

# SECURE Act

## Retirement Plan Payouts to Beneficiaries Under the SECURE Act

(for deaths *after* 2019\*)

### \*Extended Effective Dates

The effective date for the elimination of the stretch and the new 10-year rule is generally for deaths after December 31, 2019. But that effective date is extended for two years (for deaths after December 31, 2021) for governmental plans, including certain 403(b) and 457(b) plans, and the Thrift Savings Plan. It is also extended for as long as two years for collectively bargained plans, depending on the expiration date of the union contract.

### Retirement Accounts Affected

The elimination of the stretch IRA and the new 10-year rule provisions apply to defined contributions plans, including 401(k), 403(b) and 457(b) plans, and traditional and Roth IRAs. They do not apply to defined benefit plans.

**Under the SECURE Act, there are now 3 kinds of retirement plan beneficiaries for determining post-death payouts after 2019:**

1. Non-Designated Beneficiary (NDB)
2. Non-Eligible Designated Beneficiary (NEDB)
3. Eligible Designated Beneficiary (EDB)

## 1. Non-Designated Beneficiary (NDB)

### No change from prior law

These are not people. Examples: Estate, charity or non-qualifying trust (non-look-through trust)

### Post-death Payout Rules for NDBs

Nothing changes --- Based on whether the IRA owner or plan participant dies before or after the owner's required beginning date (RBD). The RBD is generally April 1 after the year of the 72nd birthday.

If owner dies before the RBD, the account must be withdrawn by the end of the 5th year after death – the 5-year rule. There are no annual RMDs during the 5-year window.

If owner dies on or after the RBD, RMDs must be taken over the deceased IRA owner's (or plan participant's) remaining single life expectancy. (Note: This can produce a post-death payout exceeding 10 years. However, RMDs must be taken in each of those years.)

## 2. Non-Eligible Designated Beneficiary (NEDB)

### New 10-year rule

All designated beneficiaries who do not qualify as EDBs (see #3 below).

Examples: grandchildren, older children, some look-through trusts

### Post-death Payout Rules for NEDBs

No stretch IRA for deaths after 2019

No annual RMDs required

Entire account must be emptied by the end of the 10th year after death – the 10-year rule

## 3. Eligible Designated Beneficiary (EDB)

### Stretch still applies

EDBs are a new category of beneficiaries created under the SECURE Act.

The SECURE Act exempts these beneficiaries from the 10-year rule.

EDBs must be designated beneficiaries.

### 5 Classes of Eligible Designated Beneficiaries

1. Surviving spouses
2. Minor children of the account owner, up to majority, or if still in school, up to age 26 – but *not* grandchildren
3. Disabled individuals – under the strict IRS rules
4. Chronically ill individuals
5. Individuals not more than 10 years younger than the IRA owner

**Plus** - Any designated beneficiary (including qualifying trusts) who inherited *before* 2020. These beneficiaries are grandfathered under the pre-2020 stretch IRA rules. In addition, trusts for the sole benefit of these EDBs should qualify as an EDB.

**EDB status is determined at date of owner's (or plan participant's) death and cannot be changed.**

### Post-death Payout Rules for EDBs

Once an EDB no longer qualifies as an EDB, or dies, the 10-year rule is applied for them, or for their beneficiaries (i.e., successor beneficiaries).