



– J. FLYNN –
INSURANCE AGENCY, LLC

COMPLIANCE CONNECTION

ACA Affordability Threshold

2023 ACA Affordability Threshold Decreased to 9.12%

The IRS announced the 2023 health plan affordability threshold will be 9.12% of an employee's "household income," down from the 2022 limit of 9.61%. This means an employee's required contribution to a benefit plan cannot exceed 9.12% of their annual household income for the plan to be considered "affordable" under the ACA.

Since employers don't know their employees' household incomes, the following three safe harbors were put in place by the ACA to be used in lieu of household income:

1 Form W-2 Wages Safe Harbor

The employee's W-2 wages, as reported in Box 1, as of the first day of the plan year.

Example: Under the W-2 Wages Safe Harbor, in 2022, if an employee's Box 1 wages are \$30,000 then that employee's required monthly contribution for the lowest individual coverage that meets minimum value can be no more than \$228.00 ($\$30,000 \times .0912$ divided by 12) for the offer to be considered "affordable". This calculation assumes the employee was employed with the company for the entire year and offered coverage for all 12 months.

Note: If an employee is not employed for the entire year or there is a waiting period, an adjustment is made to the W-2 wages to account for this as follows: $W-2 \text{ wages} \times (\text{calendar months offered coverage} / \text{months of employment})$.

2 Rate of Pay Safe Harbor

The employee's hourly rate of pay x 130 hours, as of the first day of the plan year, regardless of how many hours the employee actually worked.

Example: Under the Rate of Pay Safe Harbor, in 2022, if an hourly employee earns \$15 an hour then that employee's required monthly contribution for the lowest individual coverage that meets minimum value can be no more than \$177.84 ($\$15 \times 130 \times .0912$) for the offer to be considered "affordable".

3 Federal Poverty Level Safe Harbor

Since the individual Federal Poverty Level (FPL) isn't officially published until January, employers can use the FPL in effect six months prior to the beginning of the plan year.

Example: Under the Federal Poverty Level Safe Harbor, for January 2023, the maximum monthly employee contribution for the lowest individual coverage offered that meets minimum value can be no more than \$103.28 to be considered "affordable" ($\$13,590$ (2022 FPL) $\times .0912$ divided by 12).

Currently, meeting affordability applies only to applicable large employers (ALE's) under the Employer Shared Responsibility Provisions of the ACA. [Click here](#) for more information on Employer Shared Responsibility.

We are here to help. Contact us with any questions.

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*Information in this document is general in nature and not intended to replace legal advice in any particular manner.