

# 2021 Moving Expense Deduction

# 3913

Attach to your California Form 540 or Form 540NR.

Name(s) as shown on tax return	Your SSN or ITIN
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**Before you begin:** Are you a military member?

- Yes.** See **Members of the Armed Forces** section in the instructions before you continue on to line 1 below.
- No.** See the **Distance Test** and **Time Test** in the instructions under **Non-military Members** section to find out if you can deduct your moving expenses.

<b>1</b>	Transportation and storage of household goods and personal effects. See instructions.....	<b>1</b>	
<b>2</b>	Travel (including lodging) from your old home to your new home. <b>Do not</b> include the cost of meals. See instructions.....	<b>2</b>	
<b>3</b>	Add line 1 and line 2.....	<b>3</b>	
<b>4</b>	Enter the total amount your employer or the government paid you for the expenses listed on line 1 and line 2 that is <b>not</b> included in box 1 of your federal Form W-2 (wages).....	<b>4</b>	
<b>5</b>	Is line 3 <b>more than</b> line 4?  <input type="checkbox"/> <b>No.</b> You cannot deduct your moving expenses. If line 3 is less than line 4, subtract line 3 from line 4 and include the result on Schedule CA (540), Part I, Section A, line 1, column C or Schedule CA (540NR), Part II, Section A, line 1, column C. If you checked the Yes box above for <b>military member</b> , you have no CA adjustment. Do not enter the result on Schedule CA. See instructions.  <input type="checkbox"/> <b>Yes.</b> Subtract line 4 from line 3. Enter the result here and on Schedule CA (540), Part I, line 14, column C or Schedule CA (540NR), Part II, line 14, column C. This is your <b>moving expense deduction</b> . If you checked the Yes box above for <b>military member</b> , you have no CA adjustment. Do not enter the result on Schedule CA. See instructions.....	<b>5</b>	

# 2021 Instructions for Form FTB 3913

## Moving Expense Deduction

### What's New

**Moving Expense Deduction** – For taxable years beginning on or after January 1, 2021, taxpayers should file California form FTB 3913, Moving Expense Deduction, to claim moving expense deductions. Attach the completed form FTB 3913 to Form 540, California Resident Income Tax Return, or Form 540NR, California Nonresident or Part-Year Resident Income Tax Return.

**Standard Mileage Rate** – For 2021, the standard mileage rate for using your vehicle to move to a new home is 16 cents a mile.

### General Information

Generally, if the total reimbursements or allowances that you receive from the employer because of the move are more than your actual moving expenses, the employer must include the excess in your wages on federal Form W-2, Wages and Tax Statement. However, if any reimbursements or allowances (other than dislocation allowances, temporary lodging expenses, temporary lodging allowances, or move-in housing allowances) exceed the cost of moving and the excess is not included in your wages on federal Form W-2, the excess still must be included in wages as income on Schedule CA (540), California Adjustments – Residents, Part I, Section A, line 1, column C or Schedule CA (540NR), California Adjustments – Nonresidents or Part-Year Residents, Part II, Section A, line 1, column C.

If your reimbursements or allowances are less than your actual moving expenses, do not include the reimbursements or allowances in income. You can deduct the expenses that are more than your reimbursements in the year you paid or incurred the expenses.

For members of the Armed Forces, refer to General Information B, under the Members of the Armed Forces section for further instructions.

**Estimated tax.** If you must make estimated tax payments, you need to take into account any taxable reimbursements and deductible moving expenses in figuring your estimated tax.

### A Purpose

Use form FTB 3913 to figure your moving expense deduction for a move related to the start of work at a new principal place of work (workplace) or if you are a member of the Armed Forces on active duty and, due to a military order, you move because of a permanent change of station. If the new workplace is outside the United States or its possessions, you must be a U.S. citizen or resident alien to deduct your expenses.

If you qualify to deduct expenses for more than one move, use a separate form FTB 3913 for each move.

### B Who Can Deduct Moving Expenses

#### Non-military Members

If you move to a new home because of a new principal workplace, you may be able to deduct your moving expenses whether you are self-employed or an employee. But you must meet both the distance and time tests that follow prior to completing line 1 through line 5 of form FTB 3913. Also, your move must be closely related both in time and place to the start of work at your new job location.

#### Distance Test

Your new principal workplace must be at least 50 miles farther from your old home than your old workplace was. For example, if your old workplace was 3 miles from your old home, your new workplace must be at least 53 miles from that home. If you did not have an old workplace, your new workplace must be at least 50 miles from your old home. The distance between the two points is the shortest of the more commonly traveled routes between them. To see if you meet the distance test, you can use the Distance Test Worksheet.

#### Distance Test Worksheet

(Keep a copy for your records.)

1. Number of miles from your **old home** to your **new workplace** ..... 1 \_\_\_\_\_
2. Number of miles from your **old home** to your **old workplace** ..... 2 \_\_\_\_\_
3. Subtract line 2 from line 1. If zero or less, enter -0- ..... 3 \_\_\_\_\_

**Is line 3 at least 50 miles?**

**Yes.** You meet this test.

**No.** You do not meet this test. You **cannot** deduct your moving expenses. **Do not** complete form FTB 3913.

#### Time Test

If you are an employee, you must work full time in the general area of your new workplace for at least 39 weeks during the 12 months right after you move. If you are self-employed, you must work full time in the general area of your new workplace for at least 39 weeks during the first 12 months and a total of at least 78 weeks during the 24 months right after you move.

**What if you do not meet the time test before your return is due?** If you expect to meet the time test, you can deduct your moving expenses in the year you move. Later, if you do not meet the time test, you must either:

- Amend your tax return for the year you claimed the deduction by filing California Schedule X, California Explanation of Amended Return Changes, or
- For the year you cannot meet the time test, report as income the amount of your moving expense deduction that reduced your income tax for the year you moved.

If you did not deduct your moving expenses in the year you moved and you later meet the time test, you can take the deduction by filing an amended return for the year you moved. To do this, use California Schedule X.

**Exceptions to the time test.** You do not have to meet the time test if any of the following apply:

- Your job ends because of disability.
- You are transferred for your employer's benefit.
- You are laid off or discharged for a reason other than willful misconduct.
- You are in the Armed Forces and the move is due to a permanent change of station (see below).
- You meet the requirements (explained later) for retirees or survivors living outside the United States.
- You are filing this form for a decedent.

#### Members of the Armed Forces

If you are in the Armed Forces, you do not have to meet the distance and time tests if the move is due to a permanent change of station. Use form FTB 3913 to figure your moving expense deduction if you are a member of the Armed Forces on active duty and, due to a military order, you move because of a permanent change of station.

A permanent change of station includes:

- A move from your home to your first post of active duty,
- A move from one permanent post of duty to another permanent post of duty, and
- A move from your last post of duty to your home or to a nearer point in the United States. The move must occur within 1 year of ending your active duty or within the period allowed under the Joint Travel Regulations.

If you qualify to deduct expenses for more than one move, use a separate form FTB 3913 for each move.

**Spouse and dependents.** If you are the spouse or dependent of a member of the Armed Forces who deserts, is imprisoned, or dies, a permanent change of station for you includes a move to:

- The member's place of enlistment or induction;
- Your, or the member's, home of record; or
- A nearer point in the United States.

If the military moves you to or from separate locations, the moves are treated as a single move to your new main job location.

**Services or reimbursements provided by government.** Do not include in income the value of moving and storage services provided by the government because of a permanent change of station. Similarly, do not include in income amounts received as a dislocation allowance, temporary lodging expense, temporary lodging allowance, or move-in housing allowance.

Generally, if the total reimbursements or allowances that you receive from the government because of the move are more than your actual moving expenses, the government must include the excess in your wages on federal Form W-2. However, if any reimbursements or allowances (other than dislocation allowances, temporary lodging expenses, temporary lodging allowances, or move-in housing allowances) exceed the cost of moving and the excess is not included in your wages on federal Form W-2, the excess still must be included in wages as income. See Specific Line Instructions, line 5 for military members instructions.

If your reimbursements or allowances are less than your actual moving expenses, do not include the reimbursements or allowances in income. You can deduct the expenses that are more than your reimbursements in the year you paid or incurred the expenses.

If you must relocate and your spouse and dependents move to or from a different location, do not include in income reimbursements, allowances, or the value of moving and storage services provided by the government to move you and your spouse and dependents to and from the separate locations.

## C Retirees or Survivors Living Outside the United States

If you are a retiree or survivor who moved to a home in the United States or its possessions and you meet the following requirements, you are treated as if you moved to a new principal workplace located in the United States. You are subject only to the distance test.

### Retirees

You can deduct moving expenses for a move to a new home in the United States when you permanently retire if both your old principal workplace and your old home were outside the United States.

### Survivors

You can deduct moving expenses for a move to a home in the United States if you are the spouse or dependent of a person whose principal workplace at the time of his or her death was outside the United States. The expenses must be for a move (a) that begins within 6 months after the decedent's death, and (b) from a former home outside the United States that you lived in with the decedent at the time of his or her death.

## D Which Moving Expenses Are Deductible and Which Are Not

**How much of my moving expenses can I deduct?** If you move because of a permanent change of station, you can deduct the reasonable unreimbursed expenses of moving you and members of your household. See Specific Line Instructions, later, for how to report this deduction.

A member of your household is anyone who has both your former home and your new home as his or her main home. It doesn't include a tenant or employee unless you can claim that person as a dependent on your tax return.

**Which moving expenses can I deduct?** You can deduct expenses (if not reimbursed or furnished in kind) for:

- Moving household goods and personal effects, and
- Travel.

**Moving household goods and personal effects.** You can deduct the expenses of moving your household goods and personal effects, including expenses for hauling a trailer, packing, crating, in-transit storage, and insurance. You cannot deduct expenses for moving furniture or other goods you bought on the way from your old home to your new home.

**Storing and insuring household goods and personal effects.** You can include only the cost of storing and insuring your household goods and personal effects within any period of 30 consecutive days after the day these goods and effects are moved from your former home and before they are delivered to your new home.

**Travel.** You can deduct the expenses of traveling (including lodging within certain limitations, but not meals) from your old home to your new home, including car expenses and air fare. You can deduct as car expenses either:

- Your actual out-of-pocket expenses such as the amount you pay for gas and oil for your car, if you keep an accurate record of each expense; or
- The standard mileage rate of 16 cents a mile.

You can add parking fees and tolls to the amount claimed under either method. You cannot deduct any part of general repairs, general maintenance, insurance, or depreciation for your car. You cannot deduct any expenses for meals. You cannot deduct the cost of unnecessary side trips or lavish and extravagant lodging.

**Moving services and allowances provided by the government.** Do not deduct any expenses for moving services that were provided by the government. Also, do not deduct any expenses that were reimbursed by an allowance you did not include in income.

**Nondeductible expenses.** You cannot deduct the following items as moving expenses.

- Any part of the purchase price of your new home.
- Car tags.
- Driver's license.
- Expenses of buying or selling a home (including closing costs, mortgage fees, and points).
- Expenses of entering into or breaking a lease.
- Home improvements to help sell your home.
- Loss on the sale of your home.
- Losses from disposing of memberships in clubs.
- Mortgage penalties.
- Real estate taxes.
- Refitting of carpet and draperies.
- Return trips to your former residence.
- Security deposits (including any given up due to the move).
- Storage charges except those incurred in transit and for foreign moves.

**No double deduction.** You cannot take a moving expense deduction and a business expense deduction for the same expenses. You must decide if your expenses are deductible as moving expenses or as business expenses. For example, expenses you have for travel, meals, and lodging while temporarily working at a place away from your regular place of work may be deductible as business expenses if you are considered away from home on business. In most cases, your work at a single location is considered temporary if it is realistically expected to last (and does in fact last) for 1 year or less.

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## E Foreign Moves

A foreign move is a move from the United States or its possessions to a foreign country or from one foreign country to another foreign country. A move from a foreign country to the United States or its possessions is not a foreign move. For a foreign move, the deductible moving expenses described earlier are expanded to include the reasonable expenses of the following.

- Moving your household goods and personal effects to and from storage.
- Storing these items for part or all of the time the new job location remains your main job location. The new job location must be outside the United States.

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### Specific Line Instructions

You can deduct the following expenses you paid to move your family and dependent household members. Do not deduct expenses for employees such as a maid, nanny, or nurse.

If the military moves you, your spouse, and dependents to or from different locations, treat these moves as a single move.

#### Line 1

**Moves within or to the United States or its possessions.** Enter the amount you paid to pack, crate, and move your household goods and personal effects. You can also include the amount you paid to store and insure household goods and personal effects within any period of 30 days in a row after the items were moved from your old home and before they were delivered to your new home.

**Moves outside the United States or its possessions.** Enter the amount you paid to pack, crate, move, store, and insure your household goods and personal effects. Also, include the amount you paid to move your personal effects to and from storage and to store them for all or part of the time the new workplace continues to be your principal workplace.

**Storage fees.** Do not file form FTB 3913 if all of the following apply:

- You moved in an earlier year,
- You are claiming only storage fees during your absence from the United States, and
- Any amount your employer or government paid for the storage fees is included in box 1 of your federal Form W-2 (wages).

Instead, enter the storage fees on Schedule CA (540), Part I, line 14, column C or Schedule CA (540NR), Part II, line 14, column C, and write "Storage" on the dotted line next to line 14. For military members, if the storage fees are already included on federal Schedule 1 (Form 1040), line 14, you do not need to make adjustment on Schedule CA.

Complete line 1 of the form using your actual expenses. Do not include any expenses for moving services provided by your employer or the government. Also, do not include any expenses that were reimbursed by an allowance you do not have to include in your income.

#### Line 2

Enter the amount you paid to travel from your old home to your new home. This includes transportation and lodging on the way. Include costs for the day you arrive. The members of your household do not have to travel together or at the same time. But you can only include expenses for one trip per person. Do not include any house hunting expenses.

If you use your own vehicle(s), you can figure the expenses by using either:

- Actual out-of-pocket expenses for gas and oil, or
- Mileage at the rate of 16 cents a mile.

You can add parking fees and tolls to the amount claimed under either method.

Complete line 2 of the form using your actual expenses. Do not include any expenses for moving services provided by your employer or the government. Also, do not include any expenses that were reimbursed by an allowance you do not have to include in your income.

#### Line 4

Enter the total reimbursements and allowances you received from your employer or the government for the expenses you claimed on line 1 and line 2. Do not include the value of moving or storage services provided by your employer or the government. Also, do not include any part of a dislocation allowance, a temporary lodging allowance, a temporary lodging expense, or a move-in housing allowance. This excluded amount should be identified on federal Form W-2, box 12, with code P for excludable moving expense reimbursements paid directly to a member of the U.S. Armed Forces.

#### Line 5

If line 3 is equal to or less than line 4, you do not have a moving expense deduction. Subtract line 3 from line 4 and, if the result is more than zero, enter it on Schedule CA (540), Part I, Section A, line 1, column C or Schedule CA (540NR), Part II, Section A, line 1, column C. If you checked the Yes box for **military member**, you have no CA adjustment and do not need to enter the result on Schedule CA.

If line 3 is more than line 4, subtract line 4 from line 3, and enter the result on line 5 and on Schedule CA (540), Part I, line 14, column C or Schedule CA (540NR), Part II, line 14, column C. This is your **moving expense deduction**. If you checked the Yes box for **military member** on the form FTB 3913, you have no CA adjustment and do not need to enter the result on Schedule CA. For military members, generally the amount of moving expense deducted for federal and California should be the same and that is why no state adjustment is needed on Schedule CA.

## Franchise Tax Board Privacy Notice on Collection

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