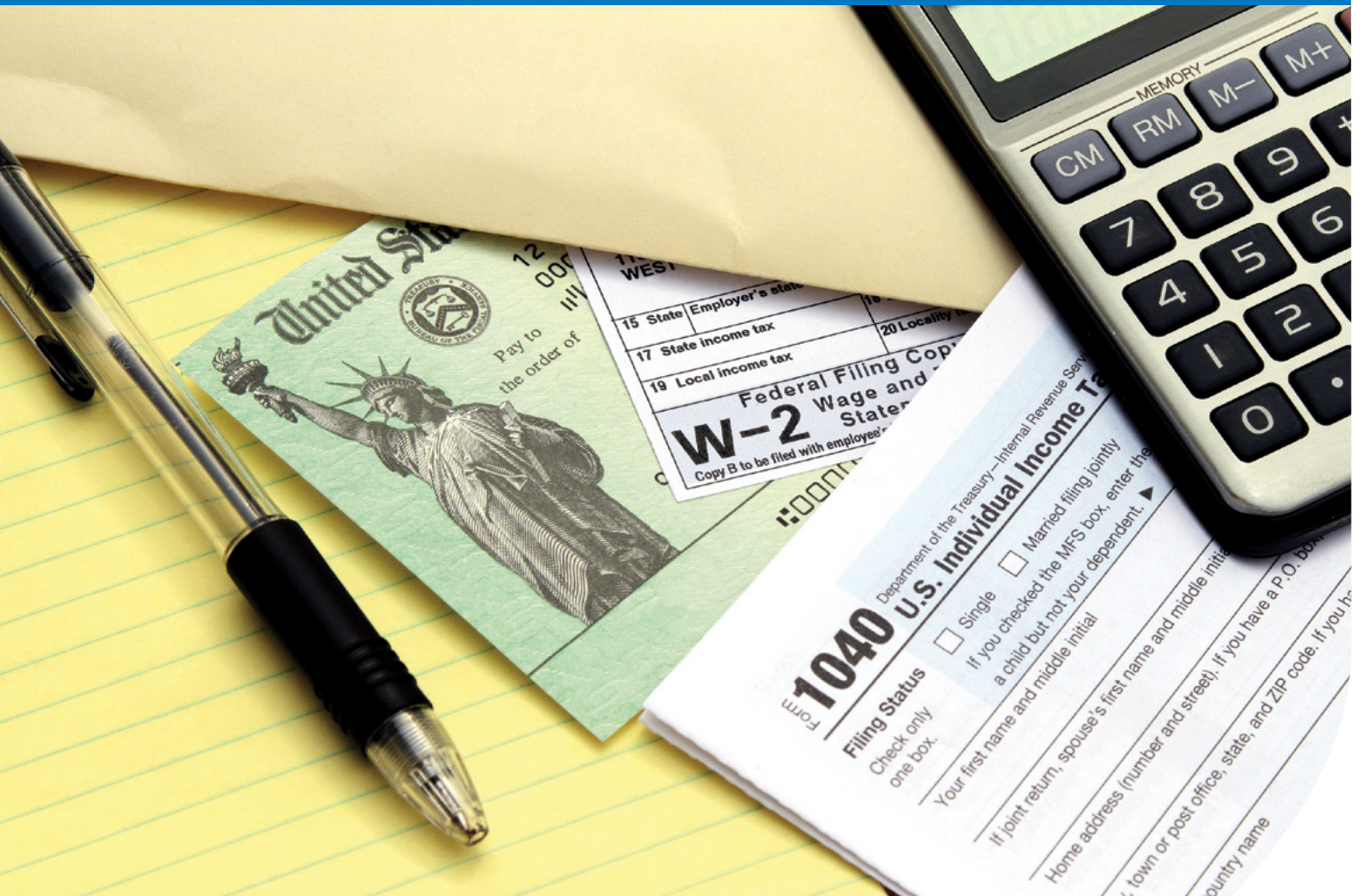


# 2026 Federal Reporting Requirements for Episcopal Institutions



Prepared by Richard R. Hammar, JD, LLM, CPA

Publish date: January 2026

## A Supplement to the *2026 Federal Reporting Requirements for Churches*

For the 2026 tax year, the Church Pension Group (CPG) is providing the *2026 Federal Reporting Requirements for Churches* (FRR) and the *2026 Clergy Tax Return Preparation Guide for 2025 Returns* as a reference for church treasurers, bookkeepers, and any employee responsible for withholding tax to help their institution stay compliant with federal tax laws. They are not intended as a substitute for professional advice, such as legal, accounting, or other expert guidance.

This supplement complements the FRR with questions and answers on key tax issues specific to those administering benefits for clergy and lay members of The Episcopal Church.

**Note:** If you have questions about clergy federal income taxes that are not covered here, please call CPG's tax hotline:

- Michele Racusin, CPA, 833-270-0795
- Dolly Rios, CPA, 833-363-5751 Fluent in English and Spanish

Please note that the service provided by CPG's tax hotline is of an informational nature. It should not be viewed as tax, legal, financial, or other advice. You must contact your tax advisor for assistance in preparing your tax returns or for other tax advice.

## Questions & Answers

**Q1.** *What is the standard mileage reimbursement rate for 2026?*

**A1.** Beginning January 1, 2026, the standard mileage reimbursement rate is 72.5 cents per mile driven for business use, up 2.5 cents from 2025. The rate applies to fully-electric and hybrid automobiles, as well as gasoline and diesel-powered vehicles.

**Q2.** *Federal law allows churches that have nonminister employees to exempt themselves from the employer's share of Social Security and Medicare taxes by filing a Form 8274 with the IRS. Due to my church's/ institution's conscientious objection to public insurance programs, can my church/ institution exempt itself from the employer's share of Social Security and Medicare taxes?*

**A2.** No. The Episcopal Church does not support this option on theological grounds.

**Q3.** *Does my organization need to file Forms 1094-B and 1095-B to report certain information to the IRS and to employees about individuals who are covered by minimum essential health coverage?*

**A3.** No. The Church Pension Group Services Corporation files these forms provided the employer provides healthcare coverage to its employees through The Episcopal Church Clergy and Employees' Benefit Trust.

**Q4.** *Will the Church Pension Group Services Corporation also file Forms 1094-C and 1095-C for employer-provided health insurance of applicable large employers (generally, employers with 50 or more full-time employees) and for churches with fewer than 50 full-time employees and an insured group health plan?*

**A4.** No. It is the employer's responsibility to file the required forms. See the instructions in the FRR.

**Q5.** *What should be included in a clergy person's housing allowance resolution?*

**A5.** Below are sample housing allowance resolutions for clergy who own or rent their home and for clergy living in employer-provided housing:

**The following resolution was duly adopted by the vestry of Christ Church at a regularly scheduled meeting held on December 18, 2025, a quorum being present:**

*Whereas*, the Reverend Samuel Johnson is compensated by Christ Church exclusively for the services as a minister of the gospel; and  
*Whereas*, Christ Church does not provide Fr. Johnson with a rectory; therefore, it is hereby

*Resolved*, that the total compensation paid to Fr. Johnson for calendar year 2026 shall be \$65,000, of which \$20,000 is hereby designated to be a housing allowance pursuant to Section 107 of the Internal Revenue Code; and it is further

*Resolved*, that the designation of \$20,000 as a housing allowance shall apply to calendar year 2026 and all future years unless otherwise provided.

**The following resolution was duly adopted by the vestry of Grace Church at a regularly scheduled meeting held on December 18, 2025, a quorum being present:**

*Whereas*, the Reverend John Smith is compensated by Grace Church exclusively for services as a minister of the gospel; and

*Whereas*, Grace Church provides Fr. Smith with rent-free use of a church-provided rectory as compensation for services that he renders to the church in the exercise of his ministry; and

*Whereas*, Fr. Smith incurs expenses for living in church-provided housing; therefore, it is hereby

*Resolved*, that the annual compensation paid to Fr. Smith for calendar year 2026 shall be \$65,000, of which \$6,000 is hereby designated to be a housing allowance pursuant to Section 107 of the Internal Revenue Code; and it is further

*Resolved*, that the designation of \$6,000 as a housing allowance shall apply to calendar year 2026 and all future years unless otherwise provided by the vestry; and it is further

*Resolved*, that as additional compensation to Fr. Smith for calendar year 2026 and for all future years while providing services as a minister of the gospel unless otherwise provided for by this vestry, Fr. Smith shall be permitted to live in the church-provided rectory located at 123 Main Street, and that no rent or other fee shall be payable by Fr. Smith.

The content of this supplement reflects information available as of the date of publication of the *2026 Federal Reporting Requirement for Churches* by Richard R. Hammar and Elaine Sommerville. Please consult with your tax professional to stay abreast of any changes after this date.

This material is provided for informational purposes only and should not be viewed as investment, tax, or other advice. It does not constitute a contract or an offer for any products or services. In the event of a conflict between this material and the official plan documents or insurance policies, any official plan documents or insurance policies will govern. The Church Pension Fund ("CPF") and its affiliates (collectively, "CPG") retain the right to amend, terminate, or modify the terms of any benefit plan and/or insurance policy described in this material at any time, for any reason, and, unless otherwise required by applicable law, without notice.

Neither The Church Pension Fund nor any of its affiliates (collectively, "CPG") is responsible for the content, performance, or security of any website referenced herein that is outside the [cpg.org](http://cpg.org) domain or that is not otherwise associated with a CPG entity.

# *2026 Federal Reporting Requirements for Churches*

Elaine Sommerville, CPA

Senior Editorial Advisor, CHURCH LAW & TAX

Richard R. Hammar, J.D., LL.M., CPA (retired)

Senior Editor, CHURCH LAW & TAX

## **ACKNOWLEDGEMENTS**

The author would like to thank Matthew Branaugh, attorney and editor for Gloop's Church Law & Tax, who served as editor for this resource.

Copyright © 2026 Gloop LLC. *2026 Federal Reporting Requirements for Churches* by Richard R. Hammar and Elaine Sommerville. Used with permission. "Gloop LLC," "Gloop," and "Church Law & Tax" are the registered trademarks of Gloop LLC.

This publication is intended to provide a timely, accurate, and authoritative discussion of tax reporting compliance, and the impact of recent changes in the tax laws. It is not intended as a substitute for legal, accounting, or other professional advice. If legal, tax, or other expert assistance is required, the services of a competent professional should be sought. Although we believe this book provides accurate information, there may be changes resulting from IRS or judicial interpretations of the Tax Code, new tax regulations, or technical corrections that occurred after the printing of this edition that are not reflected in the text.

# TABLE OF CONTENTS

<b>INTRODUCTION</b> .....	<b>3</b>
Maximizing Tax Benefits for Your Minister .....	5
Housing and parsonage allowances .....	5
Accountable expense reimbursements .....	6
Provision for healthcare expenses .....	8
Section 403(b) plans .....	11
<b>COMPLYING WITH FEDERAL PAYROLL TAX REPORTING</b>	
<b>OBLIGATIONS</b> .....	<b>13</b>
Step 1. Obtain an employer identification number (EIN) from the federal government if this has not been done .....	13
Step 2. Determine whether each church worker is an employee or independent contractor .....	14
Step 3. Obtain the Social Security number for each worker .....	15
Step 4. Compute each employee’s taxable wages .....	16
Step 5. Determine the amount of income tax to withhold from each employee’s wages .....	16
Step 6. Withhold Social Security and Medicare taxes from nonminister employees’ wages .....	18
Step 7. The church must deposit the taxes it withholds .....	19
Step 8. All employers subject to income tax withholding, Social Security and Medicare taxes, or both, must file Form 941 quarterly .....	21
Step 9. Prepare a Form W-2 for every employee, including ministers employed by the church .....	22
Step 10. Prepare a Form 1099-NEC for every self-employed person receiving nonemployee compensation of \$600 or more over the reporting threshold .....	32
<b>OTHER IMPORTANT REQUIREMENTS FOR CHURCHES</b> .....	<b>34</b>
Reporting group term life insurance .....	34
Form I-9 .....	35

Annual certification of racial nondiscrimination .....	36
Charitable contribution substantiation rules .....	38
Affordable Care Act reporting .....	41
Foreign bank account reporting – FinCEN Form 114 .....	42

## INTRODUCTION

The most important federal reporting obligation for most churches is the withholding and reporting of employee income taxes and Social Security taxes. These payroll reporting requirements apply, in whole or in part, to almost every church. Yet many churches do not fully comply with them for various reasons, including the following:

- The church treasurer is elected by the congregation and does not remain in office long enough to understand the application of the payroll tax reporting rules to churches.
- Church leaders falsely assume that churches are exempt from the payroll tax reporting requirements. The courts have rejected the argument that the application of the payroll tax reporting rules to churches violates the constitutional guaranty of religious freedom.
- There are several special payroll tax reporting rules that apply to churches, and these often are not clearly understood by church staff members. These special rules include:
  - While most ministers are employees for federal income tax reporting, they are self-employed for Social Security with respect to compensation they receive for ministerial services. This means that they pay the “self-employment tax” (SECA) rather than the employee’s share of Social Security and Medicare taxes (FICA)—even if they report their federal income taxes as a church employee. It is a common mistake for churches to treat ministers as employees for Social Security and to withhold the employee’s share of Social Security and Medicare taxes from their wages.
  - Wages paid to a minister as compensation for ministerial services are exempt from mandatory federal income tax withholding whether the minister reports federal income taxes as an employee or as self-employed. Ministers use the estimated tax procedure to pay their federal taxes unless they have entered into a

voluntary withholding agreement with their employing church (explained below).

- Some churches are exempt from the employer's share of Social Security and Medicare taxes because they filed a timely exemption application. For most churches, this exemption had to be filed before October 31, 1984. The exemption does not excuse the church from income tax withholding, filing Form 941, or issuing W-2 forms to church employees. The nonminister employees of a church that filed this exemption application are treated as self-employed for Social Security and must pay the self-employment tax (SECA) if they are paid \$108.28 or more during the year.

**WARNING** Federal law specifies that any corporate officer, director, or employee who is responsible for withholding taxes and paying them over to the government may be liable for a penalty in the amount of 100 percent of such taxes if they are either not withheld or not paid over to the government. This penalty is of special relevance to church leaders, given the significant rate of noncompliance by churches with the payroll reporting procedures.

The companion resource, “*2026 Clergy Tax Return Preparation Guide for 2025 Returns*” gives ministers basic information needed to complete their 2025 federal income tax return, with special attention given to several forms and schedules and the sections of each form most relevant to ministers. The online [Church & Clergy Tax Guide](#) provides churches and clergy with comprehensive, detailed information for year-round tax questions and compliance, and Elaine Sommerville’s [Church Compensation, Second Edition \(2025 Updates\)](#) provides year-round insights on pay, benefits, payroll, and more.

# MAXIMIZING TAX BENEFITS FOR YOUR MINISTERS AND EMPLOYEES

## Housing and parsonage allowances

The most important tax benefit available to ministers who own or rent their home is the housing allowance exclusion. While the constitutionality of this benefit has been challenged over the years, the challenges have failed. Unfortunately, many churches fail to designate a portion of their minister's compensation as a housing allowance and thereby deprive the minister of an important tax benefit. A church may provide a housing allowance to any properly credentialed minister performing qualifying ministerial duties for the church. Churches are not limited to providing this benefit to only a lead pastor but may provide the benefit to any qualifying minister on staff.

A housing allowance is simply a portion of a minister's compensation that is designated in advance by the minister's employing church. For example, in December of 2025 a church agrees to pay its pastor "total compensation" of \$45,000 for 2026 and designates \$15,000 of this amount as a housing allowance (the remaining \$30,000 is salary). This costs the church nothing. It is simply a matter of designating part of a minister's salary as a housing allowance.

The tax code specifies that the housing allowance of a minister who owns or rents a home is nontaxable in computing federal income taxes to the extent that it is (1) declared in advance by the church, (2) used for housing expenses, and (3) does not exceed the fair rental value of the minister's home (furnished, plus utilities).

**KEY POINT** A church cannot designate a housing allowance retroactively. It can only be designated prospectively.

**KEY POINT** Although repayments of principal and interest on a home mortgage loan qualify as a housing expense to which a housing allowance can be applied, costs associated with refinancing a principal residence or a home equity loan qualify only if the proceeds are used for housing expenses.

Ministers who live in a church-owned parsonage that is provided “rent-free” as compensation for ministerial services do not include the annual fair rental value of the parsonage as income in computing their federal income taxes. The annual fair rental value is not “deducted” from the minister’s income. Rather, it is not reported as additional income on Form 1040 (as it generally would be by non-clergy workers).

Ministers who live in a church-provided parsonage do not pay federal income taxes on the amount of their compensation that their employing church designates in advance as a parsonage allowance, to the extent that the allowance represents compensation for ministerial services and is used to pay parsonage-related expenses such as utilities, repairs, and furnishings.

Note that the housing allowance and fair rental value of a parsonage are nontaxable only when computing federal income taxes. Ministers must include their housing allowance and rental value of a parsonage as taxable income when computing their self-employment taxes (except for retired ministers). In addition, any housing provided to a minister that is excludable from taxable income pursuant to Internal Revenue Code (IRC) §119 (relating to housing provided on an employer’s premises “for the convenience of the employer”) also must be included in a minister’s taxable income when computing self-employment income.

**KEY POINT** Be sure that the designation of an allowance for the following year is on the agenda of the church or church board for its last meeting of the current year. The designation should be an official action, and it should be duly recorded in the minutes of the meeting. The Internal Revenue Service (IRS) also recognizes designations in employment contracts and budget line items—assuming that the church duly adopted the contract or the budget and it is reflected in a written document. If a designation is made after the start of a new calendar year, remember that it can only operate prospectively.

## **Accountable expense reimbursements**

With the permanent removal of the deduction for unreimbursed business expenses, the use of accountable expense reimbursement plans by churches provides the primary method of easing the negative tax impact for business expenses. The tax code excludes

from tax the employer reimbursements of employee business expenses paid under an *accountable expense reimbursement plan*. Accountable expense reimbursement plans provide assurance that churches bear the costs of operating, rather than clergy and other employees bearing these costs to their financial detriment.

To be “accountable,” a church’s reimbursement arrangement must comply with all four of the following rules:

- Expenses must have a business connection and represent ordinary and necessary expenses incurred by an employee while performing services for the employer.
- Employees are only reimbursed for expenses for which they provide adequate accounting within a reasonable period of time (not more than 60 days after an expense is incurred).
- Employees must return any excess reimbursement or allowance within a reasonable period of time (not more than 120 days after an excess reimbursement is paid).
- The income tax regulations caution that for an employer’s reimbursement arrangement to be accountable, it must meet a “reimbursement requirement” in addition to the three requirements summarized above. The reimbursement requirement means that an employer’s reimbursements of an employee’s business expenses come out of the employer’s funds and not by reducing the employee’s salary.

**KEY POINT** Reimbursements of business expenses under an accountable arrangement are not reported as taxable income on an employee’s Form W-2 or Form 1040, and there are no deductions to claim. In effect, the employee is reporting to the church rather than to the IRS. This often translates into significant tax savings for the employee.

An *accountable* expense reimbursement arrangement must be a written plan, and it should be established by the church board or congregation in an appropriate resolution. The plan should define what types of expenses will be reimbursed and the required substantiation. Substantiation will include written evidence for all expenses in addition to receipts for most expenses of \$75 or more, and for all lodging expenses, no matter the amount. For most expenses, the evidence must substantiate the amount, date, place, and business nature of each expense.

To control expenses, the plan may also define the maximum amount that will be reimbursed for any expense category.

Churches occasionally reimburse ministers for *nonbusiness* expenses. Such reimbursements, though they require an accounting, ordinarily must be included in the minister’s wages for income tax reporting purposes, and they are not deductible by the

minister. Instead, the entire amount of these reimbursements must be reported as taxable income on the minister's Form W-2 and Form 1040. For example, reimbursing the travel costs associated with the minister's spouse to travel with the minister is a nonbusiness expense, even if the church requires the spouse to accompany the minister for accountability purposes. The reimbursement of the travel expenses would be taxable to the minister.

## **Provision for healthcare expenses**

Providing for clergy and other employees' healthcare needs is one of the top concerns for most churches. There are several options available, and churches, their clergy, and their employees should explore the various options to determine the option to provide the greatest benefit to clergy with the best utilization of the church's resources.

Below are options churches may consider.

*Group health insurance plans* – Qualifying group health insurance premiums paid by the church may be provided tax-free for the portion paid by the employer. A qualifying group health insurance policy means that the policy meets all the requirements of the Affordable Care Act (ACA) that is made available to a group of employees. Amounts paid by employees must be paid through a Section 125/Cafeteria plan to be paid with pre-tax dollars. Premiums paid by employees outside of a Section 125/Cafeteria plan are paid with post-tax dollars by the employee.

*Individual health insurance plans* – While a church may pay for an employee's individual health insurance premium tax-free, the payment of individual insurance plans creates a health reimbursement plan. A plan providing for the payment of individual health insurance premiums must meet one of the approved plans. Not using an approved plan violates ACA requirements and may subject the church to a \$100-per-day, per-participant penalty. This penalty must be voluntarily reported to the IRS with payment of the penalty amount.

**KEY POINT** Excepted from the ACA requirements are plans involving fewer than two participants and they can continue in much the same manner as prior to passage of the ACA. This includes the reimbursement of premiums for individual health insurance plans.

**KEY POINT** Insurance for vision and dental are excepted from ACA requirements. Insurance premiums may be paid by the employer tax free or paid through a qualifying Section 125 plan by employees.

*Section 125/Cafeteria Plan Health Flexible Spending Accounts* – Churches offering Section 125/cafeteria plans may include a provision for employees to establish flexible spending accounts (FSAs) to cover out-of-pocket medical expenses. The flexible spending account may be funded through tax-free employer contributions and/or through the employees' pre-tax salary reduction contributions to the plan.

For 2025, employee pre-tax salary reduction contributions are limited to \$3,300. In 2026, the limit slightly increases to \$3,400.

The FSA may not be used to pay for any individual insurance premiums or medical benefits other than for excepted services such as vision or dental plans. Allowing an FSA to pay for individual medical insurance policies causes the plan to fail the ACA market reforms and subjects the church to the \$100-per-day, per-participant penalty.

Participants in an FSA may not also participate in a health savings account (HSA) offered by the church.

Generally, distributions from a health FSA must be paid to reimburse the employee for qualified medical expenses. Qualified medical expenses are those incurred by an employee, or the employee's spouse and certain dependents (including a child under age 27 at the end of the year). Qualified expenses may include over-the-counter drugs.

FSAs are "use-it-or-lose-it" plans. This means that amounts in the account at the end of the plan year cannot be carried over to the next year. However, the plan can provide for either a grace period of up to 2½ months after the end of the plan year or a carryover of an amount not to exceed a certain dollar amount. If there is a grace period, any qualified medical expenses incurred in that period can be paid from any amounts left in the account at the end of the previous year.

If the plan allows for the option of rolling a set amount from one year to the following year, the limit for 2025 to 2026 plan years is \$660. In 2026, this amount increases to \$680. An employer is not permitted to refund any part of the balance to the employee. The carried over amounts do not apply against the annual limitation discussed above.

*Health Reimbursement Arrangements (HRA)* – Health reimbursement arrangements are employer-funded health plans that reimburse employees for qualified medical expenses up to a fixed dollar amount per year, tax-free. To comply with ACA requirements, the HRA must be integrated with a qualifying group health plan. Additionally, the HRA may only cover medical expenses of the persons participating in the integrated group health plan.

While there are many rules applicable to HRAs, there is a plan known as an Excepted Benefit HRA (EBHRA) that may be offered without many of the ACA complications. For example, it may be offered alongside a group health plan, but it does not have too many of the integrated requirements. The EBHRA may cover insurance only for excepted benefits as well as certain other limited expenses. These plans have a maximum benefit of \$2,200 for 2026.

The traditional HRA may not reimburse for individual health insurance policy premiums. The HRA may reimburse for individual plan premiums for excepted benefits such as dental or vision benefits. To allow employers to provide for the reimbursement of individual health insurance policy premiums, two avenues have been created:

**Qualified Small Employer HRA (QSEHRA).** Small churches with less than 50 full-time employees may qualify for a QSEHRA. The following must be present for a QSEHRA:

- It must be offered to all eligible employees
- Employees must have minimum essential health coverage
- The employer may not offer group health insurance
- It must be funded 100 percent by the employer
- Written notice must be provided to employees
- Maximum reimbursement for 2026 is \$6,450 for the employee only and \$13,100 for family coverage

**Individual Coverage HRA (ICHRA).** A church of any size may establish an ICHRA. Greater flexibility may be available for these arrangements, but they do allow the reimbursement of premiums paid on individual health insurance plans. Employees offered the ICHRA may not be offered a traditional group health plan. There are no annual caps for the plan payments, and the amounts may roll from year to year. The plan must be offered on the same terms to all employees of the same class.

*Health Savings Accounts (HSA)* – Health savings accounts (HSA) create an option to provide for payment of health expenses when the group health insurance plans carry higher deductible limits.

An HSA is an account set up with a qualified trustee for eligible individuals to reimburse certain medical expenses. An HSA must be established by an individual covered by a high deductible health plan (HDHP), as defined by the IRS. For 2026, an HDHP is defined as:

	<b>Self Only Coverage</b>	<b>Family Coverage</b>
Minimum annual deductible	\$1,700	\$3,400

Maximum annual deductible and other out-of-pocket expenses within the network, if the plan uses network providers	\$8,500	\$17,000
---	---------	----------

Other health coverage may not be available except for coverages for accidents, disability, dental, vision, and long-term care. Contributions to the plan may be made:

- Directly by an individual and deducted on his or her individual tax return;
- Directly by an employer and not included in the employee’s income; or
- Directly by an employee by payroll deduction through a church’s cafeteria plan (section 125 plan) to be a pre-tax contribution.

Annual contributions are limited and may be indexed each year by the IRS. For 2026, contribution limits are \$4,400 for individual coverage and \$8,750 for family coverage. Those 55 and older can contribute an additional \$1,000 as a catch-up contribution.

Employees participating in flexible spending accounts provided by the church are prohibited from contributing to a health savings account as are employees who are enrolled in any version of Medicare.

## Section 403(b) plans

A 403(b) plan, also known as a tax-sheltered annuity or retirement income account, is a retirement plan for certain employees of churches and other tax-exempt organizations. These plans have the following tax benefits: (1) Employees do not pay income tax on allowable contributions until they begin making withdrawals from the plan, usually after they retire. Note, however, that lay employees must pay Social Security and Medicare tax on their contributions to a 403(b) plan made under a salary reduction agreement. Due to a differing definition of taxable income for self-employment tax, clergy do not pay self-employment tax on a clergy’s elective deferral into the 403(b) plan. (2) Earnings and gains on amounts in an employee’s 403(b) account are not taxed until they are withdrawn. (3) Employees may be eligible to claim the retirement savings contributions credit (“saver’s credit”) for elective deferrals contributed to a 403(b) account. (4) A portion of the retirement payments from certain 403(b) plans may be designated as housing allowance for ministers participating in church plans who are still credentialed ministers during retirement years.

There are dollar limits on the contributions that can be made to a 403(b) account each year. If contributions made to a 403(b) account are more than these contribution limits, penalties may apply. Generally, annual contributions to a 403(b) plan cannot exceed

either the limit on annual additions or the limit on elective deferrals. However, there are special catch-up elections that allow for greater contributions.

The dollar limits on total annual contributions to 403(b) plans is \$72,000 for 2026. (The annual limits include amounts deferred through regular elective deferrals but do not include the additional deferrals attributed to catch-up contributions.

The dollar limit on annual elective deferrals an individual could make to a 403(b) retirement plan is \$24,500 for 2026.

The catch-up contribution limit on elective deferrals to a 403(b) retirement plan for individuals who attain age 50 by the end of the year is \$8,000 for 2026. A new additional catch-up contribution is available for participants ages 60, 61, 62 or 63, raising their limit to \$11,250. Beginning in 2026, a new provision requires catch-up contributions to be contributed to Roth accounts within the 403(b) plan, if a participant's income exceeds \$150,000 in 2025 for contributions made in 2026. If a church's plan does not provide for Roth accounts, it must be amended by December 31, 2026, to be eligible to receive these contributions from higher-income employees. Due to the definition of wages for this provision, it does not apply to ministers.

Additionally, church 403(b) plans may offer special catch-up contributions not available to either other types of retirement plans or all 403(b) plans. One provision allows for a greater contribution for employees who have completed at least 15 years of service with a qualified organization. Another provision allows for additions to be made even if an employee's income does not allow for contributions due to statutory limits on contributions to 403(b) plans. These rules are intricate, but they should be explored for participants who may have entered into retirement planning later in life.

See *IRS Publication 571* for greater details on these plans.

# COMPLYING WITH FEDERAL PAYROLL TAX REPORTING OBLIGATIONS

## **Step 1. Obtain an employer identification number (EIN) from the federal government if this has not been done.**

This number must be recited on some of the returns listed below and is used to reconcile a church's deposits of withheld taxes with the W-2 forms it issues to employees. The EIN is a nine-digit number that looks like this: 00-0246810. If your church does not have an EIN, you may apply for one online. Go to the IRS website at [irs.gov](https://www.irs.gov) for information. You may also apply for an EIN by submitting the Form SS-4 by fax or mail to the IRS. You should have only one EIN. A church should not use the EIN of another church or organization, even if the church is part of a denominational ruling.

**KEY POINT** An employer identification number is not a “tax exemption number” and has no relation to your nonprofit corporation status. It merely identifies you as an employer subject to tax withholding and reporting and ensures that your church receives proper credit for payments of withheld taxes.

**KEY POINT** Each EIN has a responsible party attached to it. This is the contact person the IRS associates with the organization. IRS regulations now require EIN holders to update responsible party information within 60 days of any change by filing Form 8822-B, Change of Address or Responsible Party – Business. Due to continual changing leadership, most churches need to file this form to update the information with the IRS. Churches may also need to file the form each time there is a change in the position reported. Currently, this form must be filed in paper.

## **Step 2. Determine whether each church worker is an employee or independent contractor.**

In some cases, it is difficult to determine whether a particular worker is an employee or an independent contractor. If in doubt, churches should treat a worker as an employee since substantial penalties can be assessed against a church for treating a worker as an independent contractor whom the IRS later reclassifies as an employee. In general, an independent contractor is one who is not subject to the control of an employer with respect to how a job is to be done. Further, an independent contractor typically is engaged in a specific trade or business and offers his or her services to the general public.

The IRS and the courts have applied various tests to assist in classifying a worker as an employee or independent contractor. Factors that tend to indicate employee status include the following:

- The worker is required to follow an employer's instructions regarding when, where, and how to work.
- The work performed is a part of the employer's usual course of business.
- The worker receives "on-the-job" training from an experienced employee.
- The worker is expected to perform the services personally and not use a substitute.
- The employer, rather than the worker, hires and pays any assistants.
- The worker has a continuing working relationship with the employer.
- The employer establishes set hours of work.
- The worker is guaranteed a regular wage amount for an hourly, weekly, or other period of time.
- The worker is expected to work for a preestablished required time.
- The work is done on the employer's premises.
- The worker must submit regular oral or written reports to the employer.
- The worker's business expenses are reimbursed by the employer.
- The employer furnishes the worker's tools, supplies, and equipment.
- The worker does not work for other employers.
- The worker does not advertise his or her services to the general public.

Not all these factors must be present for a worker to be an employee. But if most of them apply, the worker is an employee. The most important factors are the first two listed because they indicate an extensive amount of control over the worker and that the worker is needed for the general operations of the business to work. Once again: If in doubt, treat the worker as an employee.

**KEY POINT** Some fringe benefits are nontaxable only when received by employees. For example, medical insurance may only be provided on a tax-free basis to an employee. If a church incorrectly reports a minister's compensation on Form 1099-NEC, any medical insurance paid by the church for the minister becomes a taxable benefit.

### **Step 3. Obtain the Social Security number for each worker.**

After determining whether a worker is an employee or an independent contractor, you must obtain the worker's Social Security number. Whether the worker is classified as an employee or as an independent contractor, it is necessary to obtain the worker's Social Security number. A worker who does not have a Social Security number can obtain one by filing Form SS-5. This is a Social Security Administration form, not an IRS form.

Employees, except for ministers, need to provide their employer with a W-4 form to provide a Social Security number and to enable the employer to know how much income tax to withhold from their pay. Ministers may provide a W-4 form, if they elect to have federal income tax withheld from their pay. To provide maximum accuracy, employees are encouraged to use the Tax Withholding Estimator available at [www.irs.gov/W4app](http://www.irs.gov/W4app).

Independent contractors should provide a Social Security number by providing Form W-9. This information also provides other needed information in addition to the Social Security number needed to prepare the worker's Form 1099-NEC (discussed later). If an independent contractor performs services for your church (and annually earns at least \$600 for payments made on or prior to December 31, 2025, and annually earns \$2,000 for tax years beginning after December 31, 2025) but fails to provide you with his or her Social Security number, then the church is required by law to withhold a specified percentage of compensation as backup withholding. The backup withholding rate is 24 percent for 2026. (Backup withholding may be stopped by providing the church with a correct Social Security number.)

Churches can be penalized if the Social Security number they report on a Form 1099-NEC is incorrect, unless they have exercised "due diligence." A church will be deemed to have exercised due diligence if it has independent contractors provide their Social Security numbers using Form W-9. It is a good idea for churches to present independent contractors (e.g., guest speakers, contract laborers) with a Form W-9, and to backup withhold unless the worker returns the form. The church should retain each Form W-9 to demonstrate its due diligence.

If a church must apply the backup withholding rules to a contractor's pay, it must be deposited with the IRS and reported to the IRS on Form 945. Form 945 for 2025 must be

filed with the IRS by February 2, 2026. However, if you made deposits on time in full payment of the taxes for the year, you may file the return by February 10, 2026. Looking ahead, Form 945 for 2026 must be filed with the IRS by February 1, 2027, with an extended date of February 10, 2027, if all tax deposits are made.

**KEY POINT** Many times churches will host guest speakers or other workers from other countries. Nonresident aliens are not taxed in the same manner as US citizens. While they are not subject to the above rules, they are subject to other mandatory reporting and withholding rules. Prior to making payments, churches should seek professional assistance in determining the applicable reporting and withholding rules for payments made to workers from other countries.

#### **Step 4. Compute each employee's taxable wages.**

The amount of taxes that a church should withhold from an employee's wages depends on the amount of the employee's wages and the information contained on his or her Form W-4. A church must determine the wages of each employee that are subject to withholding. Wages subject to federal income tax withholding include pay given to an employee for service performed. The pay may be in cash or in other noncash forms. Measure pay that is not in money (such as property) by its fair market value and not the cost to the church. Wages often include several items in addition to salary. (There is a comprehensive list of examples in Step 10.) In addition to determining wages subject to withholding for federal income tax, a church must determine wages subject to withholding of Social Security tax and Medicare tax for nonminister employees. While most of the time the wages subject to all three taxes are the same, the definitions are not identical.

#### **Step 5. Determine the amount of income tax to withhold from each employee's wages.**

Employers use *IRS Publication 15-T* to determine the amount of federal income tax to withhold from their employees' wages.

Employees request adjustments to their withholding using Form W-4 to provide employers with amounts to increase or reduce taxes and amounts to increase or decrease the amount of wage income subject to income tax withholding. The computations described in *IRS Publication 15-T* allow employers to figure withholding, regardless of

whether the employee provided a Form W-4 in an earlier year or provides the new version of Form W-4 in 2026. *IRS Publication 15-T* also allows employers to figure withholding based on their payroll system (automated or manual) and withholding method of choice.

*IRS Publication 15-T* describes five methods for determining the amount of income taxes to be withheld from an employee's wages in 2026. The appropriate method depends on whether the employee's Form W-4 was provided before 2020 when changes were initiated on the form. Employees were not required to complete a new Form W-4 when the changes occurred:

- Percentage method tables for automated payroll systems
- Wage bracket method tables for manual payroll systems with forms W-4 from 2020 or later
- Wage bracket method tables for manual payroll systems with forms W-4 from 2019 or earlier
- Percentage method tables for manual payroll systems with Forms W-4 from 2020 or later
- Percentage method tables for manual payroll systems with Forms W-4 from 2019 or earlier

**KEY POINT** The IRS asserts that the current method for computing withheld taxes is allegedly simpler. But many employers believe the opposite is true. Fortunately, the IRS provides an online withholding estimator at [www.irs.gov/W4App](http://www.irs.gov/W4App) to assist employees in determining the amount to include on Form W-4.

**KEY POINT** Churches should require all employees to provide an updated W-4 form to remove all the “pre-2020” W-4 forms out of its system to simplify payroll calculations. This is especially true if a church is calculating payroll manually.

Wages paid to a minister as compensation for ministerial services are exempt from income tax withholding. However, ministers who report their income taxes as employees can enter into a voluntary withholding arrangement with their church. Under such an arrangement, the church withholds federal income taxes from the minister's wages as if the minister's wages are not exempt from withholding. Some ministers find voluntary withholding attractive since it avoids the often-difficult task of budgeting for four significant estimated tax payments.

A minister may initiate voluntary withholding by providing the church with a completed Form W-4. The filing of this form is deemed to be a request for voluntary withholding. A minister may also request an amount of withholding through any other written instruction.

Voluntary withholding arrangements may be terminated at any time by either the church or minister, or by mutual consent.

The tax code specifies that ministers are self-employed for Social Security with respect to services performed in the exercise of ministry. Therefore, a church whose minister elects voluntary withholding is only obligated, and may only agree, to withhold the minister's federal income taxes. The minister is still required to use the estimated tax procedure to report and prepay self-employment taxes. However, ministers electing voluntary withholding can indicate on Form W-4 Line 4c that they want an additional amount of income taxes to be withheld from each pay period that will be sufficient to pay the estimated self-employment tax liability by the end of the year. This additional withholding of income taxes becomes a credit that can be applied against a minister's self-employment taxes on Form 1040. It is reported by the church as additional income taxes withheld on its quarterly Form 941. Many churches incorrectly report these additional withholdings as Social Security and Medicare taxes.

Since any tax paid by voluntary withholding is deemed to be evenly paid throughout the tax year, a minister who pays self-employment taxes using this procedure may not be liable for any underpayment penalty, assuming that sufficient taxes are withheld.

## **Step 6. Withhold Social Security and Medicare taxes from nonminister employees' wages.**

Employees and employers each pay Social Security and Medicare taxes (FICA) equal to 7.65 percent of an employee's wages when wages paid are \$100 or more in a calendar year (for a total of 15.3 percent). The 7.65 percent tax rate is comprised of two components: (1) a Medicare hospital insurance tax of 1.45 percent, and (2) an "old age, survivor and disability" (Social Security) tax of 6.2 percent. There is no maximum amount of wages subject to the Medicare tax. For 2025, the maximum wages subject to the Social Security tax (the 6.2 percent amount) was \$176,100. It increases to \$184,500 for 2026.

The employee portion of the Medicare (HI) tax is increased by an additional tax of 0.9 percent on wages received in excess of \$200,000. (This tax is not matched by the employer.) This additional tax is required to be withheld once wages paid to a nonminister employee reach \$200,000. However, unlike the general 1.45 percent HI tax

on wages, this additional tax is on the combined wages of the employee and the employee's spouse, in the case of a joint return. The threshold amount is \$250,000 in the case of a joint return or surviving spouse, and \$200,000 for single persons. The \$250,000 and \$200,000 amounts are not adjusted for inflation and remain the same for 2026.

**KEY POINT** Even though the tax does not start until \$250,000 for a couple married filing jointly, the withholding mandate starts with any employee's wages exceeding \$200,000. Therefore, it is possible for an employee to have the additional tax withheld but not owe the additional tax. In these instances, the additional tax withheld is treated as an additional tax payment on the employee's individual tax return. Since the tax is on combined wages for married couples filing jointly, it is also possible that the combination of wages on a couples' Form 1040 will initiate the tax even though there has not been any associated withholding of the tax.

**KEY POINT** Federal law allowed churches that had nonminister employees as of July 1984 to exempt themselves from the employer's share of Social Security and Medicare taxes by filing a Form 8274 with the IRS by October 31, 1984. Many churches did so. The exemption was available only to those churches that were opposed for religious reasons to the payment of Social Security taxes. (Prior to 1984, nonprofit organizations, including churches, did not participate in the Social Security system.) The effect of such an exemption is to treat all nonminister church employees as self-employed for Social Security purposes. Such employees must pay the self-employment tax (SECA) if they are paid \$108.28 or more for the year. Churches hiring their first nonminister employee after 1984 have until the day before the due date for their first quarterly 941 form to file the exemption application. Churches can revoke their exemption by filing Form 941 accompanied by full payment of Social Security and Medicare taxes for that quarter.

## **Step 7. The church must deposit the taxes it withholds.**

Churches accumulate three kinds of federal payroll taxes:

- income taxes withheld from employees' wages,
- the employees' share of Social Security and Medicare taxes (withheld from employees' wages), and
- the employer's share of Social Security and Medicare taxes.

Most employers must deposit payroll taxes on a monthly or semiweekly basis. An employer's deposit status is determined by the total taxes reported in a four-quarter "lookback" period. For 2026, the lookback period will be July 1, 2024, through June 30, 2025.

**Monthly depositor rule.** Churches that reported payroll taxes of \$50,000 or less in the lookback period will deposit their withheld taxes for 2026 on a monthly basis. Payroll taxes withheld during each calendar month, along with the employer's share of FICA taxes, must be deposited by the 15th day of the following month.

**Semiweekly depositor rule.** Churches that reported payroll taxes of more than \$50,000 in the lookback period must deposit their withheld taxes on a semiweekly basis. This means that for paydays falling on Wednesday, Thursday, or Friday, the payroll taxes must be deposited on or by the following Wednesday. For all other paydays, the payroll taxes must be deposited on the Friday following the payday.

**Next-Day depositor rule.** Regardless of whether a church is a monthly schedule depositor or a semiweekly schedule depositor, if accumulated taxes withheld reach \$100,000 or more on any day during a deposit period, the church must deposit the taxes by the next business day. Additionally, any employer subject to this deposit rule becomes a semiweekly depositor for the remainder of the calendar year and the following calendar year.

**Payment with return rule.** If you accumulate less than a \$2,500 tax liability during the current or previous quarter, you may make a payment with Form 941 instead of depositing monthly. See *IRS Publication 15* for more information.

As mentioned in Step 1, the failure to deposit payroll taxes withheld from employees is one of the few instances where the IRS may assess penalties to individual officers and other persons associated with the church. The penalty is based on the unpaid income taxes withheld, plus the employees' portion of the withheld FICA taxes. The courts have held that the decision to pay other expenses of the church instead of depositing payroll taxes is grounds for assessing the penalty to the decision-maker. Churches may file Form 2848, Power of Attorney, with the IRS naming a trusted attorney or CPA the authority to receive notices from the IRS related to payroll filings as a method of establishing a separate line of communication to make leadership aware of failures to deposit taxes or file returns.

**KEY POINT** All deposits must be made using electronic funds transfers. Payments may be made free through 1) a business tax account; 2) IRS DirectPay or 3) Electronic Federal Tax Payment System (EFTPS). Enrollment in one of

these payment avenues may be required and normally payments must be scheduled by 8 p.m. (EST) before the date the deposit is due. There are penalties for depositing late, or for mailing payments directly to the IRS that are required to be electronically deposited, unless you have reasonable cause for doing so. Other avenues for depositing taxes may be available, but fees may be incurred. You can arrange for your tax professional, financial institution, payroll service, or other trusted third party to make deposits on your behalf.

**KEY POINT** Under Executive Order 14247, the IRS is mandated to eliminate all paper payments both to and from the IRS. Compliance efforts began in September 2025 with individual tax refund payments. Transitioning for other payments is expected. Before sending any payments to the IRS using a paper check, be sure to review the current guidance on this topic, since instructions on forms may not be updated.

**KEY POINT** New churches in their first year of existence are treated as a monthly depositor unless the \$100,000 Next-Day Deposit Rule applies. Additionally, new churches, indicating they would be making payroll tax deposits, may be pre-enrolled in EFTPS and may receive a letter with their four-digit EFTPS PIN.

**Step 8. All employers subject to income tax withholding, Social Security and Medicare taxes, or both, must file Form 941 quarterly.**

Form 941 reports the number of employees and amount of Social Security and Medicare taxes and withheld income taxes that are payable. Form 941 is due on the last day of the month following the end of each calendar quarter.

<b>Quarter</b>	<b>Ending</b>	<b>Due date of Form 941</b>
1st (Jan.–Mar.)	March 31	April 30
2nd (April–June)	June 30	July 31
3rd (July–Sept.)	September 30	October 31

4th (Oct.–Dec.)	December 31	January 31
-----------------	-------------	------------

If any due date for filing shown above falls on a Saturday, Sunday, or legal holiday, you may file your return on the next business day.

Form 941 may be filed electronically through a tax professional or payroll provider, or by utilizing an IRS-approved software. For more information, visit the IRS website at <https://www.irs.gov/businesses/e-file-employment-tax-forms>.

**KEY POINT** Form 944 replaces Form 941 for eligible small employers. The purpose of Form 944 is to reduce the burden on the smallest employers by allowing them to file their employment tax returns annually, and in most cases pay the employment tax due with their return. Generally, you are eligible to file this form only if your payroll taxes for the year are \$1,000 or less. Do not file Form 944 unless the IRS has sent your church a notice telling you to file it. If a church believes it is eligible for this filing, it may contact the IRS and request a change in its filing requirements.

## **Step 9. Prepare a Form W-2 for every employee, including ministers employed by the church.**

A church reports each employee’s taxable income and withheld income taxes as well as Social Security and Medicare taxes on this form. A church should furnish copies B, C, and 2 of the 2025 Form W-2 to each employee by February 2, 2026. File Copy A with the Social Security Administration by February 2, 2026. If filing paper copies, send all Copies A with Form W-3, Transmittal of Wage and Tax Statements. If a church files 10 or more forms of any combination of W-2 or 1099, it must submit the forms electronically. Churches new to the electronic filing requirements may be able to utilize the Social Security Administration’s Business Services Online option to electronically file the forms. There are also other independent providers available to provide for electronic filing at a reasonable price.

**KEY POINT** Be sure to add cents to all amounts. Make all dollar entries without a dollar sign and comma, but with a decimal point and cents. For example, \$1,000 should read “1000.00.” Government scanning equipment assumes that the last two figures of any amount are cents. If you report \$40,000 of income as “40000,” the scanning equipment would interpret this as 400.00 (\$400)!

**KEY POINT** A church may be in an area of the country designated for disaster relief affecting filing deadlines. Information related to disaster relief may be found at <https://www.irs.gov/newsroom/tax-relief-in-disaster-situations>.

You may need some assistance with some of the boxes on Form W-2. Consider the following:

**Box a.** Report the employee's Social Security number. If you do not provide the correct employee's name and Social Security number on Form W-2, you may owe a penalty unless you have reasonable cause.

Insert "applied for" if an employee does not have a Social Security number but has applied for one. If you are filing the forms electronically, you will need to leave the box blank as most systems will not accept "applied for." Additionally, most systems may not allow the box to be blank, so steps should be taken to avoid this situation.

**Box b.** Insert your church's federal employer identification number (EIN). This is a nine-digit number that is assigned by the IRS. (See previous section on obtaining an EIN, if you do not have one.) Some churches have more than one EIN (for example, some churches that operate a private school have a number for both the church and the school). Be sure that the EIN listed on an employee's Form W-2 is the one associated with the employee's actual employer.

**KEY POINT** A church should not have more than one employer identification number. If your church has more than one, then steps should be taken to bring all payroll reporting under one number and discontinue use of the second number.

**Box c.** Enter your church's name, address, and ZIP Code. This should be the same address reported on your Form 941.

**Box d.** You may use this box to identify individual W-2 forms. You are not required to use this box.

**Box e.** Enter the employee's name.

**Box f.** Enter the employee's address and ZIP Code.

**Box 1.** Report all federal taxable wages paid to workers who are treated as employees for federal income tax reporting purposes. This includes:

- Salary, bonuses, prizes, and awards.
- Taxable fringe benefits (including cost of employer-provided group term life insurance coverage that exceeds \$50,000).

- Costs associated with life insurance not offered through a group term life insurance benefit plan and that is not considered as key man life insurance.
- The value of the personal use of an employer-provided car.
- Most Christmas, birthday, anniversary, retirement, and other special occasion gifts (including “love” gifts) paid by the church. Tax-free gifts may not be provided to an employee by an employer other than of a token value.
- Business expense reimbursements paid under a nonaccountable plan (one that does not require substantiation of business expenses within a reasonable time or does not require excess reimbursements to be returned to the church or reimburses expenses out of salary reductions). Also note that such reimbursements are subject to income tax and Social Security withholding if paid to nonminister employees.
- Excess reimbursements paid through an accountable plan are included in an employee’s gross income and are reported on Form W-2. This may include a per diem or mileage allowance paid in excess of the approved amounts published by the IRS. Report the amount treated as substantiated (that is, the nontaxable portion) in box 12 using code L.
- Moving expenses and expense reimbursements (except for reimbursements of the travel expenses of members of the US armed forces on active duty, and travel expense reimbursements for certain members of the US intelligence community beginning in 2026).
- Any portion of a minister’s self-employment taxes paid by the church.
- Amounts includible in income under a nonqualified deferred compensation plan because of section 409A.
- Designated Roth contributions made under a section 403(b) salary reduction agreement.
- Church reimbursements of a spouse’s travel expenses incurred while accompanying a minister on a business trip represent income to the minister unless the spouse’s presence serves a legitimate and necessary business purpose and the spouse’s expenses are reimbursed by the church under an accountable plan.
- Churches that make a “below-market loan” to a minister of at least \$10,000 create taxable income to the minister (some exceptions apply). A below-market loan is a loan on which no interest is charged, or on which interest is charged at a rate below the applicable federal rate. (Employer-provided loans may create taxable income for the full amount of the loan. Any loan by a church to an individual should be reviewed by professional counsel.)
- Churches that forgive a minister’s debt to the church create taxable income to the minister.
- Severance pay.
- Payment of a minister’s personal expenses by the church.
- Employee contributions to a health savings account (HSA) unless contributed through a Section 125 cafeteria plan.
- Employer contributions to an HSA if includable in the income of the employee.

- Employee contributions towards group health insurance premiums unless they are contributed through a Section 125 cafeteria plan.

For ministers who report their income taxes as employees, do not report in box 1 the annual fair rental value of a parsonage or any portion of a minister's compensation that was designated (in advance) as a housing allowance by the church. Also, some contributions made to certain retirement plans out of an employee's wages are not reported. If the nontaxable portion of a housing allowance (the lesser of actual expenses or the FRV plus utilities) is less than the church-designated allowance, it is the minister's responsibility to report the excess housing allowance as additional income on line 1h of his or her Form 1040 (if an employee) or on Schedule C (if self-employed, however, such a status would be rare).

**CAUTION** Taxable fringe benefits not reported as income in box 1 may constitute an automatic excess benefit transaction exposing certain recipients and members of a church's governing body to intermediate sanctions in the form of substantial excise taxes.

**KEY POINT** Churches should not include in box 1 the annual fair rental value of a parsonage or a housing allowance provided to a minister as compensation for ministerial services.

**Box 2.** List all federal income taxes that you withheld from the employee's wages. The amounts reported in this box (for all employees) should correspond to the amount of withheld income taxes reported on your four 941 forms.

**Box 3.** Report an employee's wages subject to the "Social Security" component (the 6.2 percent rate for 2025) of FICA taxes. Box 3 should not list more than the maximum wage base for the "Social Security" component of FICA taxes (\$176,100 for 2025, \$184,500 for 2026). This box usually will be the same as Box 1 subject to the wage limitations, but not always. For example, certain retirement contributions are included in Box 3 that are not included in Box 1. To illustrate, contributions to a 403(b) plan by salary reduction agreement may be excludable from income and not reportable in Box 1, but they are subject to FICA taxes and accordingly they represent Social Security and Medicare wages for nonminister employees.

**KEY POINT** Remember that ministers (including those who report their income taxes as employees) are self-employed for Social Security with respect to their ministerial services, and so they pay self-employment taxes rather than the

employee's share of Social Security and Medicare taxes. There should never be any amounts in Boxes 3, 4, 5 or 6 on a minister's Form W-2.

Churches that filed a timely Form 8274 exempting themselves from the employer's share of taxes do not report the wages of nonminister employees in this box since such employees are considered self-employed for Social Security purposes.

**Box 4.** Report the "Social Security" component (6.2 percent) of Social Security and Medicare taxes that you withheld from a nonminister employee's wages. This tax is imposed on all taxable wages up to a maximum of \$176,100 for 2025 and \$184,500 for 2026. Do not report the church's portion (the "employer's share") of Social Security and Medicare taxes. Ministers who report their income taxes as employees are still treated as self-employed for Social Security with respect to compensation from the performance of ministerial services. For ministers, this box should be left blank.

**Box 5.** Report a nonminister employee's current and deferred (if any) wages subject to the Medicare component (1.45 percent) of FICA taxes. This will be an employee's entire wages regardless of amount. There is no ceiling. For persons earning less than the annual maximum earnings subject to the 6.2 percent Social Security tax of \$176,100 for 2025 (\$184,500 for 2026) Box 3 and Box 5 both should show the same amount. If you pay more than \$176,100 to a nonminister employee in 2025, Box 3 should show \$176,100 and Box 5 should show the full amount of wages paid that are subject to the tax.

**Box 6.** Report the Medicare component of FICA taxes that you withheld from the nonminister employee's wages. This tax is imposed on all taxable wages, current and deferred (if any), regardless of amount. The box will also include the additional Medicare tax withheld on wages greater than \$200,000 and previously discussed. For ministers, this box should be left blank.

**Box 10.** Show the total dependent care benefits under a dependent care assistance program (section 129) paid or incurred by you for your employee. Include the fair market value of employer-provided daycare facilities and amounts paid or incurred for dependent care assistance through a section 125 cafeteria plan. Report all amounts paid or incurred including those in excess of the exclusion. For 2025, the maximum available exclusion is \$5,000 and for 2026 it increases to \$7,500. Include any amounts over the exclusion amount in Boxes 1, 3, and 5. For more information, see *IRS Publication 15-B*.

**KEY POINT** Many churches do not realize that providing a discount at the church's daycare program, or in some instances a preschool program, may be the operation of a dependent care plan and by not realizing this, churches then fail to value the discount for reporting in Box 10 or inclusion in taxable income if more

than the available exclusion. If this is a church's practice, it should obtain professional advice to confirm the plan complies with all the applicable rules for dependent care plans and not just the reporting rules.

**KEY POINT** The One Big Beautiful Bill Act raised the exclusion amount for dependent care benefits from \$5,000 to \$7,500 starting in 2026.

**Box 11.** The purpose of box 11 is for the Social Security Administration (SSA) to determine if any part of the amount reported in Box 1 or Boxes 3 or 5 was earned in a prior year. The SSA uses this information to verify that they have properly applied the Social Security earnings test and paid the correct amount of benefits. Report distributions to an employee from a nonqualified plan in Box 11. Also report these distributions in Box 1. Under nonqualified plans, deferred amounts that are no longer subject to a substantial risk of forfeiture are taxable even if not distributed. Report these amounts in Boxes 3 (up to the Social Security wage base) and 5. Do not report in Box 11 deferrals included in Boxes 3 or 5 and deferrals for current year services (such as those with no risk of forfeiture).

If you made distributions and also are reporting any deferrals in Boxes 3 or 5, do not complete Box 11. See *IRS Publication 957*.

Unlike qualified plans, nonqualified plans do not meet the qualification requirements for tax-favored status. Nonqualified plans include those arrangements traditionally viewed as deferring the receipt of current compensation, such as a rabbi trust. Welfare benefit plans and plans providing termination pay, or early retirement pay, are not generally nonqualified plans.

**KEY POINT** Nonqualified retirement plans are subject to many difficult technical rules and substantial penalties for compliance failures. These rules apply to any promises to pay a retired minister out of the general assets of the church. Additional information is available in *IRS Publication 15* and *IRS Publication 957*, but qualified professional guidance is also recommended.

**Box 12.** Insert the appropriate code and dollar amount in this box. Insert the code letter followed by a space and then insert the dollar amount on the same line within the box. Do not enter more than four codes in this box. If more are needed, use another Form W-2. Use capital letters for the codes and remember not to use dollar signs or commas. For example, to report a \$3,000 contribution to a section 403(b) tax-sheltered annuity, you would report "E 3000.00" in this box. The codes are as follows:

A—This will not apply to church employees.

B—This will not apply to church employees.

C—You (the church) provided your employee with more than \$50,000 of group term life insurance. Report the value of coverage in excess of \$50,000. (See *IRS Publication 15-B* for calculation of the value of the coverage in excess of \$50,000.) It should also be included in Box 1 (and in Boxes 3 and 5 for nonminister employees).

**CAUTION** This is the special consideration for benefits meeting the definition of “group term life insurance” plans and should not be confused with the taxable benefit created by providing life insurance only to select employees. See more information contained within this guide on this topic.

D—Generally not applicable to churches, however, some churches have adopted 401(k) plans and would use this box to report elective deferrals into those plans.

E—The church made contributions to a 403(b) plan pursuant to a “salary reduction agreement” on behalf of the employee. Report the amount of the contributions. While this amount ordinarily is not reported in Box 1, it is included in Boxes 3 and 5 for nonminister employees since it is subject to Social Security and Medicare taxes with respect to such workers.

F—Generally not applicable to churches.

G—Generally not applicable to churches.

H—Generally not applicable to churches.

J—You (the church) are reporting sick pay. Show the amount of any sick pay that is not includable in the employee’s income because he or she contributed to the sick pay plan.

K—Generally not applicable to churches.

L—You (the church) reimbursed the employee for employee business expenses using the standard mileage rate or the per diem rates, and the amount you reimbursed exceeds the amounts allowed under these methods. Enter code “L” in Box 12, followed by the amount of the reimbursements that equal the allowable standard mileage or per diem rates. Any excess should be included in Box 1. For nonminister employees, report the excess in Boxes 3 (up to the Social Security wage base) and 5 as well. Do not include any per diem or mileage allowance reimbursements for employee business expenses in Box 12 if the total reimbursements are less than or

equal to the amount deemed substantiated under the IRS-approved standard mileage rate or per diem rates.

M, N—Generally not applicable to churches.

P – Not applicable to churches.

Q—Generally not applicable to churches.

R—Report employer contributions to an Archer Medical Savings Account on behalf of the employee. Any portion that is not excluded from the employee's income also should be included in Box 1.

S—Report employee salary reduction contributions to a SIMPLE individual retirement account. However, if the SIMPLE account is part of a 401(k) plan, use code D.

T—Report amounts paid (or expenses incurred) by an employer for qualified adoption expenses furnished to an employee under an adoption assistance program that are not included in Box 1.

V—Generally not applicable to churches.

W—Report employer contributions to a health savings account (HSA). Include amounts the employee elected to contribute using a cafeteria plan.

Y—It is no longer necessary to report deferrals under a section 409A nonqualified deferred compensation plan in Box 12 using code Y.

Z—Report all amounts deferred (including earnings on deferrals) under a nonqualified deferred compensation (NQDC) plan that are included in income under section 409A of the tax code because the NQDC fails to satisfy the requirements of section 409A. Do not include amounts properly reported on Forms 1099-MISC or W-2 for a prior year. Also, do not include amounts considered to be subject to a substantial risk of forfeiture for purposes of section 409A. The amount reported in Box 12 using code Z is also reported in Box 1.

AA—Generally not applicable to churches unless a church operates a 401(k) plan.

BB—Report designated Roth contributions under a section 403(b) salary reduction agreement. Do not use this code to report regular elective deferrals to a section 403(b) plan as these are reported under code E.

DD—The Affordable Care Act requires employers to report the cost of coverage under an employer-sponsored group health plan. IRS Notice 2011-28 provided relief for smaller employers filing fewer than 250 W-2 forms by making the reporting

requirement optional for them until further guidance is issued by the IRS. The reporting under this provision is for information only; the amounts reported are not included in taxable wages and are not subject to new taxes.

EE—Generally not applicable to churches.

FF-- Use this code to report the total amount of permitted benefits under a QSEHRA. The maximum reimbursement for an eligible employee under a QSEHRA for 2025 is \$6,350 (\$12,800 if it also provides reimbursements for family members). Report the amounts of payments and reimbursements the employee is entitled to receive under the QSEHRA for the calendar year, not the amount the employee actually receives. For example, a QSEHRA provides a permitted benefit of \$3,000. If the employee receives reimbursements of \$2,000, report a permitted benefit of \$3,000 in Box 12 with code FF.

GG—Generally not applicable to churches.

HH—Generally not applicable to churches.

II—Generally not applicable to churches.

TA – Report amount contributed to a qualifying Trump account for a qualifying employee or their dependent (new for the tax year 2026 W-2)

TP – Report the amount of qualified tips paid to an employee (new for the tax year 2026 W-2)

TT – Report the amount of qualified overtime paid to the employee during the tax year (new for the tax year 2026 W-2)

**KEY POINT** The One Big Beautiful Bill Act created deductions available for taxpayers receiving qualified tips or qualified overtime. These amounts are required to be reported by the employer to the employee. The deductions are effective for the 2025 tax year.

However, the IRS announced 2025 will be a transitional period, and thus 2025 Forms W-2 and 1099 will not be updated.

The agency also announced no penalties will be assessed for 2025 for failure to separately report the total amount of qualified overtime compensation or for failure to separately report amounts reasonably designated as cash tips or the occupation of the individual receiving these tips. The IRS encourages employers to find other acceptable methods to communicate this information to employees for the 2025 tax year, including utilizing Box 14 on the 2025 Form W-2.

Separately in November, the IRS announced [eligible occupations](#) for the qualified tips deduction.

**Box 13.** Check the appropriate box.

*Statutory employee.* Churches rarely if ever have statutory employees. These include certain drivers, insurance agents, and salespersons.

*Retirement plan.* Mark this checkbox if the employee was an active participant (for any part of the year) in any of the following: (1) a qualified pension, profit-sharing, or stock bonus plan described in section 401(a) (including a 401(k) plan); (2) an annuity contract or custodial account described in section 403(b); (3) a simplified employee pension (SEP) plan; or (4) a SIMPLE retirement account.

*Third party sick pay.* Churches generally will not check this box.

**Box 14.** This box is optional. Use it to provide information to an employee. Some churches report a church-designated housing allowance in this box. The IRS uses Box 14 for this purpose in a comprehensive minister tax example in the current edition of its *IRS Publication 517*, but this is not a requirement.

**KEY POINT** Note these changes coming with the 2026 tax year:

**Box 14a** Utilize this box as described above for Box 14

**Box 14b** For a taxpayer to claim a deduction for qualified tips listed in Box 12 Code TT, they must work in a qualifying industry. Approved industry codes have been established by the IRS and the applicable code must be reported in this box starting with 2026 W-2s.

**TAX TIP** The IRS has provided the following suggestions to reduce the discrepancies between amounts reported on Forms W-2, W-3, and Form 941: First, be sure the amounts on Form W-3 are the total amounts from Forms W-2. Second, reconcile Form W-3 with your four quarterly Forms 941 by comparing amounts reported for: (1) Income tax withholding (Box 2). (2) Social Security and Medicare wages (Boxes 3, 5, and 7). (3) Social Security and Medicare taxes (Boxes 4 and 6). Amounts reported on Forms W-2, W-3, and 941 may not match for valid reasons. If they do not match, you should determine that the reasons are valid. The Social Security Administration will issue an inquiry notice when these amounts do not match.

## **Step 10. Prepare a Form 1099-NEC for every independent contractor receiving nonemployee compensation over the reporting threshold**

By February 2, 2026, churches must furnish Copy B of Form 1099-NEC Nonemployee Compensation to any independent contractor to whom the church paid nonemployee compensation of \$600 or more in 2025. This form (rather than a W-2) should be provided to clergy who report their federal income taxes as self-employed, since the Tax Court and the IRS have both ruled that a worker who receives a W-2 rather than a 1099-NEC is presumed to be an employee rather than self-employed. The reverse is also true. When a worker receives a 1099-NEC, rather than a W-2, the worker is presumed not to be an employee and is ineligible for favorable tax treatment of employer provided benefits. Other persons to whom churches may be required to issue a 1099-NEC include evangelists, guest speakers, and contractors.

**TAX TIP** Churches should not only look at payments to individuals for 1099-NEC reporting. Payments to limited liability companies (LLC) and partnerships are also subject to reporting on Form 1099-NEC. Payments to attorneys in excess of the reporting thresholds are reportable even if the law firm is incorporated. These payees are often overlooked when preparing Form 1099-NEC.

Whether filing paper forms or electronically, the forms are due to the IRS by February 2, 2026. Churches must send the actual red copies of Copy A of Forms 1099-NEC, along with Form 1096 if submitting paper forms. The forms are required to be filed electronically if the church is filing 10 or more reporting forms of any type, including forms W-2, 1099-NEC, and 1099-MISC.

**TAX TIP** There are independent vendors who can easily assist with the electronic filing for a reasonable fee, if a church's accounting software does not provide for the electronic filing. Additionally, the IRS's Information Return Intake System (IRIS) is available for the 2025 tax year filings. It allows employers to file electronically without special software. Filing electronically is a more secure option than submitting paper returns to the IRS and is required for most employers for the 2025 tax year. IRIS is a free system, but employers must apply to be able to use it.

To illustrate, if a guest speaker visited a church in 2025 and received compensation from the church in an amount of \$600 or more (net of any housing allowance or travel

expenses reimbursed under an accountable plan) then the church must issue the person Copy B of Form 1099-NEC by February 2, 2026.

Exceptions apply. For example, a church need not issue a 1099-NEC to a corporation (other than to attorneys that are incorporated), or to a person who will be receiving a Form W-2 for services rendered to the church (all income should be reported on the Form W-2). Payments to persons made with a credit card or through an outside processor, such as Venmo or PayPal, are not required to be reported on Form 1099-NEC since the payment processing centers report these payments through the 1099-K reporting requirements. This does not apply to payments made through Zelle or ACH banking transactions.

Travel expense reimbursements paid to a self-employed person under an accountable reimbursement plan do not count toward the \$600 figure. Additionally, if supplies are purchased from a self-employed person, the amount does not count toward the \$600 filing limit if the amount for the supplies has been separately stated on the invoice from the contractor.

To complete Form 1099-NEC, the church will need to obtain the recipient's name, address, and Social Security number/employer identification number. Churches should obtain this information at the time services are rendered since it often can be difficult to obtain the necessary information at a later date. IRS Form W-9 can be used to obtain this information. If an independent contractor who is paid more than the reporting thresholds during the course of a year by a church refuses to provide a Social Security number or employer identification number, then the church is required to withhold a percentage of the person's total compensation as "backup withholding." See "Step 3," above. The backup withholding rate is 24 percent.

**KEY POINT** The One Big Beautiful Bill Act granted long-awaited filing relief. For payments made *after* December 31, 2025, reporting on Forms 1099-NEC and 1099-MISC is required when payments total \$2,000 or more, rather than the long-standing lower amount of \$600. Churches should experience some filing relief in 2027 when there are fewer payments to report for contractors.

# OTHER IMPORTANT REQUIREMENTS FOR CHURCHES

## Reporting group term life insurance

You must include in the income of employees an imputed cost of employer-provided group term life insurance coverage (including death benefits under the Benefits Plan) that exceeds \$50,000. You must also include the imputed cost of all employer-provided group term life insurance on the life of a spouse or dependent if the coverage provided exceeds \$2,000. The imputed cost can be determined according to the following table.

Cost per \$1,000 of protection for 1-month period			
Age Brackets	Cost	Age Brackets	Cost
Under 25	5 cents	25 to 29	6 cents
30 to 34	8 cents	35 to 39	9 cents
40 to 44	10 cents	45 to 49	15 cents
50 to 54	23 cents	55 to 59	43 cents
60 to 64	66 cents	65 to 69	\$1.27
70 and above	\$2.06		

**EXAMPLE** Church A pays the premiums on a \$70,000 group term insurance policy on the life of Pastor B with B's wife as beneficiary. Pastor B is 29 years old. Church A also pays the premium on a \$5,000 group term policy which covers Pastor B's wife who is 30 years old. The church would have to report \$19.20 as the imputed cost of the insurance provided to Pastor B and his wife. This amount is computed as follows: (1) For Pastor B, the table shows the "cost" per month for each \$1,000 of group term life insurance in excess of \$50,000. To compute the cost for Pastor B, take 6 cents x 12 months = 72 cents x 20 (corresponding to \$20,000 of group term insurance in excess of \$50,000) = \$14.40. (2) In addition, the cost of the entire \$5,000 of insurance provided to Pastor B's wife would have to be computed. Take 8 cents x 12 months = 96 cents x 5 = \$4.80. Combine this amount with the cost of Pastor B's excess insurance to obtain the taxable amount

of \$19.20. Church A should include this amount with wages in Box 1 of Form W-2. This amount should also be reported in Box 12 and labeled code C. Any includable amount is subject to income tax as well as Social Security and Medicare withholding for nonminister church employees.

**KEY POINT** All life insurance plans are not “group” life insurance plans. Before the above provisions are applied in computing taxable income for an employee, it should be confirmed that the church is operating a group life insurance plan.

## Form I-9

Form I-9 must be used to verify the identity and employment authorization of individuals hired for employment in the United States. In 2023, U.S. Citizenship and Immigration Services (USCIS) updated the Form I-9, Employment Eligibility Verification. USCIS made significant changes to the form and its instructions, including a checkbox to indicate that an employee’s Form I-9 documentation was examined using an authorized alternative procedure from the Department of Homeland Security (DHS). Identity documentation is required to be physically examined by the employer and not collected virtually unless using a DHS-authorized alternative procedure. To utilize an alternate procedure, the church must participate in E-Verify at [e-verify.gov](https://e-verify.gov).

Form I-9, Employment Eligibility Verification, with a version date of “(Rev. 01/20/25)” is available for use beginning January 20, 2025, and must be used. The prior version of Form I-9 (Rev. 08/01/23) was effective through January 19, 2025.

The Form I-9 contains two sections and two supplements:

- Section 1 of the form collects, at the time of hire, identifying information about the employee (and preparer or translator if used), and requires the employee to attest to whether the employee is a U.S. citizen, noncitizen national, lawful permanent resident, or noncitizen authorized to work in the United States.
- Section 2 of the form collects, within three days of the employee’s hire, identifying information about the employer and information regarding the employee’s identity and employment authorization. The employee must present original documentation evidencing the employee’s identity and employment authorization, which the employer must review. This documentation must be physically examined by the employer unless using an approved DHS procedure. Special procedures instituted during the COVID-19 pandemic have ended. An employee must be provided with the list of acceptable documents and may choose from the list at their discretion. An employer may not decide what documents must be presented.

- Supplement A, Preparer and/or Translator Certification for Section 1, is completed when employees have preparers or translators assist them in completing Section 1 of Form I-9.
- Supplement B, Reverification and Rehire (formerly Section 3), is primarily used to verify the continued employment authorization of the employee. This Supplement is completed prior to the date that the employee's employment authorization or employment authorization documentation recorded in either Section 1 or Section 2 of the form expires, if applicable. This Supplement may also be used if the employee is rehired within three (3) years of the date of the initial completion of the form and to record a name change.

Employers must maintain Forms I-9 for as long as an individual works for the employer and for the required retention period after the termination of an individual's employment (either three (3) years after the date of hire or one (1) year after the date employment ended, whichever is later). Also, employers must make their employees' Forms I-9 available for inspection upon request by officers of the Department of Homeland Security (DHS), the Immigrant and Employee Rights Section (IER) in the US Department of Justice's Civil Rights Division, and the US Department of Labor. An employer's failure to ensure proper completion and retention of Forms I-9 may subject the employer to civil money penalties, and, in some cases, criminal penalties.

Beginning March 20, 2025, employers who fail to use Form I-9 (Rev. 01/20/25) may be subject to all applicable penalties under the Immigration and Nationality Act as enforced by U.S. Immigration and Customs Enforcement (ICE).

Employers do not need to complete the new Form I-9 (Rev. 01/20/25) for current employees who already have a properly completed Form I-9 on file, unless reverification applies after March 21, 2026. Unnecessary verification may violate the INA's anti-discrimination provision.

Employers may download the new Form I-9 (Rev. 01/20/25) from the USCIS website at <https://www.uscis.gov/sites/default/files/document/forms/i-9.pdf>. For more information, the public can contact the USCIS through one of the resources located at <https://www.uscis.gov/about-us/contact-us> or visit USCIS' I-9 Central web page at <https://www.uscis.gov/i-9>.

## **Annual certification of racial nondiscrimination**

Churches and other religious organizations that operate, supervise, or control a private school must file a certificate of racial nondiscrimination (Form 5578) each year with the

IRS. The certificate is due by the 15th day of the 5th month following the end of the organization's fiscal year. This is May 15 of the following year for organizations that operate on a calendar-year basis. For example, Form 5578 for 2025 is due May 15, 2026.

A private school is defined as an educational organization that normally maintains a regular faculty and curriculum and normally has a regularly enrolled body of pupils or students in attendance at the place where its educational activities are regularly conducted. The term includes primary, secondary, preparatory, or high schools; and it includes colleges and universities, whether operated as a separate legal entity or an activity of a church.

**KEY POINT** The term “school” also includes preschools, and this is what makes the reporting requirement relevant for many churches. As many as 25 percent of all churches operate a preschool program. It is often difficult to determine if a preschool is a “school” or a “daycare.” It may be advisable to adhere to these requirements even if the program appears to be a “daycare” to protect the church from an adverse consequence from failure to comply.

**KEY POINT** The instructions to Form 5578 state: “Every organization that claims exemption from federal income tax under section 501(c)(3) of the Internal Revenue Code and that operates, supervises, or controls a private school(s) must file a certification of racial nondiscrimination. If an organization is required to file Form 990 . . . either as a separate return or as part of a group return, the certification must be made on Schedule E (Form 990 or 990-EZ) . . . rather than on this form.

While Form 5578 is easy to complete, it is an attestation that the school is compliant with federal nondiscrimination requirements operationally and meets publication requirements. A church official identifies the church and the school and certifies that the school has “satisfied the applicable requirements of sections 4.01 through 4.05 of Revenue Procedure 75-50.” This reference is to the following requirements:

1. The school has a statement in its charter, bylaws, or other governing instrument, or in a resolution of its governing body, that it has a racially nondiscriminatory policy toward students.
2. The school has a statement of its racially nondiscriminatory policy toward students in all its brochures and catalogs dealing with student admissions, programs, and scholarships.
3. The school makes its racially nondiscriminatory policy known to all segments of the general community served by the school through the publication of a notice of

its racially nondiscriminatory policy at least annually in: a newspaper of general circulation; through utilization of the broadcast media; or by displaying a notice of its racially nondiscriminatory policy on its primary publicly accessible internet homepage at all times during its taxable year (excluding temporary outages due to website maintenance or technical problems) in a manner reasonably expected to be noticed by visitors to the homepage.

**TIP** Find the IRS template for a notice and other details in [this article](#) on ChurchLawAndTax.com.

However, such notice is not required if one or more exceptions apply. These include the following: (1) During the preceding three years, the enrollment consists of students at least 75 percent of whom are members of the sponsoring church or religious denomination, and the school publicizes its nondiscriminatory policy in religious periodicals distributed in the community. (2) The school draws its students from local communities and follows a racially nondiscriminatory policy toward students and demonstrates that it follows a racially nondiscriminatory policy by showing that it currently enrolls students of racial minority groups in meaningful numbers.

4. The school can demonstrate that all scholarships or other comparable benefits are offered on a racially nondiscriminatory basis.

Filing the certificate of racial nondiscrimination is one of the most commonly ignored federal reporting requirements. Churches that operate a private school (including a preschool), as well as independent schools, may obtain Form 5578 from the IRS website ([irs.gov](http://irs.gov)). Failure to file Form 5578 when required may threaten a church's tax-exempt status.

**KEY POINT** Some independent religious schools that are not operated or controlled by a church or other religious organization are required to file Form 990 with the IRS each year. Schools that are required to file Form 990 make their annual certifications of racial nondiscrimination through those filings.

## Charitable contribution substantiation rules

For donors claiming a deduction for their charitable contributions, several important rules apply to the substantiation of charitable contributions, including the following:

**Cash contributions.** All cash contributions, regardless of amount, must be substantiated by either a bank record (such as a cancelled check or clear notation on a bank statement)

or a written communication from the church showing the name of the church, the date of the contribution, and the amount of the contribution. The recordkeeping requirements *may not be satisfied by maintaining other written records*. As noted below, additional substantiation requirements apply to contributions (of cash or property) of \$250 or more, and these must be satisfied as well.

***Substantiation of contributions of \$250 or more.*** Donors will not be allowed a tax deduction for any individual cash (or property) contribution of \$250 or more unless they receive a written acknowledgment from the church containing the following information:

- Name of the church.
- Name of the donor (a Social Security number is not required).
- Date of the contribution.
- Amount of any cash contribution.
- For contributions of property (not including cash) valued by the donor at \$250 or more, the receipt must describe the property. No value should be stated.
- The receipt must contain one of the following: (1) a statement that no goods or services were provided by the church in return for the contribution; (2) a statement that goods or services that a church provided in return for the contribution consisted entirely of intangible religious benefits; or (3) a description and good faith estimate of the value of goods or services other than intangible religious benefits that the church provided in return for the contribution.
- The church may either provide separate acknowledgements for each single contribution of \$250 or more or one acknowledgement to substantiate several single contributions of \$250 or more. Separate contributions are not aggregated for purposes of measuring the \$250 threshold unless they are related to a single transaction.
- The written acknowledgment must be received by the donor on or before the earlier of the following two dates: (1) the date the donor files a tax return claiming a deduction for the contribution, or (2) the due date (including extensions) for filing the return. To assist donors with complying with this requirement, it is recommended that the acknowledgements be dated by the church when they are issued.

***Gifts of property.*** Several additional rules apply to the substantiation of contributions of noncash property valued by the donor at \$500 or more. Donors who claim a deduction over \$500, but not over \$5,000, for a noncash charitable contribution must retain certain

records and complete Section A of IRS Form 8283 and enclose the completed form with the Form 1040 on which the charitable contribution is claimed.

Special rules apply to donations of cars, boats, and planes valued by the donor at more than \$500. The church must provide the donor with a written acknowledgment containing certain information. These requirements may be fulfilled by filing Form 1098-C with the IRS containing required information about the donation and providing Copy B to the donor. See the instructions to Form 1098-C for more information. Failure to file Form 1098-C can result in penalties assessed to the church and a loss of the donation deduction by the donor.

Generally, you must furnish Copies B and C of this form to the donor no later than 30 days after the date of sale if Box 4a is checked or 30 days after the date of the contribution if Box 5a or 5b is checked. If Box 7 is checked, do not file Copy A with the IRS and do not furnish Copy B to the donor. You may furnish Copy C to the donor. The donor is required to obtain Copy C or a similar acknowledgment by the earlier of the due date (including extensions) of the donor's income tax return for the year of the contribution or the date that return is filed. Form 1098-C is not provided to the donor at the end of the tax year. All Forms 1098-C issued during a tax year are provided to the IRS by February 28 of the next tax year. Electronic filing is required for the form if 10 or more of the W-2/1099 series forms are filed by the church. However, if the electronic filing rules do not apply to the church, this form may be filed using a black-and-white copy A with Form 1096 that is printed from the IRS website.

**KEY POINT** Most donors believe there is a “law” requiring churches and charities to issue contribution receipts by January 31 each year for the prior year. This is not true. Rather, the “law” requires donors to have the correct acknowledgments to claim the charitable contribution deduction but does not place any requirements on the church/charity to issue them. The issuance of acknowledgments meeting the above standards is a courtesy to the donor. However, the issuance of Form 1098-C is a legal requirement of the church/charity and does include penalties for noncompliance.

For contributions of noncash property valued at more than \$5,000 (\$10,000 for privately held stock), a donor must obtain a qualified appraisal of the donated property from a qualified appraiser and complete Section B of Form 8283. The form includes sections to be signed by the appraiser and a church representative. The completed Form 8283 is then included with the Form 1040 on which the charitable contribution deduction is claimed. The appraisal must be attached to Form 1040 for contributions of property (other than inventory and publicly traded securities) in excess of \$500,000. A church's completion of

Form 8283 for a donor does not constitute a written acknowledgement of the donation. The church must issue a qualifying written acknowledgement in addition to completing the necessary part of Form 8283 for the donor to be able to claim a donation.

**KEY POINT** The IRS considers contributions of cryptocurrency to be contributions of property. Therefore, any documentation requirements applicable to noncash contributions are applicable to the donation of cryptocurrency.

If a church must sign Form 8283 related to a noncash donation of \$5,000 or greater, it should maintain a copy of the signed Form 8283. If the property is disposed of within three years of the date of the gift, the church must file Form 8282 reporting the disposal to the IRS and in certain circumstances provide the original donor with a copy of the Form 8282. Form 8282 must be filed with the IRS within 125 days after the disposition.

## Affordable Care Act reporting

For certain employers providing health care fringe benefit plans additional reporting is required under the Affordable Care Act (ACA).

The reporting requirements consist of the following forms:

- **Forms 1094-B and 1095-B** Providers of minimum essential coverage are required to file Forms 1094-B and 1095-B to report certain information to the IRS and to employees about individuals who are covered by minimum essential coverage. For most insured plans, the health insurance issuers and carriers must file the form. For self-insured plans, the employer has the filing requirement. This can include a health reimbursement arrangement operated by the employer. The legal filing requirement for furnishing forms to employees is January 31 following the year of coverage. However, the IRS has provided for a permanent and automatic extension of time for providing the statements to individuals overriding the legal filing date. For coverage in 2025, forms are due to employees by March 2, 2026.

The forms must be filed with the IRS by March 2, 2026 (March 31, 2026, if filed electronically).

- **Forms 1094-C and 1095-C** Applicable Large Employers, generally employers with 50 or more full-time employees (including full-time equivalent employees) in the previous year, must file one or more Forms 1094-C (including a Form 1094-C designated as the Authoritative Transmittal, whether or not filing multiple Forms 1094-C), and must file a Form 1095-C for each employee who was a full-time employee of the employer for any month of the calendar year. Generally, the

employer is required to furnish a copy of the Form 1095-C (or a substitute form) to the employee.

The legal filing requirement for furnishing forms to employees is January 31 following the year of coverage. However, the IRS has provided for a permanent and automatic extension of time for providing the statements to individuals overriding the legal filing date. For coverage in 2025, forms are due to employees by March 2, 2026.

The forms are required to be filed with the IRS by March 2, 2026 (March 31, 2026, if filed electronically). The information reported on Forms 1094-C and 1095-C is used to determine whether an employer owes a payment under the employer-shared responsibility provisions of Section 4980H and is also used in determining the eligibility of employees for the premium tax credit.

See the instructions to these forms on the IRS website ([irs.gov](https://www.irs.gov)) for more information.

**KEY POINT** Churches with fewer than 50 full-time employees, and an insured group health plan, generally have no reporting obligation. They are not required to file Forms 1094-C and 1095-C since they have fewer than 50 employees, and their group plan insurer files Forms 1094-B and 1095-B.

**KEY POINT** These forms are included in the mandatory e-filing requirement that is applicable if the church files 10 or more of a combination of any type of reporting form.

## **Foreign bank account reporting – FinCEN Form 114**

Many churches have extensive foreign mission operations across the globe. It is common for churches to establish “project accounts” to handle the receipt of funds related to a foreign project. These bank accounts may be held in the name of the church or in the name of a foreign nongovernmental organization.

These project accounts can trigger the U.S. filing requirement for the FinCEN Form 114.

This return is required of all U.S. persons (this includes churches) who have a financial interest in, or signature authority over, foreign financial accounts if the aggregate value of the foreign financial accounts exceeds \$10,000 at any time during the calendar year. This is a daily test and does not require funds to stay in an account for a certain period. Therefore, churches who hold accounts in their

own name or in the name of a foreign national acting on behalf of the church may have a filing requirement.

Additionally, any U.S. person who has signature authority on the account has a separate filing requirement. Therefore, it is possible that both the church and any officer, director or employee who may sign on the account may have a filing requirement.

The FinCEN Form 114 must be filed electronically through the FinCEN's BSA E-filing system and it is due by April 15 of the year following the calendar year being reported. There is an automatic extension to October 15 each year.

Non-willful failure-to-file penalties can be up to \$10,000 per form, and willful failure-to-file penalties are the higher of \$100,000 or 50-percent of the account's maximum value at the time of violation. Due to the punitive nature of the penalties for failure to file, churches should always take care to understand the application of these rules when working with foreign mission projects.

## HELPFUL NUMBERS AND RESOURCES

To request IRS forms: 800-TAX-FORM or 800-829-3676

IRS home page [irs.gov](https://www.irs.gov)

[ChurchLawAndTax.com](https://www.churchlawandtax.com)—A Church Law & Tax website featuring Richard Hammar and a host of other professionals who provide information on church law, tax, finance, and risk management.

[ChurchLawAndTaxStore.com](https://www.churchlawandtaxstore.com)—Church Law & Tax's online store with church management resources to keep your church safe, legal, and financially sound.

The online [\*Church & Clergy Tax Guide\*](#)—Richard Hammar's comprehensive tax reference, now available online and updated throughout the year for Church Law & Tax's Advantage Members.

[\*Church Compensation, Second Edition \(with 2025 Updates\)\*](#)—CPA Elaine Sommerville guides you through every aspect of employment compensation in easy-to-understand language.