

# Table of Contents

<b>Individual Tax Updates .....</b>	<b>1</b>
<b>Economic Impact Payments .....</b>	<b>1</b>
History.....	1
New law .....	2
Coronavirus Aid Relief and Economic Security (CARES) Act.....	2
Consolidated Appropriations Act, 2021 (CAA) .....	2
American Rescue Plan Act of 2021 (ARP Act) .....	3
Eligibility.....	4
Valid SSN.....	5
Deceased taxpayers.....	6
Resident aliens.....	7
Incarcerated individuals.....	7
Only one spouse with valid SSN.....	7
Qualifying dependents.....	7
Children born, adopted or placed into foster care.....	9
Form of payment .....	9
EIP debit card .....	9
EIP3 vs. EIP1 & EIP2.....	10
Recovery rebate credit reconciliation .....	10
Plus-up payments.....	11
1444 notices .....	11
<b>Earned Income Tax Credit .....</b>	<b>15</b>
New law .....	15
Consolidated Appropriations Act, 2021 (CAA) .....	15
American Rescue Plan Act of 2021 (ARP Act) .....	15
Eligibility.....	16
Qualifying child.....	18
Earned income.....	19

Investment income .....	21
Improper claim and Form 8862 .....	23
Schedule EIC .....	23
Due diligence requirements .....	26
Form 8867 .....	27
<b>Child and Dependent Care Credit.....</b>	<b>35</b>
New law .....	35
American Rescue Plan Act of 2021 (ARP Act) .....	35
Qualifications .....	36
Qualifying person .....	36
Earned income .....	37
Work-related expenses .....	38
Dependent care benefits.....	41
Amount of credit .....	41
<b>Child Tax and Other Dependents Credits.....</b>	<b>44</b>
New law .....	44
Consolidated Appropriations Act (CAA) .....	44
American Rescue Plan Act of 2021 (ARP Act) .....	44
Qualifying child .....	45
Limitation .....	46
Additional child tax credit .....	47
Calculation .....	48
Other dependents credit.....	48
Qualifying dependent .....	48
Advanced child tax credit payments .....	49
Advance child tax credit payment online tools .....	50
Due diligence .....	53
Tax planning.....	54

<b>Charitable Contributions</b> .....	<b>57</b>
New law .....	58
CARES Act .....	58
Consolidated Appropriations Act (CAA) .....	58
Qualified contribution .....	58
Election .....	59
Ordering rule .....	60
Non-itemizers .....	61
<b>Unemployment Compensation</b> .....	<b>64</b>
CARES Act .....	64
Consolidated Appropriations Act .....	64
American Rescue Plan Act of 2021 (ARP Act) .....	64
<b>Premium Tax Credit</b> .....	<b>69</b>
New law .....	69
American Rescue Plan Act of 2021 (ARP Act) .....	69
Eligible taxpayers .....	70
Calculation .....	72
Excess APTC .....	72
Form 1095-A .....	73
Filing requirement .....	73
<b>Education Provisions</b> .....	<b>74</b>
Consolidated Appropriations Act .....	74
<b>Student Loan Forgiveness</b> .....	<b>74</b>
American Rescue Plan Act of 2021 (ARP Act) .....	74
<b>Kiddie Tax</b> .....	<b>76</b>
Subject to kiddie tax .....	76
Unearned income .....	77
Age .....	77
Filing requirement for dependents .....	78

Reporting requirements .....	79
Form 8814 .....	79
Form 8615 .....	83
Net investment income tax .....	91
<b>Moving Expense .....</b>	<b>94</b>
Deduction suspended .....	94
Military personnel .....	94
Reimbursement taxable .....	95
<b>Work Opportunity Tax Credit.....</b>	<b>98</b>
Targeted groups .....	98
Pre-screening and certification .....	100
<b>Flexible Spending Account (Health FSA).....</b>	<b>101</b>
<b>Medical Expense Limitation .....</b>	<b>103</b>
Tax planning.....	103
<b>Home Mortgage Interest and Home Equity Loans.....</b>	<b>106</b>
Tax planning.....	107
<b>Federally Declared Disaster Area Casualty Loss Deduction .....</b>	<b>107</b>
Disaster relief .....	108
Affected taxpayers.....	108
Disaster related casualty loss .....	109
Increased standard deduction reporting .....	110
Other relief .....	110
<b>Virtual Currency .....</b>	<b>110</b>
Definition.....	111
Basis .....	111
Purchase.....	111
Received for goods or services .....	112
Gift.....	113
Hard fork.....	113

<b>Sale or exchange .....</b>	<b>113</b>
Cost identification.....	114
Character of gain or loss .....	115
Holding period .....	116
<b>Taxable income.....</b>	<b>116</b>
Mining.....	116
Hard fork.....	117
<b>Nontaxable events .....</b>	<b>119</b>
Soft fork.....	119
Transfer between wallets.....	119
Charitable contributions .....	119
<b>Reporting requirements .....</b>	<b>119</b>
Sale or exchange .....	120
Received for goods or services .....	121
Report of Foreign Bank and Financial Accounts .....	122
<b>Compliance efforts.....</b>	<b>122</b>
Case .....	123
<b>2021 Significant Tax Changes in Retirement.....</b>	<b>128</b>
<b>SECURE Act .....</b>	<b>128</b>
Repeal of maximum age.....	128
Partial elimination of stretch IRAs.....	129
Penalty-free birth or adoption withdrawals.....	131
Taxable non-tuition fellowship and stipend payments .....	135
Tax-exempt difficulty-of-care payments .....	135
QCD guidance .....	136
<b>CARES Act.....</b>	<b>140</b>
Waiver of 10% penalty.....	141
Qualified coronavirus-related distribution .....	141
Adverse financial consequences .....	141
Eligible retirement plan .....	142

Repayment over three years.....	142
Waiver of 2020 RMDs .....	144
<b>Distributions before age 59½.....</b>	<b>144</b>
Medical expenses .....	146
Unemployed individuals for medical insurance.....	147
First-time homebuyer expenses .....	147
On account of an IRS levy .....	149
To a former spouse pursuant to a divorce decree.....	149
Coronavirus-related distribution .....	149
Qualified disaster distributions.....	149
Updated tables .....	151
<b>Amended Returns.....</b>	<b>154</b>
When to file an amended return .....	155
When not to file an amended return .....	155
Filing an amended return.....	157
Electronic filing of amended returns .....	157
Filing Form 1040-X by paper .....	159
Where to file.....	159
Timeline for filing an amended return .....	161
Amended return timeline exceptions.....	161
Miscellaneous amended return info.....	163
Scenarios.....	165
Unemployment compensation.....	165
Advance premium tax credit .....	167
CP 09 notice .....	168
Practical application .....	169
<b>Potential Legislation .....</b>	<b>173</b>
Summary of tax proposals.....	173
Tax Deadline Simplification Act.....	173
American Families Plan .....	173

Building the Economy for Families Act.....	176
Sensible Taxation and Equity Promotion (STEP) Act .....	177
99.5 Percent Act .....	177
<b>Additional Tax Planning Opportunities .....</b>	<b>177</b>
Federal income tax withholding.....	179
Tax planning.....	180
Education credits .....	180
Tax planning.....	181
Dependency .....	181
Tax planning.....	181
Itemized deductions .....	182
Tax planning.....	182
Sale of rental property .....	183
Tax planning.....	183
Marital status .....	183
Tax planning.....	183
Retirement plan contributions and distributions.....	185
Tax planning.....	185
Social security benefits .....	187
Tax planning.....	188
Capital gains and capital loss carryforwards.....	188
Tax planning.....	188
Summary.....	188
<b>Best Office Practices.....</b>	<b>191</b>
Understanding cybersecurity and data protection .....	191
Clients and security .....	197
Using DocuSign .....	198
Send.....	198
Sign .....	198
Manage.....	199

Section 7216 toolkit .....	199
Required format and content.....	200
<b>Recent Court Cases .....</b>	<b>204</b>
§72(t) early withdrawal penalty .....	204
Facts.....	204
Ruling.....	205
Charitable deduction for home donated as salvage.....	205
Facts.....	206
Ruling.....	206
<b>Forms 1099-A and 1099-C .....</b>	<b>207</b>
Foreclosures and Form 1099-A .....	207
Foreclosure .....	208
Sale of property.....	208
Debt cancellation and Form 1099-C.....	215
When is debt canceled?.....	216
Co-signers and guarantors.....	217
Form 1099-C .....	218
Reporting .....	220
Pass-through entities.....	222
Partnerships.....	222
S corporations .....	222
Suspended passive losses .....	223
Exclusions for COD income.....	223
Other income exceptions .....	228
Form 1099-K.....	231
<b>Business .....</b>	<b>232</b>
<b>Corporate Transparency Act (CTA) .....</b>	<b>232</b>
Reporting requirements – who does or does not file?.....	233
What is a beneficial owner? .....	234
What information will be required? .....	234

Acceptable identification documents .....	235
Applicant.....	235
Timelines.....	235
Will the data be secured? .....	236
Reporting violations and penalties .....	236
Unauthorized disclosure or use .....	236
Criminal and civil penalties.....	237
Unauthorized disclosure or use violations .....	237
<b>Employee Retention Credit (ERC).....</b>	<b>240</b>
CARES Act.....	240
Consolidated Appropriations Act, 2021 (CAA) .....	241
American Rescue Plan Act of 2021 (ARP Act).....	242
Tax planning opportunities.....	244
<b>Paid Sick and Family Leave Credits .....</b>	<b>247</b>
CARES Act.....	247
Sick leave.....	247
Family leave .....	248
Claiming paid sick and family leave credits .....	249
Self-employed individuals .....	249
Consolidated Appropriations Act (CAA) .....	250
American Rescue Plan Act of 2021 (ARP Act).....	250
Tax planning opportunities.....	251
<b>Paycheck Protection Plan (PPP) Loan Expenses .....</b>	<b>255</b>
CARES Act.....	255
Consolidated Appropriations Act, 2021 (CAA) .....	255
Tax planning for the PPP and the ERC .....	257
<b>Premium Assistance for COBRA Benefits .....</b>	<b>257</b>
American Rescue Plan Act of 2021 (ARP Act).....	257

<b>Employee Social Security Tax Deferral</b> .....	<b>259</b>
Consolidated Appropriations Act (CAA) .....	259
<b>Excess Business Loss Limitation</b> .....	<b>260</b>
CARES Act.....	260
ARP Act .....	262
<b>Educational Assistance Programs</b> .....	<b>262</b>
CARES Act.....	262
Consolidated Appropriations Act (CAA) .....	262
<b>New Forms for 2021</b> .....	<b>263</b>
<b>Travel Expenses</b> .....	<b>264</b>
Standard mileage rate.....	265
Business meals .....	266
<b>Large Employer Shared Responsibility Penalty</b> .....	<b>268</b>
<b>Social Security Earnings Limit</b> .....	<b>269</b>
<b>Deduction for Energy Efficient Improvements to Commercial Buildings</b> ...	<b>271</b>
Calculation .....	271
Certification requirement .....	272
<b>Charitable Contributions</b> .....	<b>272</b>
Carryover .....	273
Food inventory .....	273
Employer leave-based donation programs.....	274
Background .....	274
2021 update .....	274
<b>Schedule C – Hobby vs. Business</b> .....	<b>275</b>
Safe harbor presumption .....	276
Postponing determination .....	276
Factors to make determination.....	278
Manner in which taxpayer carries on activity.....	279
Expertise of taxpayer or advisors.....	280
Time and effort expended by taxpayer in activity .....	281

Expectation that assets will appreciate .....	281
Success of taxpayer in carrying on other activities.....	282
Taxpayer's history of income or losses.....	283
Amount of occasional profits .....	285
Financial status of the taxpayer .....	286
Elements of personal pleasure or recreation .....	287
<b>Internet sales .....</b>	<b>288</b>
<b>Reporting requirements .....</b>	<b>289</b>
Income.....	289
Expenses .....	289
Proper classification .....	291
<b>Schedule E – Rental Activities .....</b>	<b>295</b>
Airbnb .....	295
Type of rental activity .....	295
Limited rental use (14 days or less).....	296
Both rental and personal use.....	299
Very limited personal use.....	301
Depreciation.....	301
Reporting rental income and expenses .....	303
Hotels, motels, inns.....	304
Bed and breakfast inn .....	304
Schedule E vs. Schedule C .....	305
Passive activity loss limitations .....	306
Exceptions .....	307
Special \$25,000 loss allowance .....	308
<b>Sale of Home Converted to Rental .....</b>	<b>318</b>
Section 121 exclusion .....	319
<b>Net Operating Losses .....</b>	<b>326</b>
Who can claim .....	326
Who cannot claim .....	327

Where to calculate .....	327
Does a taxpayer have an NOL? .....	327
Figuring the NOL.....	328
Deductions that can create NOL .....	330
Items not allowed when figuring NOL .....	330
Other items and NOL .....	331
NOL process flowchart.....	333
Utilize the NOL.....	334
General rules.....	334
Waiving the carryback period .....	336
2018-2020 returns .....	337
Late election .....	338
Applicable carryback periods .....	340
Farming business.....	340
Tax Planning – Should taxpayers carryback an NOL?.....	341
Statute of limitations .....	341
Summary.....	343
<b>Claim the NOLD .....</b>	<b>343</b>
Priority of multiple NOLs.....	344
Deducting a carryback.....	344
Form 1045 .....	345
Where to file.....	346
Supporting documentation.....	346
Processing the application .....	347
Disallowance of the application .....	348
Excessive allowances.....	348
Completing Form 1045 .....	348
Form 1040-X.....	349
<b>Calculate the NOL carryover .....</b>	<b>350</b>
Modified taxable income .....	351

Modifications.....	351
AGI-based adjustments.....	352
Form 1045, Schedule B .....	354
Using software .....	355
Excess business loss.....	355
Filing status changes .....	357
Allocation chart .....	359
Community property states .....	360
<b>Business Planning .....</b>	<b>361</b>
General .....	361
Business structure .....	361
Entity selection.....	363
<b>Final Form 1040 and Form 1041 .....</b>	<b>368</b>
<b>Final Form 1040, Filing Status &amp; Refunds.....</b>	<b>368</b>
Responsibility for filing the return .....	369
Transferee liability .....	372
Surviving spouse liability .....	372
Signing the return .....	373
Married decedent's filing status .....	374
Personal exemption .....	376
Standard deduction .....	377
Estimated tax.....	377
Refunds.....	378
<b>Decedent's Income .....</b>	<b>380</b>
Matching issues.....	380
Matching in later years .....	383
Title to assets.....	383
Wages .....	385
Interest.....	387

Bond income.....	387
Owner of bonds after death .....	388
Dividends .....	389
Capital gains and losses.....	389
Tax refunds .....	390
Alimony received.....	390
Schedule C business income .....	390
Farm income.....	391
Rental real estate .....	391
Depreciation.....	392
Partnership interests.....	392
S corporation income .....	395
Health savings account .....	396
Social Security death benefit.....	397
Death from terrorist, military actions or as an astronaut.....	397
<b>Decedent's Deductions and Credits .....</b>	<b>398</b>
Deductions in respect of a decedent.....	398
Medical expenses .....	400
Medical expenses not paid by estate .....	401
Insurance reimbursements .....	401
Long-term care expenses .....	401
Nursing home expenses.....	401
Decedent's carryovers .....	402
Alimony payments .....	403
IRA contributions .....	403
Mortgage interest and costs.....	403
<b>Tax credits.....</b>	<b>404</b>
Earned income tax credit.....	404
Child tax credit.....	405
Credit carryovers .....	405

Foreign tax credit .....	405
General business credit .....	406
Adoption credit .....	406
<b>Wrapping Up .....</b>	<b>407</b>
Request for prompt assessment of tax .....	407
Request for discharge of personal liability.....	409
<b>Comprehensive Example .....</b>	<b>410</b>
Elaine Clemmons' final Form 1040 .....	410
Facts.....	410
Completed example — Final 1040 .....	413
<b>The Taxpayer's Estate .....</b>	<b>427</b>
How property passes.....	427
Administrative issues .....	428
Form 1041 and estate income.....	429
Accounting period.....	430
Accounting method.....	431
Due date and extensions.....	431
Amended Form 1041 .....	432
Information returns .....	432
Header.....	432
Estate income .....	433
Interest income .....	442
Dividend income .....	442
Business income or loss.....	443
Capital gains and losses.....	444
Income in respect of a decedent .....	451
Inherited property subject to debt.....	452
Community property .....	452
Sale of former personal residence .....	453
Retirement plans .....	454

Rental real estate activities .....	455
Farm income or loss.....	456
Installment sales.....	456
Canceled debt .....	456
Miscellaneous income .....	457
<b>Estate deductions, taxes and credits .....</b>	<b>457</b>
Income tax or estate tax deduction .....	458
Deductions in respect of decedent.....	458
Deductible expenses.....	458
Estimated tax payments.....	472
Credit for taxes paid or withheld.....	474
Final year deductions .....	474
<b>Elections and termination .....</b>	<b>475</b>
Election to treat trust as part of estate.....	475
Termination of the estate .....	478
Final distribution .....	479
Residuary charities .....	479
Remaining carryovers.....	480
Exemptions .....	481
Items the IRS will look for .....	481
Summary of items placed on Form 706, Form 1041 and Form 1040.....	483
Comprehensive example: Estate Form 1041.....	484
Facts:.....	484
Completed example: Estate Form 1041 .....	487
<b>Appendix .....</b>	<b>509</b>
Client questionnaire .....	509
2021 Draft Forms .....	510
Form 1040, Page 1 .....	510
Form 1040, Page 2 .....	511
Schedule 1 (Form 1040), Page 1 .....	512

Schedule 1 (Form 1040), Page 2.....	513
Schedule 2 (Form 1040), Page 1.....	514
Schedule 2 (Form 1040), Page 2.....	515
Schedule 3 (Form 1040), Page 1.....	516
Schedule 3 (Form 1040), Page 2.....	517
Schedule 8812, Page 1.....	518
Schedule 8812, Page 2.....	519
Schedule 8812, Page 3.....	520