2023 IRS & WA STATE YEAR-END REPORTING FOR MINISTRIES AND NONPROFITS

The presentation will begin shortly...



CPE NEEDED?

WITHIN <u>ONE WEEK</u>, SEND AN EMAIL REQUESTING CPE, COMPLETE THE COURSE EVALUATION AND PROVIDE THE LIST OF CPE CODES PROVIDED DURING THE PRESENTATION TO:

INFO@BATTERSHELLNICHOLS.COM

ONLY AVAILABLE FOR THOSE ATTENDING LIVE

ALL CPE CODES ARE PROVIDED IN THE PRESENTATION VIA POLLS

REMOTE ACCOUNTING SERVICES

- We provide bookkeeping services to churches and Christian nonprofits, including:
 - Produce a monthly financial report for leadership
 - Process contributions and bills
 - Record all transactions in the general ledger
 - Reconcile bank accounts, credit cards, and close the books each month
 - Process payroll and file all quarterly and annual payroll forms
 - Provide budget and cash flow projection oversight
 - Give assistance with internal controls

REMOTE ACCOUNTING SERVICES

- Why do we provide this service?
 - With online software solutions dramatically improving, outsourced bookkeeping has become a popular alternative to in-house bookkeeping
- Top reasons our clients use our remote accounting services:
 - Managing finances distracts the organization from its mission
 - Leadership and member increased confidence in their finances
 - Tax and accounting regulations are complex and changing faster than ever
 - They want a trusted advisor to provide CPA oversight

DISCLAIMER

- The author is not engaged by this text or webinar in the rendering of tax, accounting, or similar professional services.
- While the tax, and accounting issues discussed in this material have been reviewed with sources believed to be reliable, concepts discussed can be affected by changes in the law or in the interpretation of such laws since this text was printed. For that reason, the athis information and the opinions based thereon cannot be guaranteed.
- Before taking any action, all references and citations should be checked for accuracy and completeness, and updated accordingly.

2023 IRS & WA STATE YEAR-END REPORTING FOR MINISTRIES AND NONPROFITS

By: Rick Battershell, CPA

PART 1- 2023 IRS REPORTING

Housing allowances

Adjusting employee tax withholding

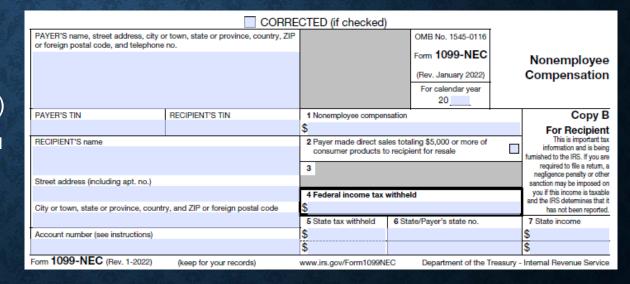
2023 FORM W-2 UPDATE

- Starting with forms required to be filed in <u>2024</u>, electronic filing required if you file 10 or more information returns (including Form W-2) (formerly 250 or more) – see https://www.irs.gov/forms-pubs/new-electronic-filing-requirements-for-forms-w-2
- Examples of compensation and fringe benefits to report
 see November 2023 webinar "Employee
 Compensation for Churches and Ministries"
- Detailed discussion of completing Form W-2 see "December 2022 Year End Compensation Reporting" webinar
- File by January 31, 2024 with the Social Security Administration

			_		
VOID a Er	mployee's social security number	OMB No. 154	5-0008		
b Employer identification number (EIN)			1 War	ges, tips, other compensatio	2 Federal income tax withheld
c Employer's name, address, and ZIP co	de		3 Soc	cial security wages	4 Social security tax withheld
			5 Me	dicare wages and tips	6 Medicare tax withheld
			7 Soc	cial security tips	8 Allocated tips
d Control number			9		10 Dependent care benefits
e Employee's first name and initial	Last name	Suff.		nqualified plans	12a See instructions for box 12
			13 State	utory Retirement Third-pa loyee plan sick pay	12b
			14 Oth	er	12c
					d d
			ĺ		12d
			1		d
f Employee's address and ZIP code			ĺ		
15 State Employer's state ID number	16 State wages, tips, etc.	17 State incom	ne tax	18 Local wages, tips, et	c. 19 Local income tax 20 Locality name
	/				
W-2 Wage and Ta	x Statement	202	2 7	Departmen	t of the Treasury-Internal Revenue Service

NONEMPLOYEE COMPENSATION FORM 1099-NEC

- File with IRS by January 31, 2024
- Filing is required for payments totaling \$600 or more for:
 - Services performed by a nonemployee (including parts/materials)
 - Each non-employee from whom you withheld federal income tax (any amount)
 - Independent contractor or board of director fees
 - Attorney services (even if incorporated)



BOX 1 - NONEMPLOYEE COMPENSATION

- Payments are generally subject to self-employment tax
- Includes fees, commissions, prizes, and other compensation for services performed for the organization
- Exclude housing allowance and expenses reimbursed under a qualified plan

- Includes payments for personal services unless paid to a corporation:
 - Accountant or Architect
 - Auto repair shop
 - Carpet installers
 - Lawn care
 - Painter
 - Subcontract work, etc

FORM 1099-MISC

				SCIENCE STORY		
		CORRE	CTED (if checked)			
PAYER'S name, street address, city or foreign postal code, and telephone		e, country, ZIP	1 Rents	OMB No. 1545-0115		
			\$	Form 1099-MISC		Miscellaneous
			2 Royalties	(Rev. January 2022)		Information
				For calendar year 20		
			\$			
			3 Other income	4 Federal income tax	withheld	Сору В
			\$	\$		For Recipient
PAYER'S TIN	RECIPIENT'S TIN		5 Fishing boat proceeds	6 Medical and health payments	care	
			\$	\$		
RECIPIENT'S name			7 Payer made direct sales totaling \$5,000 or more of consumer products to recipient for resale	8 Substitute payment of dividends or inter		This is important tax information and is being furnished to
Street address (including apt. no.)			9 Crop insurance proceeds	10 Gross proceeds pai attorney	d to an	the IRS. If you are required to file a return, a negligence
			\$	\$		penalty or other
City or town, state or province, countr	y, and ZIP or foreign po	stal code	11 Fish purchased for resale	12 Section 409A defen	rals	sanction may be imposed on you if this income is
			\$	\$		taxable and the IRS
		13 FATCA filing requirement	14 Excess golden parachute payments	15 Nonqualified deferre compensation	ed	determines that it has not been reported.
			\$	\$,
Account number (see instructions)			16 State tax withheld	17 State/Payer's state	no.	18 State income
			\$			\$
			\$			\$
Form 1099-MISC (Rev. 1-2022)	(keep for your re-	cords)	www.irs.gov/Form1099MISC	Department of the T	reasury -	Internal Revenue Service

File by: February 28 (paper) or March 31 (electronically) – in the course of a trade or business (includes nonprofits)

Box 1- Rents

- Real estate, machine, or equipment rentals.
- No reporting required for rent payments made to rental agents
 - But the agent is required to report rent payments to the landlord

COMPLETING FORM 1099-MISC

Box 3 - Other income

- Prizes and awards that are not for services performed
- Payments of deceased employee's wages to estate or beneficiary
 - See 1099 instructions for amount to report on Form W-2



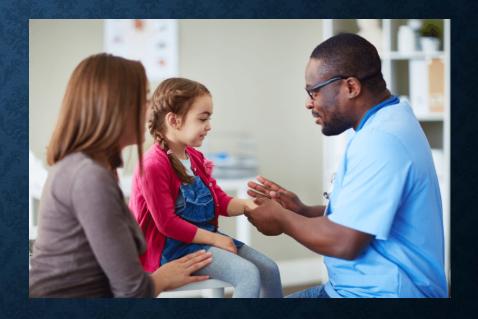
COMPLETING FORM 1099-MISC

Box 6 - Medical and Health Care Payments

- Payments made for medical care
- Exemption: Payments made under flexible spending or health reimbursement plans and to tax-exempt or government hospitals

Box 10 - Gross Proceeds Paid to Attorneys

- Not for services performed--use 1099-NEC
- Settlement agreements, such payments from an insurance company to a claimant's attorney to settle a claim



EXEMPTIONS FROM REPORTING (1099 NEC & MISC)

- Business expenses reimbursed under an accountable plan
- 2. Payments to corporations
 - Must report to attorneys
 - Must report to LLCs, sole proprietors, and other types of business
- 3. Payments for merchandise, telephone, freight, storage, and similar charges
- 4. Payments to tax-exempt organizations

- 5. Rent payments to real estate agents or property managers
 - The real estate agent must use Form 1099-MISC to report rent paid to the property owner
- 6. Payments made with a credit card and 3rd party network transactions (e.g. PayPal or Venmo)
 - Reported under Form 1099–K
- 7. Scholarship payments even if taxable
 - See Form 1099-MISC instructions

FILING FORM 1099 (1099 NEC & MISC)

When filing is required: Required for payments totaling \$600 or more

- Rents (office space, machine rentals)
- Prizes and awards
- Other income
- Use Form 1099-NEC for services
- Required if federal income tax is withheld



OTHER ITEMS

- Use Form W-9 (optional) to obtain TIN or to document corporate status
- Withhold 24% backup withholding
 - If service provider fails to provide the tax ID or if the IRS notifies you to do so
- Use Form 945 to report withholding
- Tax ID numbers may truncate on recipient statements, not on IRS filing

FILING FORM 1099

E-filing: www.IRS.gov/IRIS Information Returns Intake System

- Starting with forms required to be filed in <u>2024</u>, electronic filing required if you file 10 or more information returns (including Form W-2) (formerly 250 or more)
- IRS Publication 5717
- https://www.irs.gov/filing/e-file-informationreturns
 https://www.youtube.com/watch?v=KhpcqsPf0 mU

Common Errors

- Filing downloaded copy of Form 1099-MISC or 1099-NEC
 - For IRS filing, use copy A it must be the original form which appears in red, not a copy or printed version.
 - Official form can be ordered at www.IRS.gov/orderforms

FORM 990-T

Form	990-T		Exempt Organization Business Income Tax Return (and proxy tax under section 6033(e))	1	OMB No. 1545-0047
		For cale	endar year 2023 or other tax year beginning , 2023, and ending , 2	20	
	ment of the Treasury I Revenue Service	Do no	Go to www.irs.gov/Form990T for instructions and the latest information. t enter SSN numbers on this form as it may be made public if your organization is a 501	(c)(3).	Open to Public Inspection for 501(c)(3) Organizations Only
	Check box if address changed.	Print	Name of organization (Check box if name changed and see instructions.)	D Emp	loyer identification number
	mpt under section 501()()	or	Number, street, and room or suite no. If a P.O. box, see instructions.		up exemption number instructions)
4	408(e) 220(e)		City or town, state or province, country, and ZIP or foreign postal code		
	108A 530(a)			F 📗	Check box if
	529(a) 529A		value of all assets at end of year	L	an amended return.
G C	heck organization	n type		ate col	lege/university
	handa W. Cilina a nada		6417(d)(1)(A) Applicable entity		
	heck if filing only		m ☐ Credit from Form 8941 ☐ Refund shown on Form 2439 ☐ Elective pay sization filing a consolidated return with a 501(c)(2) titleholding corporation		mount from Form 3800
			thed Schedules A (Form 990-T)		up? Yes No
	,		and identifying number of the parent corporation	ieu gro	up: _ res _ reo
	ne books are in		Telephone number		
Par			ed Business Taxable Income		
1	Total of unrelat	ed busin	ess taxable income computed from all unrelated trades or businesses (see instruction	ons)	1
2	Reserved .			. [2
3	Add lines 1 an	d2 .		. [3
4	Charitable cor	ntributio	ns (see instructions for limitation rules)	. [4
5	Total unrelate	d busine	ess taxable income before net operating losses. Subtract line 4 from line 3 .		5
6			rating loss. See instructions		6
7			siness taxable income before specific deduction and section 199A deduct	ion.	
	Subtract line 6				7
8			enerally \$1,000, but see instructions for exceptions)	.	8
9			deduction. See instructions	.	9
10			Id lines 8 and 9	<u>:</u>	10
11			taxable income. Subtract line 10 from line 7. If line 10 is greater than line		
	enter zero .			•	11
Part	Tax Co	mputa	tion		

- Electronic filing required
- Due May 15, 2024 (for calendar year reporters)
- Tax applies to unrelated business income
 - Required when UBI is over \$1,000
- Rental houses: Exempt if no acquisition debt remaining
- Rental of antenna or cellular tower taxable personal property rental
- Advertising in church bulletin or newspaper

FORM 5500

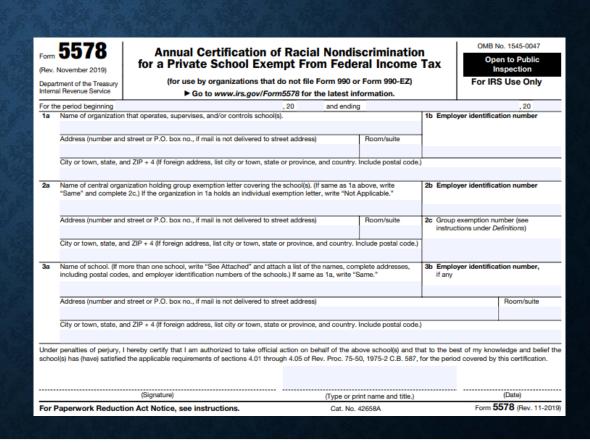
- Generally not required for churches
 - See 5500-C/R instructions
- 403(b) plans must comply with written plan requirements by the first plan year beginning after 12/31/08
 - Exceptions for annuity contracts and certain custodial plans
 - Should be a plan of the organization, not an individual



Form 5578 - Certification of Racial Nondiscrimination

Schools

- Must be filed by preschool, elementary, secondary, college - operate, control, and principally support schools
 - Unless Form 990 is filed
- Deadline 15th day of the 5th month after accounting period (May 15th for calendar year reporters)



FORM 1042 – PAYMENTS TO FOREIGN PERSONS

- Nonresident aliens (NRA) performing services in the US
 - Generally NRA doesn't have a Social Security number
- 30% income tax withholding
- NRA can request lower tax withholding by providing a Form 8233
 - Payee must have an ITIN (Individual Taxpayer Identification Number)
 - Payee uses Form W-7 to apply for ITIN

- NRA from Mexico and Canada can avoid tax withholding if they earn less than \$10,000 and submit an ITIN
 - Recommend getting Form 8233 from NRA
- Filing deadline 2023 Form 1042-S. Due 3/15/24 (may need to e-file, see Form 1099 discussion)
- See IRS Pub 515 for more info
- Consider donations to foreign ministries

EMPLOYEES: I-9 VERIFICATION

New Employment Eligibility Verification

https://www.uscis.gov/i-9

- Alternative procedures for remotely examining employee documents
 - https://www.e-verify.gov/about-e-verify/whats-new/newform-i-9-now-includes-alternative-procedure-for-e-verifyemployers-to
- When should a new form be requested from rehired workers?
 - If you rehire an employee within three years from the date of the original Form I-9, you may either rely on the employee's previous Form I-9 or complete a new form
 - o See page 5 of instructions:
 - https://www.uscis.gov/sites/default/files/docum ent/forms/i-9instr.pdf



Employment Eligibility Verification

USCIS Form I-9

Department of Homeland Security

U.S. Citizenship and Immigration Services

OMB No.1615-0047 Expires 07/31/2026

START HERE: Employers must ensure the form instructions are available to employees when completing this form. Employers are liable for failing to comply with the requirements for completing this form. See below and the Instructions.

ANTI-DISCRIMINATION NOTICE: All employees can choose which acceptable documentation to present for Form I-9. Employers cannot ask employees for documentation to verify information in Section 1, or specify which acceptable documentation employees must present for Section 2 or Supplement B. Reverification and Rehire. Treating employees differently based on their citizenship, immigration status, or national origin may be illegated.

Last Name (Family Name)		First Name (Given Name)			Middle Initial (if any)	Other Last Names Used (if any)		
Address (Street Number and Name)		Apt. Nur	nber (if any)	City or Town	1		State	ZIP Code
Date of Birth (mm/dd/yyyy) U.S.	Social Secu	rity Number	Employee's	Email Address	S		Employee's	Telephone Number
I am aware that federal law provides for imprisonment and/o	or _		y boxes to att	est to your cit.	zenship or immigration	status (See)	page z anu s	of the manucuons.j.
fines for false statements, or the use of false documents, in connection with the completion this form. I attest, under penalty of perjury, that this information, including my selection of the boat attesting to my citizenship or immigration status, is true and correct.	2. 3. 4. If you d	A citizen of the L A noncitizen nati A lawful permane A noncitizen (oth check Item Number CIS A-Number	ent resident (I ner than Item r 4., enter one	Enter USCIS o	or A-Number.) and 3. above) authorize			if any)

PART 2- PREPARING FOR 2024

Housing allowances

Adjusting employee tax withholding

DESIGNATING HOUSING ALLOWANCES



- 1. See our website for the December 2021 webinar "Housing Allowance Tax Benefit for Ministers"
- 2. The benefit is only available to a Minister tax definition
 - See 2023 Church & Clergy Tax Guide,
 Chapter 6
- 3. When received as compensation for ministerial services
- 4. Written designation of the amount <u>in advance</u> as a housing allowance

HOUSING ALLOWANCE: RECOMMENDATIONS

- 1.Ask the minister to suggest a designation amount
- 2. Suggest that the minister estimate high
- 3.No IRS requirement for churches to verify housing costs
- 4. Reporting in Box 14 of Form W-2 is optional
 - Do not report in Box 1 wages
- 5.Optional: Consider setting a maximum percentage of compensation that requires church board approval to exceed (e.g. 60%)

DESIGNATING A HOUSING ALLOWANCE

- Document annually in board minutes before the new year.
 - See samples 2023 Church & Clergy Tax Guide, Chapter 6, p. 228
- Include a safety net housing allowance designation every year.
 - "Resolved that the church designates 60% of any minister's compensation as housing allowance for 2024 and all future years, unless otherwise provided by this board."

HOUSING ALLOWANCE - EXAMPLES

Example #1 - Designation:

- A church budget contains a line for \$35,000 minister salary and \$18,000 housing allowance. Is this adequate designation?
- ANSWER Yes (but acknowledgement in board minutes is preferable)

Example #2 – In Advance:

- After this seminar, you tell your church board they forgot to designate a housing allowance for the new youth pastor. Can the board retroactively designate a housing allowance? What can be done to avoid future issues?
- ANSWER No, designations are prospective only and can only be effective going forward. Consider a safety net housing allowance.

RETIREMENT PLAN HOUSING ALLOWANCE PROVISION

- Church boards can adopt a policy that all future benefits paid from the 403(b) plan to ministers are designated as housing allowance
 - Allowed under the provisions of IRC section 107
 - All ministers must be ordained and qualify to receive a housing allowance



CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

- Organizations that distribute to a foreign person or organization must comply with antiterrorist measures
 - See detailed discussion in "June 2022 Sending Funds to Foreign Causes & Compensating Foreigners" webinar
- Check the OFAC List of Specially Designated Nationals and Blocked Persons (the "SDN List") before sending funds internationally
 - https://home.treasury.gov/policyissues/office-of-foreign-assets-controlsanctions-programs-and-information



PART 3- WASHINGTON STATE REPORTING

Sales, Use, and B&O taxes

Uncashed checks

Property tax exemption

WA STATE REPORTING

What to report:

- 3. Income subject to WA State Business & Occupation tax
 - https://apps.leg.wa.gov/WAC/default.aspx?cite=458-20-169
 - Retail classification- any item on which sales tax is collected
 - Service classification commonly overlooked areas:
 - Weddings Facility use, custodial, minister fees...
 - Private school tuition at schools which are not approved by Washington State https://apps.leg.wa.gov/WAC/default.aspx?cite=458-20-167
 - Fundraising exception
 - RCW 82.04.3651 provides a B&O tax exemption for certain fund-raising activities. RCW 82.08.02573 provides a comparable retail sales tax exemption.

WA STATE REPORTING

What to report:

- 1. Sales tax collected
- 2. Use tax owed
 - Whenever sales tax is either not charged or not charged at the required rate for:
 - Purchases made out-of-state over the Internet and delivered to WA for use in the state.
 - Any consumer item purchased in another state and brought into Washington for use in the state.
 - Items purchased in Washington, including from private parties, for which the vendor did not charge sales tax.
 - Services, such as construction and installation and repair services, subject to sales tax for which the vendor did not charge sales tax.
 - Digital products, subscriptions, contribution services, unless specifically excluded.

WA STATE REPORTING RESOURCES

- WAC 458-20-169 https://app.leg.wa.gov/wac/default.aspx?cite=458-20-169
- See our September 2022 webinar entitled "Washington State Sales and B & O Taxes for Nonprofits"

UNCLAIMED PROPERTY

- Reporting and remittance requirement if checks are uncashed after 1-3 years depending on the type of disbursement
- Filing by October 31 of each year covering the 12 months preceding July 1 of that year
- Negative (no property) report is no longer required
- 5% penalties for failure to file and pay electronically
- 10% penalty for not paying or delivering unclaimed property by the due date
- More info: https://ucp.dor.wa.gov/app/videos

MAINTAINING A PROPERTY TAX EXEMPTION

- See our August 2021 webinar entitled "Washington State Exempt Property Tax Issues"
- Up to 5 acre exemption for churches
- 50 days rule:
 - Loan or rent their facilities to others for nonexempt activities on up to 50 days in a calendar year
- 15 days rule:
 - Allow the use of exempt properties for gain on up to 15 of those 50 days

- Rental to other churches for:
 - Services
 - Church-related activities
- Private school rental
 - IF the organization has a WA property tax exemption
 - Home schools request WA State property tax exemption certificate
- WA Property Tax Exemption
 - Land rental loss of property tax exemption for that space
 - In steeple does not affect exemption

MINIMUM WAGE

- WA State (applies to workers 16 and older):
 - 2023 = \$15.74
 - 2024 = \$16.28
 - https://lni.wa.gov/workers-rights/wages/minimum-wage/
- Workers age 14-15 can be paid 85% of minimum wage
- Cities can set higher minimum wages:
 - Seattle, SeaTac, Tukwila
- For overtime exempt employees see summer 2023 webinar series "Employee Compensation Rules for Churches and Ministries" on our website

CPE NEEDED?

Within <u>one week</u>, send an email requesting CPE, complete the course evaluation, and provide the list of CPE codes provided during the presentation to:

info@battershellnichols.com

(Only available for those attending live)

All CPE codes are provided in the presentation via polls

Next Webinar:

Charitable Contribution Reporting

January 17, 2024

THANK YOU FOR JOINING US!

PLEASE REACH OUT WITH ANY QUESTIONS: INFO@BATTERSHELLNICHOLS.CPA

(253) 839-1620

