SCHWAB CHARITABLE®

Contributing Real Estate to Charity

How Donors May Be Able to Eliminate Capital Gains Tax on Real Estate

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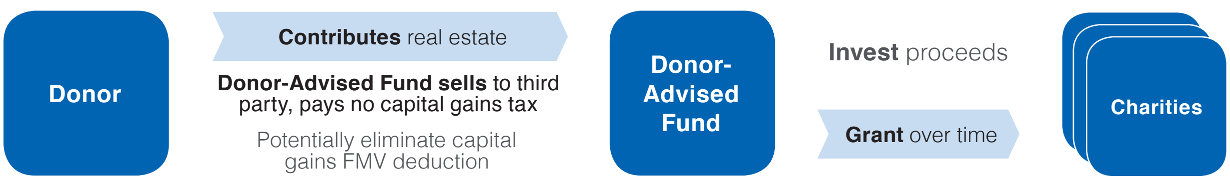
For philanthropically minded investors, non-cash assets that have appreciated most in value can be among the most tax-advantaged items to contribute to charity. Donating such assets may enable the donor to potentially eliminate capital gains liability on the sale of the assets and enjoy a current year tax deduction, if the donor itemizes, while allowing the charities they support to receive the most money possible.

Many investors find that their most appreciated assets come in the form of real estate—a piece of raw land, an investment property or a vacation home—that has been held for a long period of time and could create significant capital gains taxes when sold. By donating such assets to a public charity (including a donor-advised fund account), they can potentially eliminate capital gains tax liability on the sale of the real estate, take a full, fair market value (FMV) income tax deduction, if they itemize, for the donation. Contributions of similar assets to a private foundation would generally be deductible, for those who itemize, at the lower of cost basis or fair market value.



Considerations include:

- Real estate interests are generally appropriate to give to charity when a sale will enable the charity to convert the non-cash interest into cash. It makes the most sense to donate real estate that meets the following criteria:
  - The property has been held for more than a year and has appreciated significantly.
  - The property is marketable and relatively easy and cost-effective to liquidate.
  - The property is generally debt-free. (If there is debt on the property, the donor's contribution might be treated as a bargain sale to the charity, and the donor may be liable for certain taxes, e.g., capital gains.)
  - The owner is willing to transfer the property irrevocably to the donor-advised fund, which will negotiate the sale price and control the sale, often using an experienced intermediary.
- If a sale is expected, the terms of the sale should still be under negotiation. The documentation must not have proceeded to the point at which the IRS would consider it a prearranged sale. That could result in the donor bearing the tax liability for any gain on the sale.
- These criteria most often apply to donations of a primary or secondary home or other residential property held for some time. Commercial real estate may also be donated under certain circumstances. Such gifts involve additional legal and tax considerations.
- Contributions of real estate to a charity or donor-advised fund account are generally deductible, for those who itemize, at fair market value—as determined by an independent qualified appraiser*—on the date of contribution, whereas contributions of real estate to a private foundation are generally deductible, for those who itemize, at the lower of cost basis or fair market value.

Case Study—Contribution of Real Estate

New Hampshire vacation property worth $1,000,000. It is owned by a Living Revocable Trust, with no associated debt. Client, who is very charitably inclined and wants to involve family across the generations, seeks advice from an advisor.

	Sell property and donate proceeds to charity	Donate property directly to charity
Asset Value	$1,000,000	$1,000,000
Capital Gains (100% Long-Term)	$900,000	$900,000
Sales Price	$1,000,000	$1,000,000
Taxes Paid†	$214,200	$ -
Settlement Costs	$60,000	$60,000
Gift to Charity	$725,800	$940,000
Charitable Deduction for those who itemize‡	$725,800	$1,000,000
Donor Tax Savings§	$268,546	$370,000

Learn More

For more information about the potential advantages of contributing real estate to charity and for a detailed consultation about your specific situation, please call us at 800-746-6216 or visit us at www.schwabcharitable.org.

Gifts of appreciated privately held business interests can involve complicated tax analysis and advanced planning. The above article is meant only to be a general overview of some of the considerations and is not intended to provide tax or legal guidance. If you would like to consider a donation, please consult with your qualified legal or tax advisor.

A donor's ability to claim itemized deductions is subject to a variety of limitations depending on the donor's specific tax situation. Consult your tax advisor for more information.

* Qualified appraisal by qualified appraiser received prior to sale

† Hypothetical case study, for illustrative purposes only. Assumes cost basis of $100,000, that the investment has been held for more than a year and that all realized gains are subject to the 20% federal long-term capital gains tax rate plus the 3.8% Medicare net investment income surtax. Does not take into account any state or local taxes.

‡ Gifts to public charities, including donor-advised funds, of real property are typically deductible, for those who itemize, at fair market value as determined by a qualified appraisal, obtained by the donor. The allowable deduction was based on the qualified appraisal, and assumes no debt associated with the property. The example assumes full deductibility (gifts to a public charity [including donor-advised funds] of real property held for more than one year are generally limited to 30% of AGI with a 5-year carryover of unused amount).

§ Assumes donor is subject to the maximum 37% federal tax and does not account for state or local taxes. Certain federal income tax deductions, including the charitable contribution, are available only to taxpayers who itemize deductions, with adjusted gross income (AGI) above certain levels. In addition, deductions for charitable contributions may be limited based on the type of property donated, the type of charity, and the donor's AGI.

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