

Fasten your seatbelt
Preparing a 2023 state return is a wild ride

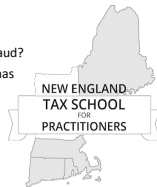


MA DOR Tax Update



MA Taxes Gone Wild

- The Two 2022 MA Tax Rates become Four 2023 Tax Rates
 - 4%, 5%, 8.5% and one half of 12%
- Dependent Refundable Tax Credits with no Income Requirement
 - Remember when the Circuit Breaker Credit was Subject to Fraud?
- Tax Deductions for the Bike You Bought Your Teenager for Christmas
- Dead People After 2022 Pay \$99,600 Less in MA Taxes
 - The 1999 Federal Version of Form 706 Lives
- More Bubbles to Fill-in on Form 1
- A Charitable Deduction for Everyone



20 Years Later, the State Charitable Deduction is Implemented – Schedule Y Line 9c

- No Requirement to Itemize Federal Deductions
- No Used Clothing or Household Goods
- Cars, Real Property & Stocks are OK
- Subject to Federal AGI 60% Limitation
- Bank records with a contemporaneous organization statement
- Same Federal Receipts Requirements
- US Form 8283 is a filing requirement, if over \$500
- Appraisals for donations over \$5,000
- Remember: Schedule Y only reduces Part B Income
- Millionaires get a 9% benefit



The Oct 15th Extension is Feb 15th

MA TIR 2008-19

This TIR announces that, MA DOR will grant automatic extensions of time for "affected taxpayers" to file returns and submit payments of tax as the result of any declaration by the President of a disaster area within the US.

The specific relief granted for each disaster will generally be that as provided and announced by the IRS.

"Affected taxpayers," for purposes of this TIR, are any taxpayers directly impacted by the disaster, as determined by the IRS and announced in an IRS release, unless the Department publicly announces otherwise.

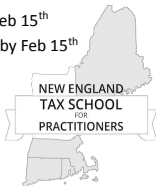
State Disaster Extension Instructions

- In Red Ink, Mark The Top of
 - Form 1
 - Extension Forms
 - Payment vouchers
 - Deposit slips
- Include the Name of the Disaster
- Attach a statement explaining why you are affected
- Include the IRS Release
- E-filers attach pdf files
- Contact Call Center, (617) 887-6367, to excuse penalties



MA DOR Tax Deadlines

- Monday April 15th is Wednesday April 17th
 - Maine & MA only
- Q3 & Q4 2023 CY taxpayers pay estimated taxes by Feb 15th
- Taxpayers on 2023 extension can file a timely return by Feb 15th



Extensions

- TIR 16-10: Simplified Extension Process for Individuals, Fiduciaries & Estates
- AP604.2: Extensions of Time to File Tax Returns
 - Automatic six month extension of time to file, if 80% of the tax liability is paid by the original return due date
 - Individuals who are required to pay \$5,000 or more must pay electronically, TIR 16-9
 - Fiduciaries that are required to pay \$2,500 or more must pay electronically, TIR 21-9
- MA Estate Tax Returns have the same 80% by the due date
 - MGL ch65C, §10: DOR may allow more time to pay the estate tax
 - Apply every six months for ongoing, up to three years & more
- <https://www.mass.gov/lists/dor-administrative-procedures>
- <https://www.mass.gov/lists/dor-technical-information-releases>

Lots of Bubbles

- Deceased Taxpayer/Spouse
- Under Age 18
- Name Change
- No address change
- You released your dependent
- Non-Custodial Parent
- Filing TDS – Taxpayer Disclosure Statement, Form 8275 Equivalent
- Schedule FCI – Foreign Compensation Income, GILTI
- Digital Assets
- NRA Spouse



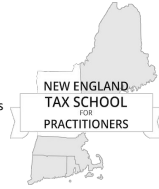
MA DOR Has Problems with Taxpayer Names

- Filer must use the legal name
- IRS does not check first names of the primary & secondary filers
- No nicknames or initials
- Name Changes
 - Instructions on page 8
 - Include
 - Social Security card
 - Driver License
 - Passport
 - Other government issued document



Amendment Bubbles

- Other Jurisdiction
 - MA changes as the result of notification from another state
 - MA changes as the result of amending another state
- Federal Amendment
 - MA changes as the result of an IRS letter
 - MA changes as the result of voluntarily making Federal changes
- IRS Partnership Audit
 - Bipartisan Budget Act
 - Centralized Partnership Representative



ABT is not an Amended Return

- Need the MA DOR Tax Account; WTH, SLS, MLS
- Same amended time limits
 - 3 years from the Due Date
 - 2 years from the DOR Assessment
 - 1 year from Protested Payment
- Penalties
- Appealing a MA DOR Determination; Where the Assessment is final
- An amended return is for corrections
- TIR 16-11



DR-1 Appeals

- Tax was incorrectly assessed
- There is not correction due to new additional entries
- MA DOR incorrectly processed the information that they received



The DOR May Discuss Bubble

- ALWAYS make this election
- Applies to the tax preparer, not the entire firm
- Allows to the preparer to facilitate the processing of the return
- Liberally interpreted by most DOR Examiners!
- Allowed to make refund/payment update inquiries
- Resolution of DOR Notices
- Effective for One Year April 15, 2025



TDS – Taxpayer Disclosure Statement

- Avoids the double the tax penalty
- TIR 06-5
- Demonstrate Reasonable Cause and No Willful Neglect
- 8275 Equivalent



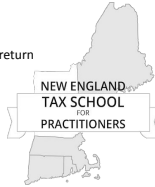
Here Comes the Elephant: The Millionaire Tax

- 4% on income that exceeds \$1,000,000
...where the sum of a taxpayer's Part A taxable income, Part B taxable income, and Part C taxable income exceeds \$1,000,000 in a taxable year, the portion of such taxable income exceeding \$1,000,000 is taxed at the rates specified in M.G.L. c. 62, § 4(a)-(c), plus an additional 4%...
- MGL Ch 62§ b1 – Part A Income
 - 5% for non-MA Bank Interest & Dividends
 - 8.5% for Short Term Capital Gains, was 12%
- MGL Ch 62§ b2 – Part B Income
 - 5% for anything that is not Part A or Part C
- MGL Ch 62§ b3 – Part C Income
 - 5% for Long Term Capital Gains



What was the MGL 62C Millionaire Loophole

- Article XLIV to the State Constitution
- H4104 §24 “fixes” the “problem”
- If filing a joint federal return, the taxpayers shall file a joint MA return
 - Unless, the taxpayers have different MA residency status
- The 4% surtax is factored to determine any underpayment of tax computations for 2024 and beyond. – MA DOR FAQ’s
- TIR 23-12 & MA DOR FAQ’S



Computing the 4% Surcharge Income

- The portion that exceeds \$1,000,000 of taxable income is subject to a 4% surcharge
- When adding up Parts A, B & C, any part that is less than zero is zero
 - Form 1 Line 19 – 5% Income After Exemptions & Deductions
 - Social Security/MA Retirement plans
 - Rental
 - Schedule Y
 - Schedule B line 37 – Adjusted Interest, Dividends & Short Term Gains
 - After prior year unused losses
 - Schedule D line 21 – Taxable Long Term Gains
 - After excess exemptions
 - After prior year unused losses



Schedule 4% Surtax – new form....

- 1 Enter the amount from Form 1, line 19, not less than zero.
- 2 Enter the amount from Form 1, Schedule B line 37; not less than zero
- 3 Enter the amount from Form 1, Schedule D, line 21 not less than zero.
- 4 Combine lines 1 through 3. Note: If less than \$1,000,000, the 4% Surtax does not apply. Do not submit this schedule
- 5 Surtax threshold. Enter \$1,000,000 in line 5
- 6 Subtract line 5 from line 4
- 7 Multiply line 6 by .04 (4%) and enter this amount on Form 1, line 28b



4% Surcharge Taxpayers – All MGL Ch 62 Filers

- E-File mandate
- Form 1
- Form 1-NR-PY
- Form 2, Trusts & Estates
- Form 3M, Clubs and non-profits
- 30,000 tax filers affected
- Not excluded from 80% Extension Requirement
- Underpayment penalty waived for 2023
- Revised Schedule M for 2024 is available



The 4% OJC Computation

- Jack has \$1,500,000 of MA income and \$300,000 is out of state taxed
- Jack has a \$70,000 MA Tax liability and \$9,000 out of state liability
- 5% of \$300,000 is \$15,000; Jack has a \$9,000 OJC

- Shanti has a \$1,500,000 of MA income and \$300,000 is out of state taxed
- Shanti has a \$70,000 MA Tax Liability and \$30,000 out of state liability
- Shanti cannot assume a 9% MA state tax rate



The Governor's 2023 Tax Cuts Changes, aka H4104

- Child and Family Tax Credits, Form 1 line 46
- EITC
 - Was 30% of the federal credit
 - Now 40%
- Rental Deduction
 - Was capped at \$3,000
 - Now \$4,000



Child and Family Tax Credit

- Day Care deduction and credit are gone
- The limit of two dependents under age 13 is gone
- \$310 in 2023 and \$440 in 2024
- No Income Requirement
- New Dependent Refundable Credit
 - Under the age of 13
 - Over the age of 65
 - Disabled
 - No limits
- Not available to MFS & NR filers
- PY filers apportion the credit – days in MA



Oct 4, 2023 Tax Cuts Changes – H4104

- Senior Citizen Circuit Breaker Credit
 - Was \$1,200
 - Now \$2,400 - \$2,590 for 2023
- Short Term Capital Gains, Schedule B
 - Was a 12% tax rate
 - Now an 8.5% tax rate
- MA Estate Transfer Tax, Form 706
 - Filed using Mass Tax Connect
 - Was a before \$1,000,000 wealth exemption
 - Now taxes wealth after \$2,000,000



Filing M-706 on MTC

- You Need the 1999 State Death Tax Credit, line 15, amount
- Attach pdfs
 - Will
 - Federal 1999 706
 - Death Certificate
 - Purchase & Sale Agreement
 - Deed
 - Court Appointed Personal Representative Document
- M-4422 turn around is two days
 - Pay 80%



Technically, the 12% Tax Rate Still Exists

- Short term gains are taxed at 8.5% on Schedule B
- MA Sch D line 12 is LT Collectibles and carries to Sch B line 11
- Sch B Line 27 is a 50% reduction of LT Collectibles Gains
- Sch B Line 39 taxes the Sch B Line 27 amount at 12%
- MA Schedule D Excludes the tax on Collectibles
- Schedule B Part 2 is also used for taxing long term collectibles
- IRC §408m Collectibles
 - Art Antiques Gems
 - Rugs Stamps Coins
 - Alcoholic Beverages



Seldom Seen – H4104

- Low-Income Housing Tax Credit (LIHTC) – cap increases
- Housing Development Incentive Program (HDIP) – cap increase
- Dairy Tax Credit – cap increase
- Cider Tax Rate – Tax rate reduced to a broadened class of beverages
- Apprenticeship Tax Credit – expanded eligibility
- Municipal Affordable Housing Property Tax Exemption –
 - Allows local property tax exemption for affordable real estate
- Stabilization Fund – cap increase



More Common Credits – H4104, effective Jan 1, 2023

- Lead Paint Abatement Credit, Sch LP
 - Doubles credit to \$3,000 for full abatement
 - Increases partial abatement to \$1,000, was \$500
 - Seven year carryforward
- Title V (Septic) Tax Credit, Sch SC
 - Triples maximum credit to \$18,000
 - Increases percentage of eligible expenses from 40% to 60%
 - Allows taxpayers to claim up to \$4,000 in any year, was \$1,000
 - Five year carryforward



The National Guard Hire Credit

- Mirrors the Veteran Hire Credit
- TIR 23-6, Section V
- MGL Ch 62 & Ch 63 Taxpayers Schedule C and Household Help
- Does not reduce the \$456 excise tax
- \$2,000 for each year of two years for each hire
- State approval before starting work, MA Office of Business Development
- Is not transferrable
- Is not refundable



More Common Changes from H4104

- Student Loan Repayment Assistance – Employer assistance for student loan repayments is excluded from income
- Deductible Commuter Transit Benefits – Public transit fares & bicycle expenses are allowed as deductible commuter expenses, (contradicts IRC)
- Property Tax Liability Reduction for Senior Volunteer Services – Allows property tax abatement available to seniors who volunteer
 - Was 1,500, now \$2,000
 - Volunteer Public Safety limit \$50 per month



Buy a Bike; Get a Tax Deduction

- Schedule Y line 15
- Was Monthly T Passes and Fast Lane Commutes
- Now all MBTA & RTA expenses
- Bicycles & E-Bikes
 - Purchase, Repairs, Maintenance
 - BikeShare Memberships
- The taxpayer amount that exceeds \$150 with a \$750 deduction limit
- TIR 06-04 is the computation
- Dependents Expense Options



Student Loan Discharges

- Conforms to IRC 108-f-5 with no expiration date
 - MA, effective after Jan 1, 2022
 - IRS, effective 2021 through 2025
- Discharged Student Loans are excluded from MA Gross Income
- American Rescue Plan
 - ...any loan expressly for post secondary education...
- Loan providers are not required to issue a 1099-C



MA Conforms to January 1, 2022 IRC

- Excluded from Income
 - Alimony, not an adjustment to income after 2021
 - Olympic and Paralympic medals and prizes
 - Payments under \$50 to volunteer firefighters
 - Restitution to Wrongfully Incarcerated Individuals
 - Continuation of Health Insurance Benefits
 - Qualifying Mortgage Debt Forgiveness
 - Distributions to the families of on-duty deceased public safety workers
 - College Work Service Programs
 - Student Loan Payments as an employment fringe benefit
- TIR 23-5



MA Conforms to January 1, 2022 IRC

- Like-Kind Exchanges: Real Property only
- Employee Achievement Awards
 - Vacations, Gift Cards & Lottery Tickets are compensation
- Excess Business Loss Limitations, (\$289,000 for 2023)
- Patent income created using personal property is ordinary income
- MA does not recognize
 - 100% Bonus Depreciation
 - QBID



MA Conforms to January 1, 2022 IRC

- Sch Y Deductions
 - Sch Y line 9a
 - Educator Expense
 - Whistleblower attorneys' fees
 - Sch Y line 5, Moving Expense



Sch Y Line 9

- Line 9a – The Catch All
 - Educator Expenses
 - Repayment of Jury Duty Pay
 - Forgiven Student Debt taxed by the IRS
 - A bunch of other miscellaneous stuff
- Line 9b – Allowable 2106 deductions
 - National Guard
 - Qualifying Artists
 - Assistive Devices for Disabled Workers
 - Fee Based Government Workers
- Line 9c – MA Charitable Deduction



Ch 63D – PTE Credits, The Entity Level Tax

- Entity pays a 5% tax when filing Form 2, Form 3, Form 355S
- Not available to Schedule C filers
- Annual Irrevocable Election, until 2026 – TIR 22-26
- Cannot be used to pay 4% surcharge
- S-Corps & Partnership Income
 - Ordinary Income
 - Rentals & Royalties
 - Investments
 - Gains & Losses
- Amended Returns Require a Supporting Statement
- Subject to underpayment of tax penalty



63D PTE Benefits

- 63D-ELT payment \$100; (K-1's have \$2,000 of Income)
 - Single shareholder S-Corp is in a 10% federal tax bracket
 - A S-Corp \$100 state tax payment deduction is allowed
 - \$10 federal tax savings; (K-1 now has \$1,900 of income)
 - \$90 state tax credit; (MA K-1 retains \$2,000 income amount)
- MA State Income is \$100 more than Federal Income
 - Potential Federal Tax Savings
 - No MA Tax Savings
 - No net tax advantage
- 63D-ELT payment \$100
 - Single shareholder S-Corp is in a 35% federal tax bracket
 - A S-Corp \$100 state tax payment deduction is allowed
 - \$35 federal tax savings
 - \$90 state tax credit
 - Net \$25 tax advantage



PTE Hypothetical

- The ABC LLC expects \$600,000 of partnership income
 - The sum of boxes 1 thru 11 on partner K-1's
 - Estimated MA tax is \$30,000
- Partners report \$570,000 federal income & \$600,000 MA
 - 1040 federal tax savings is \$10,500 in the 35% tax bracket
- Quarterly payments of \$7,500
 - The PTE Tax is not based on distributions
 - Underpayment of estimated tax penalties apply
- 63D-ELT filing allocates state payments - \$30,000



MA Form 63D-ELT

- Name, SSN, Address
- Type of Taxpayer – Member, Partner, Shareholder, Beneficiary
- MA Income
- Portion of the PTE Payments
- Portion of the 90% MA Credit
- Entity paid \$30,000 to manufacture \$27,000 state tax credits
- Net Yield \$7,500



Filing MA-2848

- Fax to 617-660-3995
- E-Signatures are allowed
- Email form as a .pdf file to POADOR@DOR.State.MA.US
- Include *"The attached Power-of-Attorney form, designating _____ to be the taxpayer's representative, includes the (choose applicable term) taxpayer's or representative's typed name that they intend to serve as their valid signature, and intends to transmit on this form to the Massachusetts DOR."*
- DD 2020-1
- MTC Third Party Access

Obscure Changes – H4104

- MGL Ch 62F Refunds
- When the state collects too much revenue
 - No 2023 or 2024 62F refunds coming
- Was a set percentage of every taxpayer's MA tax
- Perceived to benefit the wealthiest. (They paid more state tax)
- Now, a flat fee distributed equally to every taxpayer



TIR 23-3, A Short-Term Rental Tax, aka the Tourism Marketing District Special Assessment

- Due the next month, by the 30th
- MA GL c64g §1
- Not to exceed 2% of the lodging rent
- Intermediaries usually collect & remit the tax
- Not the Room Occupancy Tax, aka the Other Short-Term Rental Tax
 - State Rate, 5.7%, 90 days or less
 - Municipal Rate, up to 6%, (6.5% Boston)
 - Convention Center Rate, 2.75%
 - (Cambridge, Worcester, Springfield, Boston, Chicopee & West Springfield)
 - Cape Cod Water Protection Rate, 2.75%
 - (Barnstable, Dukes & Nantucket Counties)
 - Community Impact Rate, up to 3%



2023 Circuit Breaker

- January 2023 Town Assessed Value < \$1,025,000
 - It's on the February 2023 tax bill
 - Only include the acre of land closest to the building
- Single filer CB Income Limit \$69,000; MFJ limit \$103,000
- \$2,590 maximum credit
- Betterments and Special Assessments count as Real Estate Tax



Circuit Breaker Income is not Taxable Income

- CH 62 §6(k)1, The definition of Circuit Breaker Total Income
- TIR 1999-19
- Sum of Parts A, B and C Incomes plus the total amounts received from
 - Social Security, line 4
 - Pensions and Retirements, line 5
 - Annuities, line 5
 - Cash, (this means gifts and proceeds from sale of personal property), line 6
 - Public Assistance, line 6
 - Tax Exempt Interest & Dividends, line 3
 - Net Capital Losses, line 3
 - Any Schedule D lines 8 thru 12 losses taken to determine Part C income, (long term capital gains), Schedule CB line 3



Student Loans

- Sch Y line 10 - Amount on Federal Schedule 1 line 21
- Sch Y line 12 - Amount not on Federal Return
 - From 2 year or 4 year undergraduate program
 - Secured through a state/federal student loan program or commercial lender
 - Limited to Tuition and direct expenses for enrollment
 - Available to separate filers
 - Not capped
- New This Year ! Sch Y line 18b
 - Unlimited Fringe Benefits reported as wages
 - In excess of the federal limit, \$5,250



State Money for CE

- MA Workforce Training Fund Program, wtfp@commcorp.org
- Businesses with fewer than 100 employees
- Businesses capped at \$20,000 awards
- Invest to maintain today's skillsets
- Two Programs
 - Express – Business reimbursements
 - General – Business block grants
- CommCorp.org – Commonwealth Corporation



WorkForce Development Express Program

- Pick a course
- Submit application for reimbursement, at least 21 days before the program
- Attend
- Submit proof of payment & completion



MA DOR is Hiring

- 50 Seasonal help positions
- \$25 per hour
- Tax Examiner I
- Visit the [Mass.gov career/jobs](https://www.mass.gov/career/jobs) website



MA Underpayment Interest Rates, TIR 23-13

- 2022
 - Q1 – 4%
 - Q2 – 5%
 - Q3 – 6%
 - Q4 – 7%
- 2023
 - Q1 – 8%
 - Q2 – 8%
 - Q3 – 8%
 - Q4 – 9%
- 2024 Q1 – 9%



MA DOR Offers in Compromise

- Reasons for rejections
 - The offer is less than 50% of the tax liability
 - The offer is less than \$5,000
 - The current year estimated tax payments are missing
 - The most recent tax year is not paid in full
 - The tax liability is in dispute
 - National Collection Financial Standards are used
 - A perceived potential for changing circumstances exists
 - A history of non-compliance exists



MA DOR OIC Approval

- A Financial Audit is completed before the offer application proceeds
- The Offer in Compromise Unit recommends a Legal Counsel review
- Two Deputy Commissioners forward their approval to the Commissioner
- An unpaid liability of \$20,000 or more is submitted to the Attorney General for review and approval



DOR Phishing

- Taxpayer notified by e-mail that an out of state return was filed on their behalf. Click on this hyperlink "Massachusetts Dept of Revenue" to address the discrepancy.
- MA DOR does collect email addresses for matters of
 - Penalty abatement
 - Collections
 - Appeals
- Note that MA DOR Operations issue letters with a Letter ID.
 - When calling or corresponding with DOR, the Letter ID is the correct DOR reference
 - 617-887-6367 – Operations Call Center
 - 617-887-6400 – MA DOR Collections

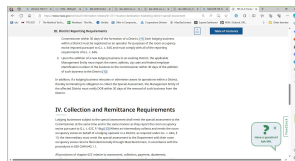
Non-Profits Don't Pay MA Tax; AGO Filing

- MA Form PC is online only
- www.mass.gov/info-details/online-charity-filing-portal
- Conforms to Hurricane Lee extra time
- Register as a form preparer & the non-profit
- No printed form
- Attached PDF's
 - Federal 990, if revenue > \$25,000
 - Officers & Directors
 - Authorizers of Expenses & Fundraising Approval
- Submit filing for approvals of President & Treasurer
- \$35 Payment from President/Treasurer



MA DOR Technology

- Website AI Chatbots – Mass.gov initiative
- MTC filing Form 1, Residents only
 - Must have already filed a MA return
- MTC filing MA 706
- Submit Documentation
- Secured Messaging
- ** MTC Access is not a legally binding responsibility **



MA Tax Change Recap

- Charitable Donation
 - Everyone gets the deduction
 - No clothing or household items
 - Documentation
- Bike and T expenses
 - First \$150 doesn't count
 - Repairs & Maintenance
 - Personal use is allowed
- Family & Kids
 - Refund Claims without income



Email MA DOR with Tax Questions

- TaxPROFeedback@DOR.State.MA.US
- Mass.gov contact page
- What's Trending
- Hot Topics
- Tax Guides



Who do you call?

- Call Center, 617-887-6367
 - Busiest at lunch time
- Collections, 617-887-6400
- Problem Resolution Office, 617-626-3833
- Estates, 617-887-6930