

De Minimis Dilemma

Background

The majority of municipal bonds issued over the past twenty years (in face value) have had a coupon of at least 5 percent. For example, the percentage of bonds with a coupon of at least 5 percent in the Bank of America Merrill Lynch U.S. Municipal Securities Index¹ was 95% in August 1997. That representation declined modestly to 91% by August 2006, and, although many market interest rates have declined to record low levels around the globe since then, the percentage of bonds in the index with a coupon of at least 5 percent still stood at 84% as of August 2016. Nevertheless, as interest rates have fallen, more municipal bonds have been issued with lower coupons. According to Bloomberg, the number of individual tax-exempt municipal securities outstanding with a 2006 dated date² and with a 2 percent coupon was zero as of 31 August 2016. However, the number of 2 percent coupon bonds that had a 2016 dated date was 8,468. Indeed, many new issues have been structured with 2 percent or 3 percent coupons in recent years. Lower coupons (those below 5 percent) have addressed retail demand for bonds with lower price premiums over face value, which premiums have increased appreciably on 5 percent coupon bonds as market interest rates have declined.

All tax-exempt municipal bonds are subject to market discount rules established by the IRS. The greater a bond's market price is above its face value (accrued value for an original issue discount bond), the greater its cushion against the de minimis threshold enumerated under the market discount rules. The de minimis threshold lies a certain amount of points below a bond's face value (accrued value for an original issue discount bond). The discount accretion on a tax-exempt bond purchased in the secondary market may have adverse tax consequences for the holder if the bond was acquired below the de minimis threshold. Accordingly, the prices of municipal bonds issued with lower coupons may be adversely affected under even a modest rise in market interest rates. Investors in these securities should know the risks associated with market discount bonds.

Who's Affected

- ✔ Investors in tax-exempt securities generally avoid purchasing bonds in de minimis because of the potential adverse tax consequences.
- ✔ The potential adverse tax consequences associated with bonds in de minimis do not apply to investors who purchased securities in the new issue market.

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Key Terms

Market discount arises when a debt instrument purchased in the secondary market has decreased in value since its issue date, generally because of an increase in market interest rates. Market discount is the difference between the revised issue price of a bond and the cost basis in the bond. The revised issue price is par for a bond originally issued at a price greater than or equal to par. However, the revised issue price for a bond originally issued at a price below par (an original issue discount bond) is the issue price plus the accreted discount to the date of purchase. The de minimis rule states that if the market discount (revised issue price less purchase price) is less than 0.250 multiplied by the number of full years to maturity after acquisition, the market discount is treated as a capital gain for tax purposes if the bond is held to maturity or sold for

a price above the purchase price. If the discount is greater than the de minimis threshold, the accrued market discount realized at maturity must be treated as ordinary income rather than as a capital gain for tax purposes. However, if the bond is sold above the purchase price prior to maturity, part of the accrued market discount realized may be treated as a capital gain and part as ordinary income, depending on how much market discount has accrued up to the sale date. To calculate the accretion, the IRS uses the constant-yield method, which accelerates as the life of the bond shortens. The de minimis rule described here applies only to individuals, not to corporations that buy tax-exempt securities.

Original issue discount (OID) arises when a debt instrument is issued at a price below its face value (such as a zero coupon bond). The amount of OID at issuance is the difference

between the stated redemption price at maturity and the issue price. OID is calculated at the time of issuance and is allocated, as stated above, using the constant-yield method over the life of the security. Investors annually receive Form 1099-OID detailing the OID applicable in each year. The annually accreted OID is considered interest income and is taxed as such. Therefore, the OID on tax-exempt bonds is tax free, while the OID on taxable securities is subject to taxation as interest income. However, OID bonds purchased in a secondary market transaction may be subject to the de minimis rule discussed above. An OID bond has market discount if the purchase price is less than the revised issue price (original issue price plus the accreted OID up to the purchase date). The tax consequences related to the de minimis rule do not apply to investors who purchase OID bonds in the new issue market.

Hypothetical Examples of Market Discount:

CASE 1

BOND ORIGINALLY ISSUED AT A PREMIUM HELD TO MATURITY

Issuer:	City A
Coupon:	2.000%
Dated Date:	01/22/2015
Maturity Date:	01/15/2025
Next Par Call Date:	01/15/2020
Issue Yield/Price:	1.880%/\$100.567

HYPOTHETICAL TRANSACTION

Purchase Date:	09/14/2016
Sale Date:	Held to Maturity
Yield/Price:	2.150%/\$98.860

Recall that the allowable market discount under the de minimis rule is 0.250 per year (25 basis points per year, or, one full percentage point every four years). In this case, the bond has eight complete years to maturity. Thus, the bond may sell for up to 2.000 points less than par — that is, \$98.00 — and be considered to have zero market discount for tax purposes. In this hypothetical example, the bond is priced at 1.140 points below par. Therefore, an investor who purchases this bond at the stated price on 14 September 2016, and holds it to maturity,

would be required to pay only the applicable capital gains rate on the accrued discount, plus any applicable state taxes (23.8% is the top federal long-term capital gains tax rate). The federal capital gains tax due at maturity would be approximately \$2,713 (1.140 x 23.8%) per \$1 million face amount.

CASE 2

OID BOND HELD TO MATURITY

Issuer:	City B
Coupon:	2.000%
Dated Date:	06/18/2015
Maturity:	08/01/2022
Next Par Call Date:	Non-Callable
Issue Yield/Price:	2.280%/\$98.168

HYPOTHETICAL TRANSACTION

Purchase Date:	09/14/2016
Sale Date:	Held to Maturity
Yield/Price:	2.650%/\$96.481

In this case, the bond was originally issued at a price below par, and has five complete years remaining to maturity. Thus, the bond may sell for up to 1.250 points less than the revised issue price — that is, the original issue price plus the accreted OID through 14 September 2016, and be considered to have zero market discount for tax purposes. The revised issue price in this case is \$98.471, and the bond is considered to have zero market discount if bought at a price above \$97.221 (revised issue price less 1.250 points). However, the bond is priced at 1.990 points below the revised issue price. Therefore, an investor who purchases this bond at the stated price on 14 September 2016, and holds it to maturity, would be required to pay the applicable income tax rate on the accrued discount, plus any applicable state taxes (43.4% is the top federal income tax rate, which includes the 3.8% tax on net investment income enacted as part of the Patient Protection and Affordable Care Act). The federal income tax due at maturity would be approximately \$8,637 (1.990 x 43.4%) per \$1 million face amount.

CASE 3

BOND ORIGINALLY ISSUED AT A PREMIUM SOLD BEFORE MATURITY

Issuer:	City A or City B, etc.
Coupon:	2.000%
Dated Date:	03/01/2015
Maturity Date:	03/01/2024
Next Par Call Date:	03/01/2022
Issue Yield/Price:	1.840%/\$101.042

HYPOTHETICAL TRANSACTION

Purchase Date:	09/14/2016
Sale Date:	09/14/2018
Yield/Price:	2.650%/\$95.624
Sale Price:	\$98.500

In the first two cases, the tax consequences were for bonds held to maturity. Case 3 provides an example of the tax implications of selling a bond before the maturity date. In this case, the bond was originally issued at a price above par, and has seven complete years remaining to maturity. Thus, the bond may sell for up to 1.750 points less than the revised issue price (par in this case), and be considered to have zero market discount for tax purposes. However, the bond is priced at 4.376 points below par. Therefore, an investor who purchases this bond at the stated price on 14 September 2016, and sells it for a hypothetical price of \$98.500 two years later, would be subject to capital gains and ordinary income taxes, plus any applicable state taxes. The total gain is equal to 2.876 points (\$98.500 less \$95.624) and is treated for tax purposes as follows: 1.792 points capital gain and 1.084 points ordinary income. The market discount accrued over the two-year holding period is taxed as ordinary income, while the remaining gain is taxed at the lower

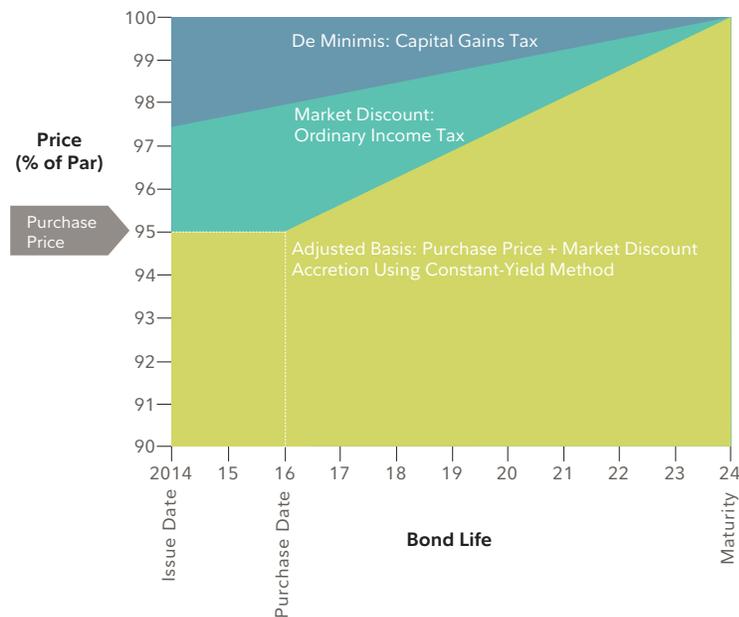
capital gains rate. The federal income tax due would be approximately \$8,969 (1.792 x 23.8% plus 1.084 x 43.4%) per \$1 million face amount. Note that the portion of the gain treated as ordinary income increases with the holding period up to 100% of the gain at maturity.

The FTAX function on a Bloomberg terminal may be a useful tool for estimating taxes associated with market discount bonds. Entering the CUSIP followed by the Muni function key and FTAX <GO> provides access to this page. The FTAX function allows the user to manipulate several fields, including face amount, purchase price, holding period, and tax rate.

In general, market discount has a greater impact on shorter-maturity bonds due to the smaller market discount permitted by the de minimis rule and the greater risk that a realized gain will be subject to ordinary income taxes. Once bonds fall into market discount territory, liquidity tends to diminish and price movements for small changes in yield tend to be highly volatile. This is a reflection of the higher duration that market discount bonds may exhibit because such securities may be priced to maturity rather than to the call date. Thus, in addition to potentially paying unwelcome ordinary income taxes, investors holding bonds near the de minimis threshold may also experience an unexpected extension of their portfolio duration if interest rates rise further.

The following chart is an illustration of market discount accretion for a hypothetical non-OID 10-year bond purchased with eight years remaining to maturity at a \$95 price.

Accretion Time Line for a Non-OID Market Discount Bond



Source: Fidelity Capital Markets, 14 September 2016

For more information, please contact a Fidelity Fixed Income Specialist at 800.554.5372.



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¹The BofA Merrill Lynch U.S. Municipal Securities Index: The index tracks the performance of U.S.-dollar-denominated investment-grade tax-exempt debt publicly issued by U.S. states and territories, and their political subdivisions, in the U.S. domestic market. Qualifying securities must have at least one year remaining term to final maturity, at least 18 months to final maturity at the time of issuance, a fixed coupon schedule and an investment-grade rating (based on an average of Moody's, S&P, and Fitch). Minimum size requirements vary based on the initial term to final maturity at time of issuance. Securities with an initial term to final maturity greater than or equal to one year and less than five years must have a current amount outstanding of at least \$10 million. Securities with an initial term to final maturity greater than or equal to five years and less than ten years must have a current amount outstanding of at least \$15 million. Securities with an initial term to final maturity of ten years or more must have a current amount outstanding of at least \$25 million. The call date on which a pre-refunded bond will be redeemed is used for purposes of determining qualification with respect to final maturity requirements. Original issue zero coupon bonds are included in the index. Taxable municipal securities, 144a securities and securities in legal default are excluded from the index. Index constituents are capitalization-weighted based on their current amount outstanding times the market price plus accrued interest. Accrued interest is calculated assuming next-day settlement. Cash flows from bond payments that are received during the month are retained in the index until the end of the month and then are removed as part of the rebalancing. Cash does not earn any reinvestment income while it is held in the index. The index is rebalanced on the last calendar day of the month, based on information available up to and including the third business day before the last business day of the month. No changes are made to constituent holdings other than on month-end rebalancing dates. Indexes are unmanaged and are not illustrative of any particular investment. It is not possible to invest directly in an index.

²Dated date (or issue date): The date of a bond issue from which the bondholder is entitled to receive interest, even though the bond may actually be delivered at some other date.



FIDELITY CAPITAL MARKETS

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In general the bond market is volatile, and fixed income securities carry interest rate risk. (As interest rates rise, bond prices usually fall, and vice versa. This effect is usually more pronounced for longer-term securities.) Fixed income securities also carry inflation risk, liquidity risk, call risk, and credit and default risks for both issuers and counterparties. Any fixed income security sold or redeemed prior to maturity may be subject to a substantial gain or loss.

Interest income earned from tax-exempt municipal securities generally is exempt from federal income tax and may also be exempt from state and local income taxes if you are a resident in the state of issuance. A portion of the income you receive may be subject to federal and state income taxes, including the federal alternative minimum tax. You may also be subject to tax on amounts recognized in connection with the sale of municipal bonds, including capital gains and "market discount" taxed at ordinary income rates. Market discount arises when a bond is purchased on the secondary market for a price that is less than its stated redemption price by more than a statutory amount. Before making any investment, you should review the relevant offering's official statement for additional tax and other considerations.

The municipal market can be adversely affected by tax, legislative, or political changes, and by the financial condition of the issuers of municipal securities. Investing in municipal bonds for the purpose of generating tax-exempt income may not be appropriate for investors in all tax brackets or for all account types. Tax laws are subject to change, and the preferential tax treatment of municipal bond interest income may be revoked or phased out for investors at certain income levels. You should consult your tax advisor regarding your specific situation.

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