

### 租金收入的损失(参考IRS的Pub.527, p13 ; Pub.925, p4-5)

除非是real estate professionals，否则一般租金收入是被动收入，若产生损失原则上也只能可以抵扣被动性所得。但若是不动产出租产生的损失，可能适用「有积极参与的不动产租金收入的例外」，一年最多可将2.5万元的特别损失抵扣额(special allowance)用于扣抵非被动性所得(non passive income)，条件如下：

1. 该个人至少要有该出租不动产获利的10%以上(包括配偶的部分)
2. 积极参与(ACTIVE PARTICIPATION)，如负责主要管理决定，包括同意新房客、决定租约内容、安排他人进行维修等。

但如果该报税人的MAGI高于USD10万元，2.5万的特别损失抵扣额会开始以50%的比例递减，故MAGI若达15万就会全数抵减完。若夫妻分开申报，全年度曾居住在一起，就完全不可以享有2.5万的租金损失抵扣。若夫妻分开申报全年又无任何一天住在一起，则各自可享有1.25万的额度，但若MAGI大于5万元一样会开始以50%比例递减，MAGI达7.5万时就会全数抵减完。

例子1：一对夫妻2012年的MAGI为USD9万元，有租金损失2.1万元，则全部2.1万租金损失都可用于扣抵非被动性收入；若有租金损失2.8万元，则2012年可抵的租金损失为2.5万元，剩余的0.3万元可递延到未来年度直到抵完为止。

例子1(Pub.925, p4) : Kate, a single taxpayer, has \$70,000 in wages, \$15,000 income from a limited partnership, a \$26,000 loss from rental real estate activities in which she actively participated, and is not subject to the modified adjusted gross income phaseout rule. She can use \$15,000 of her \$26,000 loss to offset her \$15,000 passive income from the partnership. She actively participated in her rental real estate activities, so she can use the remaining \$11,000 rental real estate loss to offset \$11,000 of her nonpassive income (wages)

报税人所得如下 :

1. 工资USD70,000
2. LP的被动所得USD15,000
3. 有积极参与的租金收入损失USD26,000

所以租金损失是先抵扣同样是被动所得的15,000 , 剩余的11,000则可全数扣抵部分工资所得。

例子2(Pub.925, p5) : During 2012, John was unmarried and was not a real estate professional. For 2012, he had \$120,000 in salary and a \$31,000 loss from his rental real estate activities in which he actively participated. His modified adjusted gross income is \$120,000. When he files his 2012 return, he can deduct only \$15,000 of his passive activity loss. He must carry over the remaining \$16,000 passive activity loss to 2013.

报税人因MAGI为12万元 , 超过2.5万special allowance的抵减门坎2万元 , 故可适用的special allowance会减少为 :  
 $25,000 - (120,000 - 100,000) * 0.5 = 15,000$ 元。

故今年度的总租金收入损失USD31,000中有15,000用于抵扣今年的其他非被动性所得 , 剩余的16,000则可全部carryover到未来年度使用 , 直到抵完为止。