

## 如何减少房产盈利的纽约市个人所得税

很多纽约市的居民在搬出纽约市之前都会出售他们拥有的高度增值的房产。根据纽约市特有的累计记账法的规则，这些个人就房产盈利部分需要缴纳大额的纽约市个人所得税。然而，在销售房产前如果做有效的税务筹划，纳税人会有机会节省一笔庞大可观的纽约市所得税。

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根据累积记帐法，如果纳税人在收到销售房产的盈利前已经搬出其居住地的州/市，但在其搬出前已经有权利获得房产的收益，纳税人必须向其前居住地的州/市申报已经成交但还未收到款额的收益。然而，如果使用现金收付法的话，纳税人只在他们收到实际付款时才向他们现居住地的州/市申报纳税。纽约市的特别累积记帐法把所有搬迁出纽约的纳税人从现金收付制转换到累积记帐制以便调节这一整年中的收益申报。如果一位纽约市居民签署了物业买卖合同而且在过户之前就已经搬离纽约市的话，根据累积记帐法，这位纳税人仍然需要就其销售纽约市房产所得收益缴纳纽约市的所得税。另外，美国的有些州要求根据累积记帐法来申报搬迁那年的收益，但也有些州仍要求使用现金收付法，导致纳税人会有可能双重征税。无论如何，如果纳税人妥善处理这些复杂的情况，就可以有机会节省可观的税额。

我们的一个客户，周先生，在2016年初把他在纽约市自住的公寓出售，并在同年搬迁至康乃狄克州居住。他是在2016年2月份签署了出售这套公寓的无应急条款的买卖合同。在合同签署时周先生仍然居住在这套公寓里，并在这套公寓4月份交割后两天搬离纽约市。出售这套公寓的盈利为270万美元。根据累积记帐法，盈利部分的纽约市所得税预估大约为10万多美金(以纽约市最高的税率3.876%来预算)。当我们审阅了周先生的买卖合同和房产交割的相关信息后，我们得出结论纽约市的累计记账法不应适用于周先生销售其公寓产生的盈利。相反，周先生应使用现金收付法因此就不用缴纳纽约市所得税了。我们用一个相关案例来支持我们的结论。由于周先生本人也是律师，在看完案例后决定不向纽约市缴纳270万房产盈利所产生的10万多美金的纽约市所得税。周先生相信他有充分的法律基础来应对纽约市税务局可能对此决定作出的质疑。

对于很多将来打算搬出纽约市并出售在纽约市的房产的人士，提早做税务筹划可以为您节省可观的纽约市所得税。为了最大程度减少或免除您因房产盈利而要缴纳的纽约市所得税，我们建议在您签署物业买卖合同之前向您信任的税务顾问咨询，确保您的买卖合同的具体条款和房产交割的时间和程序都符合能够获得省税目的的相关要求。

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