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INSURANCE SOLUTIONS INC.

Affordability Percentages Will Increase for 2019

Highlights

For plan years beginning in 2019, the ACA's affordability contribution percentages are increased to:

- 9.86 percent under the pay or play rules
- 9.86 percent under the premium tax credit eligibility rules

Important Dates

- May 21, 2018 - Rev. Proc. 18-34 increased the ACA's affordability contribution percentages for 2019.

- January 1, 2019 - The updated percentages are effective for taxable plan years beginning Jan. 1, 2019.

Overview

On May 21, 2018, the Internal Revenue Service (IRS) issued Revenue Procedure 2018-34 to index the contribution percentages in 2019 for purposes of determining affordability of an employer's plan under the Affordable Care Act (ACA). For plan years beginning in 2019, employer-sponsored coverage will be considered affordable if the employee's required contribution for self-only coverage does not exceed: May 21, 2018 - Rev. Proc. 18-34 increased the ACA's affordability contribution percentages for 2019.

- 9.86 percent of the employee's household income for the year, for purposes of both the pay or play rules and premium tax credit eligibility; and
- 8.3 percent of the employee's household income for the year, for purposes of an individual mandate exemption (adjusted under separate guidance).

Action Steps

These updated affordability percentages are effective for taxable years and plan years beginning Jan. 1, 2019. This is a significant increase from the affordability contribution percentages for 2018. As a result, some employers may have additional flexibility with respect to their employee contributions for 2019 to meet the adjusted percentage.

Overview of the Affordability Requirement

Under the ACA, the affordability of an employer's plan may be assessed in the following three contexts:

- The employer shared responsibility penalty for applicable large employers (also known as the pay or play rules or employer mandate);
- An exemption from the individual mandate tax penalty for individuals who fail to obtain health coverage; and
- The premium tax credit for low-income individuals to purchase health coverage through an Exchange.

Although all of these provisions involve an affordability determination, the test for determining a plan's affordability varies for each provision.

Overview of the Affordability Requirement (continued)

The IRS previously adjusted the affordability contribution percentage for 2015 in Rev. Proc. 14-37, for 2016 in Rev. Proc. 14-62, for 2017 in Rev. Proc. 16-24, and for 2018 in Rev. Proc. 17-36. The adjusted affordability contribution percentage for purposes of the individual mandate exemption is separately announced in the Notice of Benefit and Payment Parameters final rule for each year.

Affordability Adjustments

This chart illustrates the adjusted affordability percentages for each purpose since 2014. Each provision is described in more detail following the chart.

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Employer Shared Responsibility Rules

The ACA's employer shared responsibility or pay or play rules require ALEs to offer affordable, minimum value health coverage to their full-time employees (and dependents) or pay a penalty.
The affordability of health coverage is a key point in determining whether an ALE will be subject to a penalty.
These rules generally determine affordability of employer-sponsored coverage by reference to the rules for determining premium tax credit eligibility. Therefore, for 2014, employer-sponsored coverage was considered affordable under the employer shared responsibility rules if the employee's required contribution for self-only coverage did not exceed 9.5 percent of the employee's household income for the tax year.
This affordability contribution percentage was adjusted to:

9.56 percent for 2015 plan years;
9.66 percent for 2016 plan years;
9.69 percent for 2017 plan years;
9.56 percent for 2018 plan years.

Employer Shared Responsibility Rules continued

For 2019, Rev. Proc. 18-34 increases the affordability contribution percentage to 9.86 percent. This means that employer-sponsored coverage for the 2019 plan year will be considered affordable under the employer shared responsibility rules if the employee's required contribution for self-only coverage does not exceed 9.86 percent of the employee's household income for the tax year.

Employers may use an affordability safe harbor to measure affordability of their coverage. The three safe harbors measure affordability based on Form W-2 wages from that employer, the employee's rate of pay or the federal poverty line (FPL) for a single individual. IRS Notice 2015-87 confirmed that ALEs using an affordability safe harbor may rely on the adjusted affordability contribution percentages for 2015 and future years.

The affordability test applies only to the portion of the annual premiums for self-only coverage and does not include any additional cost for family coverage. Also, if an employer offers multiple health coverage options, the affordability test applies to the lowest-cost option that also satisfies the minimum value requirement.

Individual Mandate Exemption

The ACA's individual mandate requires most individuals to obtain acceptable health coverage for themselves and their family members or pay a penalty. However, individuals who lack access to affordable minimum essential coverage are exempt from the individual mandate. For purposes of this exemption:

- Coverage is affordable for an employee if the required contribution for the lowest-cost, self-only coverage does not exceed 8 percent of household income (as adjusted).

- Coverage is affordable for family members if the required contribution for the lowest-cost family coverage does not exceed 8 percent of household income (as adjusted).

This affordability contribution percentage was adjusted to 8.05 percent for plan years beginning in 2015, 8.13 percent for plan years beginning in 2016, 8.16 percent for plan years beginning in 2017, and 8.05 percent for plan years beginning in 2018.

The tax reform bill, called the Tax Cuts and Jobs Act, reduced the ACA's individual mandate penalty to zero, effective beginning in 2019. As a result, beginning in 2019, individuals will no longer be penalized for failing to obtain acceptable health insurance coverage. However, the 2019 Notice of Benefit and Payment Parameters final rule notes that individuals may still need to seek this exemption for 2019 and future years (for example, in order to be eligible for catastrophic coverage).

As a result, the final rule increases the required contribution percentage in 2019. For 2019, an individual qualifies for this affordability exemption if he or she must pay more than 8.3 percent of his or her household income for minimum essential coverage.

Premium Tax Credit

The ACA provides premium tax credits to help low-income individuals and families afford health insurance purchased through an Exchange. The amount of a taxpayer's premium tax credit is determined based on the amount the individual should be able to pay for premiums (expected contribution).

The expected contribution is calculated as a percentage of the taxpayer's household income, based on the FPL. This percentage increases as the taxpayer's household income increases and is indexed each year after 2014, as follows:

Income Level	Contribution Percentage					
	2014	2015	2016	2017	2018	2019
Up to 133% FPL	2%	2.01%	2.03%	2.04%	2.01%	2.08%
133-150% FPL	3-4%	3.02-4.02%	3.05-4.07%	3.06-4.08%	3.02-4.03%	3.11-4.15%
150-200% FPL	4-6.3%	4.02-6.34%	4.07-6.41%	4.08-6.43%	4.03-6.34%	4.15-6.54%
200-250% FPL	6.3-8.05%	6.34-8.10%	6.41-8.18%	6.43-8.21%	6.34-8.10%	6.54-8.36%
250-300% FPL	8.05-9.5%	8.10-9.56%	8.18-9.66%	8.21-9.69%	8.10-9.56%	8.36-9.86%
300-400% FPL	9.5%	9.56%	9.66%	9.69%	9.56%	9.86%

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