes paid at the Pass-Through Entity (PTE) level (as opposed to the individual owner level) are generally permitted to be included among other deductions taken by the PTE in determining the PTE's taxable income that is passed through to the PTE's owners. The deduction of state and local taxes by the PTE reduces the PTE owner's taxable income without imposing the \$10,000 limit. Thus, it effectively shifts the state and local income tax burden from the individual level, where it is subject to



the \$10,000 limit, to the PTE level, where the SALT limit does not apply. Maryland is one of several states that has allowed this workaround to take place.

### **Charitable contributions**

The CARES Act makes the following changes to charitable contributions beginning in tax year 2020:

- A \$300 above-the-line charitable contribution deduction is now available for taxpayers who do not itemize deductions.
- The 60% adjusted gross income (AGI) limit on cash contributions by individuals is disregarded.
- For corporations, the taxable income limit is increased from 10% to 25% on cash charitable contributions.
- The taxable income limit on contributions of food inventory is increased from 15% to 25%.

### **Kiddie tax changes**

Prior to the [Tax Cuts and Jobs Act](#) (TCJA), the net unearned income of a child under 19 years old (or a full-time student under 24) was taxed at the parent's tax rates, if the parent's rates were higher than the child's rates. For tax years beginning after 2017, the TCJA changed the rule so that the unearned income of the child would be taxed at trust and estate tax rates.

However, this change seemed to unfairly increase the tax on certain children. Effective for tax years beginning after Dec. 31, 2019, the SECURE Act repeals TCJA rules, and you may elect to apply the pre-TCJA rules in 2018 and 2019. Also, a child's earned income is taxed at single rates and this has not changed.

### **Required minimum distribution age raised from 70½ to 72**

Prior to 2020, participants in employer-sponsored retirement plans (for example, 401(k) plans), traditional IRAs, and individual retirement annuities needed to begin taking required minimum distributions (RMDs) from their plans by April 1 of the year following the year they turned 70½ years old.

Under the SECURE Act and for distributions required to be made after Dec. 31, 2019, the age at which individuals must start taking distributions from these retirement plans has been increased from 70½ to 72. The RMD rules try to get taxpayers to spend retirement savings during their lifetimes instead of transferring wealth to beneficiaries.

Please note: Under the CARES Act, RMDs are not required for 2020. Initially, the provision stated that you may return an RMD within 60 days if you had already taken the distribution. Notice 2020-51 allows you to return the distribution by Aug. 31, 2020.



### **Retirement plan distributions**

Under the CARES Act and for 2020 distributions from IRAs and workplace retirement plans, if the taxpayer is impacted by [COVID-19](#), they can take a distribution up to \$100,000 and not be subjected to the 10% early withdrawal penalty. The distribution can be included in income ratably over a 3-year period unless the taxpayer elects otherwise. The taxpayer can also contribute the money back to their retirement plan within three years and treat the transaction as a direct rollover.

### **Retirement plan loans**

Under the CARES Act and for taxpayers affected by COVID-19, loans from a qualified plan on or after March 27, 2020, and before Sept. 23, 2020, may be made up to the lesser of \$100,000 (instead of \$50,000) minus loans you have outstanding, or 100% of your non-forfeitable account balance or accrued benefit.

The taxpayer has up to six years (instead of five) to repay the loan. Amounts in IRAs are eligible for COVID-19-related distributions, but you cannot take a loan from an IRA.

For new and existing loans, plans can also suspend loan repayments due between March 27, 2020, and Dec. 31, 2020, for up to one year. Typically, at least those repayments originally scheduled for 2021 must resume in January 2021.

### **Repeal of maximum age for traditional IRA contributions**

Under the SECURE Act and for contributions made for tax years beginning after 2019, individuals of ANY AGE can make contributions to a traditional IRA, assuming there is enough compensation. Prior to this rule change, taxpayers were not allowed to make an IRA contribution once they reached age 70½ by the close of the year. The rationale for the rule change is that Americans are living longer, and many are continuing to work past 70½ years old. The restriction did not apply to Roth IRA contributions.

For qualified charitable distributions (QCDs) made after 2019, the taxpayer's QCD is reduced by the excess of the total amount of IRA deductions allowed after reaching age 70½, over the aggregate amount of reductions in prior years.

### **Penalty-free retirement plan withdrawals for births and adoptions**

In general, retirement plan distributions are included in income, and unless an exception applies, distributions before the recipient turns 59½ years old are subject to a 10% early withdrawal penalty.



Under the SECURE Act and beginning in 2020, taxpayers can take up to \$5,000 (for each spouse) of penalty-free retirement plan distributions for expenses related to the birth or adoption of a child.

### **Extender provisions**

On Dec. 19, 2019, Congress passed the Taxpayer Certainty and Disaster Tax Relief Act of 2019, which extends more than 30 tax code provisions. These measures will expire at the end of 2020 unless further extended.

Higher-impact extender items:

- Exclusion from gross income for discharge of debt income from qualified principal residence debt (expired after 2017, retroactively extended through 2020).
- Deduction for mortgage insurance premiums (expired after 2017, retroactively extended through 2020).
- Tuition and fees deduction for higher education (expired after 2017, retroactively extended through 2020).
- Nonbusiness energy property credit (expired after 2017, retroactively extended through 2020).
- Medical expense deduction subject to 7.5% adjusted gross income threshold, instead of 10% (expired after 2018, extended for 2019 & 2020).

### **Disaster relief**

The Taxpayer Certainty and Disaster Tax Relief Act of 2019 also gives the following relief to taxpayers impacted by disasters in 2018 through 30 days after enactment:

- An automatic 60-day extension when filing a tax return.
- Suspends limits on charitable contributions.
- Personal casualties do not have to exceed 10% of AGI, and the taxpayer doesn't have to itemize deductions to claim the loss.
- Can utilize earned income from the prior year when computing the earned income credit and child tax credit.

### **IRS products now in Spanish**



We understand that this throws a lot at you for year end. But know that we are following any changes that may occur between now and filing. We are also closely watching Congress and changes that may still take place before filing season.

Last, we did move offices this year. We are only a short distance from our old office and would welcome anyone to come by and say "hello."

We wish everyone a Very Merry Christmas, Happy Holidays, and a Great New Year!

Best and Thank you,

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