

- Code 2** - Taxpayer opted out of electronic filing.
- Code 3** - Preparer prepares less than 50 returns annually.
- Code 4** - Preparer capable of electronic filing, but return cannot be accepted electronically.
- Code 5** - Preparer has a hardship waiver.
- Code 6** - Preparer capable of electronic filing, but not yet approved as electronic return originator by IRS.

Preparer PTIN

Enter the preparer's identification number provided by the IRS. For taxable years beginning on or after January 1, 2019, an income tax return preparer who has the primary responsibility for the overall substantive accuracy of the preparation of a return or claim for refund is required to include their Preparer Tax Identification Number (PTIN) on such return.

Schedule ADJ Line Instructions

FIXED DATE CONFORMITY UPDATE FOR 2022

Virginia's Fixed Date Conformity with the Internal Revenue Code: Virginia's date of conformity with the Internal Revenue Code (IRC) was advanced from December 31, 2020 to December 31, 2021, subject to certain exceptions. Additional information about conformity adjustments and other legislative changes required as a result of the 2022 General Assembly is provided in Tax Bulletin 22-1 posted on the Department's website at www.tax.virginia.gov.

Virginia will continue to deconform from the following: bonus depreciation allowed for certain assets under federal law; the five-year carryback of certain federal net operating loss (NOL) deductions generated in the 2008 or 2009 taxable years; the federal income treatment of applicable high yield discount obligations; and the federal income tax treatment of cancellation of debt income realized in connection with certain business debts. In addition, Virginia will continue to deconform from the following temporary changes made by the Coronavirus Aid, Relief, and Economic Security ("CARES") Act: suspension of certain NOL limitations for Taxable Years 2018, 2019, and 2020 and increasing the business interest limitation for Taxable Year 2019 and 2020. See Tax Bulletin 21-4 for more information.

Additions to Income

Enter your name in the box in the top left corner of Schedule ADJ (both names if filing jointly) and the Social Security Number of the primary taxpayer as shown on your Virginia Individual Income Tax Return.

Line 1. Interest on obligations of other states. Enter the amount of any interest on obligations of other states not included in your Federal Adjusted Gross Income, which is taxable in Virginia, less related expenses.

Line 2. Other additions to Federal Adjusted Gross Income

Line 2a. Fixed Date Conformity Additions

- A. Bonus Depreciation** If you claimed a federal depreciation deduction and one or more of the depreciable assets received the special 30% or 50% bonus depreciation deduction under IRC § 168(k) in any taxable year from

2001 through 2022, or the bonus depreciation under IRC §§ 168(l), 168(m), 1400L, or 1400N, then depreciation must be recomputed for Virginia purposes as if such assets did not receive such bonus depreciation. If your total 2022 Virginia depreciation calculation is less than your 2022 federal depreciation calculation, then the difference must be recognized as an addition.

Enter the amount that should be added to Federal Adjusted Gross Income based upon the recomputation of allowable depreciation.**A.** _____

- B. Other Fixed Date Conformity Additions** - If you are required to make any Other Fixed Date Conformity additions listed in the Fixed Date Conformity Update for 2022 above, enter the total amount of such additions on this line. Also, please enclose a schedule and explanation of such additions.

Enter any other Fixed Date Conformity additions

here**B.** _____

- C. Enter the total of Lines A and B above and on Schedule**

ADJ, Line 2a **C.** _____

Lines 2b - 2c Other Additions

On Lines 2b - 2c, enter the 2 digit code listed below, followed by the amount, for any additions to federal adjusted gross income in the categories listed below.

If claiming more than two additions on Lines 2b-2c of Schedule ADJ, use the supplemental Schedule ADJS to provide the code and amount for each addition in excess of two. Enter the total of all additions on Line 3 of Schedule ADJ and fill in the oval at the bottom of the form. Be sure to enclose Schedule ADJS with your return.

Code Description

- 10 Interest on federally exempt U.S. obligations** - Enter the amount of interest or dividends exempt from federal income tax, but taxable in Virginia, less related expenses.
- 11 Accumulation distribution income** - Enter the taxable income used to compute the partial tax on an accumulated distribution as reported on federal Form 4970.
- 12 Lump-sum distribution income** - If you received a lump-sum distribution from a qualified retirement plan and used the 20% capital gain election, the 10-year averaging option, or both on federal Form 4972, complete the table below:

Enter the total amount of distribution subject to federal tax (ordinary income and capital gain).....1.	_____
Enter the total federal minimum distribution allowance, federal death benefit exclusion and federal estate tax exclusion.....2.	_____
Subtract Line 2 from Line 1. Enter this amount on Line 2b or 2c of your Virginia Schedule ADJ.....3.	_____

14 Income from Dealer Disposition of Property - Enter the amount that would be reported under the installment method from certain dispositions of property. If, in a prior year, the taxpayer was allowed a subtraction for certain income from dealer dispositions of property made on or after January 1, 2009, in the years following the year of disposition, the taxpayer is required to add back the amount that would have been reported under the installment method. Each disposition must be tracked separately for purposes of this adjustment.

17 First-Time Home Buyer Savings Accounts - To the extent excluded from federal adjusted gross income, an account holder must add any loss attributable to their first-time home buyer savings account that was deducted as a capital loss for federal income tax purposes. For more information, see the First-Time Home Buyer Savings Account Guidelines, available in the Laws, Rules & Decisions section of the Department's website at www.tax.virginia.gov.

18 Food Crop Donation - To the extent a credit is allowed for growing food crops in the Commonwealth and donating the crops to a nonprofit food bank, an addition to the taxpayer's federal adjusted gross income is required for any amount claimed by the taxpayer as a federal income tax deduction for such donation.

19 Federal Partnership Income Addition - Income related to a federal partnership audit must be added to the owner's income tax return if the income was not previously reported on the original Virginia return. The amount of the addition is equal to the income that was not included in Virginia taxable income. When reporting this addition, enclose the partnership's completed Form 502FED-1.

20 Pass-Through Entity Tax Add Back - If you claim a Pass-Through Entity Elective Tax Payment Credit on Schedule CR, you must add back your pro-rata share of any deduction for state and local income taxes paid by the qualifying pass-through entity.

99 Other - Enter the amount of any other income not included in federal adjusted gross income, which is taxable in Virginia. If you are filing by paper, enclose an explanation and supporting documentation, if applicable. If you are filing electronically, provide a detailed explanation in the space provided by the software program.

Line 3. Total Additions

Add Lines 1 through 2c and enter the total in the box. Enter this amount on Line 2 of Virginia Form 760.

Subtractions from Income

To the extent included in federal adjusted gross income, the following subtractions are allowed on the Virginia return. No amount previously excluded from FAGI can be claimed as a subtraction in computing Virginia taxable income. The same income may not be included in more than one subtraction.

Special instructions for members of the military Virginia law provides 3 subtractions for military servicemembers.

- military pay and allowances earned while serving in a combat zone or qualified hazardous duty area (Va. Code § 58.1-322.02 13);
- military basic pay for personnel on extended active duty for periods in excess of 90 consecutive days (Va. Code § 58.1-322.02 15); and
- wages or salaries received for active and inactive service in the National Guard of the Commonwealth (Va. Code § 58.1-322.02 8).

Servicemembers may be eligible for more than one subtraction, but the same income may not be included in more than one subtraction. For example, a servicemember may not deduct the same income for both the military basic pay subtraction and the National Guard subtraction.

Line 4. Obligations of the U.S.

Enter the amount of any income (interest, dividends and gain) from obligations of the U.S. that are included in your federal adjusted gross income, but are exempt from Virginia state tax.

Income from obligations issued by the following organizations IS NOT taxable in Virginia: Tennessee Valley Authority, Federal Deposit Insurance Corporation; Federal Home Loan Bank; Federal Intermediate Credit Bank; Governments of Guam, Puerto Rico and Virgin Islands; U.S. Treasury bills, notes, bonds and savings bonds; Federal Land Bank; Federal Reserve Stock; Farm Credit Bank; Export-Import Bank of the U.S.; U.S. Postal Service; and Resolution Trust Corporation.

Income from obligations issued by the following organizations IS taxable in Virginia: Federal Home Loan Mortgage Corporation, Federal National Mortgage Association, Government National Mortgage Association, Inter-American Development Bank, and International Bank for Reconstruction and Development.

Line 5. Disability Income

Enter the amount of disability income reported as wages (or payments in lieu of wages) on your federal return for **permanent and total disability**. On joint returns, each spouse can qualify for the deduction. Individuals can subtract up to \$20,000 of disability income, as defined under IRC § 22(c)(2)(b)(iii).

Enter YOUR subtraction on Line 5a and your SPOUSE'S subtraction on Line 5b.

A taxpayer cannot claim an age deduction on Line 4 of Form 760 and a subtraction for disability income. Claim the one that benefits you the most. For married taxpayers filing a joint return, each taxpayer may claim, if applicable, an age deduction or a subtraction for disability income.

If your disability is from social security please ensure that the subtraction is not taken twice on the same income source. The taxable portion of social security is already allowed as a subtraction on line 5 of the tax return.

Note: Once taxpayers reach mandatory retirement age (as defined by the IRS), disability income becomes retirement income.

Line 6. Other subtractions from federal adjusted gross income

Line 6a. Fixed Date Conformity Subtractions

A. Bonus Depreciation If you claimed a federal depreciation deduction and one or more of the depreciable assets received the special 30% or 50% bonus depreciation deduction under IRC § 168(k) in any taxable year from 2001 through 2022, or the bonus depreciation under IRC §§ 168(l), 168(m), 1400L, or 1400N, then depreciation must be recomputed for Virginia purposes as if the assets did not receive such bonus depreciation. If your total 2022 Virginia depreciation calculation is more than your 2022 federal depreciation calculation, then the difference must be recognized as a subtraction. Enter the amount that should be subtracted from Federal Adjusted Gross Income based upon the recomputation of allowable depreciation.

A.
B. Other Fixed Date Conformity Subtractions - If you are required to make any Other Fixed Date Conformity subtractions listed in the Fixed Date Conformity Update for 2022 above, enter the total amount of such subtractions on this line. Also, please enclose a schedule and explanation of such additions.

B.
C. Add Lines A and B. Enter here and on Schedule ADJ, Line 6(a).....**C.**.....

Lines 6b - 6d. Other subtractions On Lines 6b-6d, enter the 2-digit code in the boxes on Schedule ADJ, followed by the amount, for any subtractions from federal adjusted gross income listed below.

Other Subtractions for Lines 6b - 6d
If you have more than 3 subtractions on Lines 6b-6d of Schedule ADJ, use the supplemental Schedule ADJS to provide the code and amount for each subtraction in excess of 3. Enter the total of all subtractions on Line 7 of Schedule ADJ and fill in the oval at the bottom of the form. Be sure to enclose Schedule ADJS with your return.

Certification Number - Some subtractions require a preapproval application. If the application is approved, and you are issued a 9-digit certification number, enter this number in the space provided beside the subtraction code.

Code	Description
20	Income from Virginia Obligations - Enter the amount of income from Virginia obligations that you included in your federal adjusted gross income. Income from Virginia obligations would include interest on Virginia state bonds or municipal obligations and gains from sales of those obligations that are included in your federal adjusted gross income.
21	Federal Work Opportunity Tax Credit Wages - Enter the amount of wages or salaries eligible for the federal Work

Opportunity Tax Credit that you included in your federal adjusted gross income. Do not enter the federal credit amount.

- 22 **Tier 2 and Other Railroad Retirement and Railroad Unemployment Benefits** - Enter the amount of Tier 2 vested dual benefits and other Railroad Retirement Act benefits and Railroad Unemployment Insurance Act benefits included in federal adjusted gross income and reported on your federal return as a taxable pension or annuity.
- 24 **Virginia Lottery Prizes** - Enter the sum of all prizes under \$600 awarded to you by the Virginia Lottery Department to the extent that you included them in your federal adjusted gross income.
- 28 **Virginia National Guard Income** - Enter the amount of wages or salaries for active and inactive service in the National Guard of the Commonwealth of Virginia for persons of rank O3 and below included in federal adjusted gross income. This amount may not exceed the amount of income received for 39 days or \$3,000, whichever is less. Reminder: This subtraction does not apply to members of the active or reserve units of the Army, Navy, Air Force or Marines, or the National Guard of other states or the District of Columbia. If you claim this subtraction, you cannot claim a Credit for Low-Income Individuals, Virginia Earned Income Credit, or Refundable Virginia Earned Income Credit.
- 30 **Military Pay and Allowances Attributable to Active Duty Service in a Combat Zone or a Qualified Hazardous Duty Area** - To the extent included in federal adjusted gross income and not otherwise subtracted, deducted or exempted, enter military pay and allowances earned while serving by the order of the President of the United States with the consent of Congress in a combat zone or qualified hazardous duty area treated as a combat zone for federal tax purposes pursuant to IRC § 112.
- 31 **Retirement Plan Income Previously Taxed by Another State** - Enter the amount of retirement income received during the taxable year on which the contributions were taxed in another state, but were deductible from federal adjusted gross income during the same period. The total amount of this subtraction cannot exceed the amount of the contributions previously taxed by another state, usually in a previous year.

Virginia Supplemental retirement (VRS) does not qualify as previously taxed distributions for taxes paid to another state. Virginia does not previously tax contributions on the Virginia retirement plan.
- 34 **Virginia529 or ABLE Income Distribution or Refund** - Enter the amount of any income included in federal adjusted gross income that is attributable to a distribution of benefits or a refund from the Virginia529 or ABLE, in the event of a beneficiary's death, disability or receipt of scholarship.

- 37 Unemployment Compensation Benefits** - Enter the amount of unemployment compensation benefits received during the taxable year reported as income on your federal income tax return.
- 38 Military Basic Pay** - Military service personnel may subtract up to \$15,000 of military basic pay received during the taxable year, provided they are on extended active duty for a period in excess of 90 consecutive days. Military personnel stationed inside or outside Virginia are eligible. This subtraction is allowed for military basic pay that is included in federal adjusted gross income and is not included in another subtraction, such as the Virginia National Guard Income Subtraction. If the military basic pay does not exceed \$15,000, then the entire amount may be subtracted. If the basic military pay is over \$15,000, then the subtraction is reduced by the amount exceeding \$15,000. For every \$1.00 of income over \$15,000, the maximum subtraction is reduced by \$1.00. If your basic military pay is \$30,000 or more, you are not entitled to a subtraction. On joint returns, each spouse can qualify for the subtraction. If you claim this subtraction, you cannot claim a Credit for Low-Income Individuals, Virginia Earned Income Credit, or Refundable Virginia Earned Income Credit.
- 39 Federal and State Employees** - Any individual who qualifies as a federal or state employee earning \$15,000 or less in annual salary from all employment can subtract up to \$15,000 of the salary from that state or federal job. If both spouses on a joint return qualify, each spouse may claim the subtraction. The subtraction cannot exceed the actual salary received. If you claim this subtraction, you cannot claim a Credit for Low-Income Individuals, Virginia Earned Income Credit, or Refundable Virginia Earned Income Credit.
- 40 Income Received by Holocaust Victims** - To the extent included in your federal adjusted gross income, subtract any income resulting from the return or replacement of assets stolen during the Holocaust and throughout the time period leading up to, during, and directly after World War II as a result of: Nazi persecution, an individual being forced into labor against their will, transactions with or actions of the Nazi regime, treatment of refugees fleeing Nazi persecution, or holding of such assets by entities or persons in the Swiss Confederation.
- 44 Congressional Medal of Honor Recipients** - Enter the amount of military retirement income you received as an individual awarded the Congressional Medal of Honor.
- 49 Certain Death Benefit Payments** - Allows a beneficiary taxpayer to subtract the death benefit payments received from an annuity contract that are subject to federal income taxation, for taxable years beginning on or after January 1, 2007. In order to qualify for this subtraction, a death benefit payment is required to meet the following criteria: 1) the death benefit payment is made pursuant to an annuity contract with an insurance company; 2) the payment must be awarded to the beneficiary in a lump sum; and 3) the payment must be subject to taxation at the federal level. The death benefit subtraction is not permitted for payments from a retirement plan.
- 51 Gains from Land Preservation** - To the extent a taxpayer's federal gain includes gain or loss recognized on the sale or transfer of a Land Preservation Tax Credit, the taxpayer is required to subtract the gain or add back the loss on their Virginia return.
- 52 Certain Long-Term Capital Gains** - Provided the long-term capital gain or investment services partnership income is attributable to an investment in a "qualified business" as defined in Va. Code §58.1-339.4 or any other technology business approved by the Secretary of Technology or the Secretary of Commerce and Trade, it may be allowed as a subtraction. The business must have its principal facility in Virginia and less than \$3 million in annual revenues for the fiscal year preceding the investment. The investment must be made between the dates of April 1, 2010, and June 30, 2020. Taxpayers claiming the Qualified Equity and Subordinated Debt Credit cannot claim this subtraction relating to investments in the same business. In addition, no investment is "qualified" for this deduction if the business performs research in Virginia on human embryonic stem cells and no subtraction would be allowed to an individual taxpayer who claimed the Venture Capital Investment subtraction for the same investment.
- 53 Historic Rehabilitation** - To the extent included in federal adjusted gross income, any amount of gain or income recognized by a taxpayer in connection with the Historic Rehabilitation Tax Credit is allowed as a subtraction on the Virginia return.
- 54 First-Time Home Buyer Savings Accounts** - To the extent included in federal adjusted gross income, an individual may subtract any income attributable to a first-time home buyer savings account that was taxed as interest, capital gains, or other income for federal income tax purposes.
- Distributions from a first-time home buyer savings account may only be used for the purpose of paying or reimbursing the down payment and allowable closing costs for the purchase of a single-family residence in Virginia by a qualified beneficiary. The subtractions claimed by an account holder in all prior taxable years are subject to recapture in the taxable year in which account funds are withdrawn for any other purpose even if the withdrawal occurred after the expiration of Virginia's three-year statute of limitations.
- To claim the subtraction, an individual must designate an account as a first-time home buyer savings account. An individual may designate an account by submitting documentation with their Virginia income tax return for the first taxable year in which such individual claims the subtraction. An individual must submit documentation for each account that they are designating. Include the following information:
- The name and address of the financial institution that maintains the account;

- The names of any other individuals with an ownership interest in the account;
- The account number or other account identifier;
- The type of principal (cash or marketable securities) contributed to the account as of the last day of the taxable year;
- The amount of principal and interest in the account as of the last day of the taxable year;
- The amount of any withdrawals from the account during the taxable year; and
- The account beneficiary or beneficiaries.

After designating an account as a first-time home buyer savings account, the account holder is required to include updated information for the account for all future taxable years in which he or she is required to file a Virginia income tax return. If an account holder has designated more than one existing first-time home buyer savings account, the account holder is required to submit updated information for each account. More information is available in the First-Time Home Buyer Savings Account Guidelines, which are available in the Laws, Rules & Decisions section of the Department's website at www.tax.virginia.gov.

55 Discharge of Student Loans - Effective for taxable years beginning on and after January 1, 2015, a subtraction is allowed for income attributable to the discharge of a student loan due to the student's death. For purposes of this subtraction, "student loan" means the same as the term is defined under IRC § 108(f). This is a loan to an individual to assist that individual in attending an educational organization that was made by:

- The United States, or an instrumentality or agency thereof;
- A state, territory, or possession of the United States, or the District of Columbia, or any political subdivision thereof;
- Certain tax-exempt public benefit corporations that have assumed control over a state, county, or municipal hospital and whose employees are deemed public employees under state law;
- Charitable educational organizations, if the loan was made: pursuant to an agreement with one of the above-listed entities; or pursuant to a program designed to encourage its students to serve in occupations or areas with unmet needs, and under which the services provided by the students are for or under the direction of a governmental unit or certain tax-exempt organizations.

This subtraction is not applicable to the discharge of private loans. This subtraction does not apply to loans that are already excluded from federal income taxation.

56 Venture Capital Investment - For taxable years beginning on or after January 1, 2018 taxpayers may claim an individual income tax subtraction for income attributable to an investment in a Virginia venture capital account made on or after January 1, 2018, but before

December 31, 2023. For the purposes of this subtraction, income includes, but is not limited to, investment services partnership interest income, otherwise known as investment partnership carried interest income.

In order for the subtraction to be claimed on the investors' income tax returns, the fund in which they invest must be certified by the Department as a Virginia venture capital account for the year of the investment. If the fund is approved, a 9-digit certification number will be provided. Enter this number in the "Certification Number" space provided beside the subtraction code.

No subtraction is allowed to an individual taxpayer: for an investment in a company that is owned or operated by a family member or affiliate of the taxpayer; who claimed the subtraction for certain long-term capital gains for the same investment; who claimed the Qualified Equity and Subordinated Debt Investments Tax Credit for the same investment; or who claimed the Real Estate Investment Trust subtraction for the same investment.

57 Real Estate Investment Trust - For taxable years beginning on and after January 1, 2019, taxpayers may claim a subtraction for income attributable to an investment in a Virginia real estate investment trust made on or after January 1, 2019 but before December 31, 2024.

In order for the subtraction to be claimed on the investors' income tax returns, the real estate investment trust in which they invest must be certified by the Department as a Virginia real estate investment trust for the taxable year during which the investment was made. If the fund is approved, a 9-digit certification number will be provided. Enter this number in the "Certification Number" space provided by the subtraction code.

No subtraction is allowed to an individual taxpayer: for an investment in a company that is owned or operated by a family member or affiliate of the taxpayer; who claimed the subtraction for certain long-term capital gains or Venture Capital Investments for the same investment; or who claimed the Qualified Equity and Subordinated Debt Investments Tax Credit for the same investment. For more information, see the Form REIT instructions.

58 Gain from Eminent Domain - For taxable years beginning on or after January 1, 2019, taxpayers may claim a subtraction for any gain recognized from the taking of real property by condemnation proceedings.

59 Federal Partnership Income Subtraction - Income related to a federal partnership audit may be subtracted from Virginia taxable income if the income was previously reported on the owner's Virginia return. The amount of the subtraction is equal to the federal taxable income that was included in the owner's Virginia original income tax return but should not have been reported. When claiming this subtraction, include a copy of the partnership's Form 502FED-1.

60 Military Benefits Subtraction - For taxable years beginning on and after January 1, 2022, certain military benefits received by an individual age 55 or older may be subtracted from Virginia taxable income. The

maximum amount of the subtraction is \$10,000 in Taxable Year 2022; \$20,000 in Taxable Year 2023; \$30,000 for Taxable Year 2024; and \$40,000 for Taxable Year 2025 and after. If a joint return is filed by two married members of the military both receiving qualifying benefits, each spouse would be able to take advantage of the maximum subtraction amount for his or her qualifying benefits. "Military benefits" are defined as any military retirement income received for service in the Armed Forces of the United States; qualified military benefits received pursuant to § 134 of the Internal Revenue Code regarding certain military benefits; benefits paid to the surviving spouse of a veteran of the Armed Forces of the United States under the Survivor Benefit Plan program established by the U.S. Department of Defense; and military benefits paid to the surviving spouse of a veteran of the Armed Forces of the United States. This subtraction is not allowed if a credit, exemption, subtraction, or deduction is claimed for the same income pursuant to any other provision of Virginia or federal law.

Taxpayers and surviving spouses are eligible for the Military Benefits Subtraction if they turn 55 at any time during the taxable year for which the subtraction is taken.

- 99 Other** - Enter the amount of any other subtraction included in federal adjusted gross income which is not taxable in Virginia. If you are filing by paper, enclose an explanation and supporting documentation, if applicable. If you are filing electronically, provide a detailed explanation in the space provided by the software program.

Enclose an explanation for other subtractions.

Line 7. Total Subtractions Add Lines 4 through 6d. Enter the sum in the box to the right **and** on Line 7 of Form 760.

Deductions from Income

Lines 8a - 8c. Deductions On Lines 8a-8c, enter the 3-digit code, listed in the following table, in the boxes on Schedule ADJ, followed by the amount, for any deductions from Virginia adjusted gross income in the categories listed below.

Do not fill in the loss box unless you are claiming a bank franchise deduction (Code 112) or a business interest deduction recovery (Code 117). See the instructions at the end of this section.

Other Deductions for Lines 8a-8c

If you have more than 3 deductions on Lines 8a-8c of Schedule ADJ, use the supplemental Schedule ADJS to provide the code and amount for each deduction in excess of 3. Enter the total of all deductions on Line 9 of Schedule ADJ and fill in the oval at the bottom of the form. Be sure to enclose Schedule ADJS with your return.

Code	Description
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- | | |
|------------|--|
| 101 | Child and Dependent Care Expenses - Enter the amount on which the federal credit for child and dependent care is based. This is the amount on federal Form 2441 that is multiplied by the decimal amount - up to \$3,000 for one dependent and \$6,000 for two or more. DO NOT ENTER THE FEDERAL CREDIT AMOUNT. |
|------------|--|

- 102 Foster Care Deduction** - Foster parents may claim a deduction of \$1,000 for each child residing in their home under permanent foster care, as defined in the *Code of Virginia*, provided that they claim the foster child as a dependent on their federal and Virginia income tax returns.

- 103 Bone Marrow Screening Fee** - Enter the amount of the fee paid for an initial screening to become a possible bone marrow donor, provided you were not reimbursed for the fee and did not claim a deduction for the fee on your federal return.

- 104 Virginia529 Account Contributions** - If you are under age 70 on or before December 31 of the taxable year, enter the lesser of \$4,000 or the amount contributed during the taxable year to each Virginia529 account (Virginia 529 prePAID, Virginia 529 inVEST, College America, CollegeWealth). If you contributed more than \$4,000 per account during the taxable year, you may carry forward any undeducted amounts until the contribution has been fully deducted. However, if you are age 70 or older on or before December 31 of the taxable year, you may deduct the entire amount contributed during the taxable year. Only the owner of record for an account may claim a deduction for contributions made.

- 105 Continuing Teacher Education** - A licensed primary or secondary school teacher may enter a deduction equal to 20% of unreimbursed tuition costs incurred to attend continuing teacher education courses that are required as a condition of employment, provided these expenses were not deducted from federal adjusted gross income.

- 106 Long-Term Health Care Premiums** - Enter the amount of premiums paid for long-term health care insurance, provided you did not claim a deduction for long-term health care insurance premiums on your federal return. The Virginia deduction for long-term health care insurance premiums is completely disallowed if you claimed a federal income tax deduction of any amount for long-term health care insurance premiums paid during the taxable year.

- 107 Virginia Public School Construction Grants Program and Fund** - Enter the amount of total contributions to the Virginia Public School Construction Grants Program and Fund, provided that you have not claimed a deduction for this amount on your federal income tax return.

- 108 Tobacco Quota Buyout** - Allows a deduction from taxable income for payments received in the preceding year in accordance with the Tobacco Quota Buyout Program of the American Jobs Creation Act of 2004 to the extent included in federal adjusted gross income. For example, on your 2022 Virginia return you may deduct the portion of such payments received in 2021 that is included in your 2021 federal adjusted gross income; while payments received in 2022 may generate a deduction on your 2023 Virginia return. Individuals cannot claim a deduction for a payment that has been, or will be, subtracted by a corporation unless the subtraction is shown on a Schedule VK-1 you received from an S Corporation. If you chose to accept payment

in installments, the gain from the installment received in the preceding year may be deducted. If, however, you opted to receive a single payment, 10% of the gain recognized for federal purposes in the year that the payment was received may be deducted in the following year and in each of the 9 succeeding taxable years.

109 Sales Tax Paid on Certain Energy Efficient Equipment or Appliances - Allows an income tax deduction for 20% of the sales tax paid on certain energy efficient equipment or appliances, up to \$500 per year. If filing a joint return, you may deduct up to \$1,000.

110 Organ and Tissue Donor Expenses - Allows a deduction for unreimbursed expenses that are paid by a living organ and tissue donor that have not been taken as a medical deduction on the taxpayer's federal income tax return. The amount of the deduction is the lesser of \$5,000 or the actual amount paid by the taxpayer. If filing a joint return, the deduction is limited to \$10,000 or the actual amount paid.

111 Charitable Mileage - Enter the difference between 18 cents per mile and the charitable mileage deduction per mile allowed on Virginia Schedule A. If you used actual expenses for the charitable mileage deduction, and those expenses were less than 18 cents per mile, then you may use the difference between actual expenses and 18 cents per mile.

112 Virginia Bank Franchise Tax - A shareholder of a bank may be required to make certain adjustments to their federal adjusted gross income. Such adjustments are required only if the shareholder invests in a bank that (1) is subject to the Virginia Bank Franchise Tax for state tax purposes (see *Va. Code* § 58.1-1207) and (2) has elected to be taxed as a small business corporation (S corporation) for federal tax purposes.

Computation of Virginia Bank Franchise Tax Deduction

If an adjustment is required, complete the worksheet below to determine the amount of your adjustment. Enclose a copy of Schedule K-1 provided to you by the bank.

- If your allocable share of the income or gain of the bank was included in federal adjusted gross income, enter the amount here.
- If your allocable share of the losses or deductions of the bank was included in federal adjusted gross income, enter the amount here.
- Enter the value of any distributions paid or distributed to you by the bank to the extent that such distributions were excluded from federal adjusted gross income.....

- Add Line b and Line c.....
- Subtract Line d from Line a.
This is your net deduction amount. If this amount is negative you must enter the amount on Schedule ADJ, Line 8a and fill in the box marked "LOSS"

113 Income from Dealer Disposition of Property - Allows an adjustment for certain income from dealer dispositions of property made on or after January 1, 2009. In the year of disposition the adjustment will be a subtraction for gain attributable to installment payments to be made in future taxable years provided that (i) the gain arises from an installment sale for which federal law does not permit the dealer to elect installment reporting of income, and (ii) the dealer elects installment treatment of the income for Virginia purposes on or before the due date prescribed by law for filing the taxpayer's income tax return. In subsequent taxable years the adjustment will be an addition for gain attributable to any payments made during the taxable year with respect to the disposition. In the years following the year of disposition, the taxpayer would be required to add back the amount that would have been reported under the installment method. Each disposition must be tracked separately for purposes of this adjustment.

114 Prepaid Funeral, Medical, or Dental Insurance Premiums - You may be allowed a deduction of payments for (i) a prepaid funeral insurance policy that covers you or (ii) medical or dental insurance premiums for any person for whom you may claim a deduction for such premiums under federal income tax laws. To qualify for this deduction, you must be age 66 or older with earned income of at least \$20,000 for the year and federal adjusted gross income not in excess of \$30,000 for the year. The deduction is not allowed for any portion of premiums for which you have been reimbursed, have claimed a deduction for federal income tax purposes, have claimed another Virginia income tax deduction or subtraction, or have claimed a federal income tax credit or any Virginia income tax credit.

115 ABLEnow Account Contributions - Effective for taxable years beginning on or after January 1, 2016, you may claim a deduction for the amount contributed during the taxable year to an ABLEnow account. No deduction is allowed if such contributions are deducted on the contributor's federal income tax return. If the contribution to an ABLEnow account exceeds \$2,000 the remainder may be carried forward and subtracted in future taxable years until the amount has been fully deducted; however, in no event shall the amount deducted in any taxable year exceed \$2,000 per ABLEnow account. Deductions are subject to recapture in the taxable year or years in which distributions or refunds are made for any reason other than (i) to pay qualified disability expenses; or (ii) the beneficiary's death. A contributor who has attained age 70 is allowed a deduction for the full amount

contributed to an ABLEnow account, less any amounts previously deducted.

116 Business Interest Deduction - Virginia conforms to the federal business interest limitation pursuant to § 163(j) of the Internal Revenue Code. Virginia allows individuals to claim a deduction of 30% of business interest disallowed for federal purposes. If claiming this deduction, enclose a copy of federal Form 8990.

117 Business Interest Deduction Recovery - Virginia conforms to the federal business interest limitation pursuant to § 163(j) of the Internal Revenue Code. As a result, individuals are allowed to claim a deduction on the Virginia return of 30% of business interest disallowed for federal purposes. If the increased amount that was allowed for Virginia purposes is allowed in subsequent years for federal purposes, it must be recovered on the Virginia return for the year in which the amount is later allowed as it is carried forward. Enter the amount being recovered as a negative number on Schedule ADJ, Line 8.

118 Deduction for Eligible Educators - For taxable years beginning on and after January 1, 2022, but before January 1, 2025, an individual income tax deduction is allowed of up to \$500 for the amount actually paid or incurred for eligible educator qualifying expenses. An "Eligible educator" is an individual who for at least 900 hours during the taxable year served as a Virginia licensed teacher, instructor, student counselor, special needs personnel, principal, or student aide for public or private primary and secondary school students in Virginia. "Qualifying expenses" are defined as 100 percent of the amount paid or incurred by an eligible educator during the taxable year for participation in professional development courses and the purchase of books, supplies, computer equipment (including related software and services), other educational equipment, and supplementary materials used directly in an individual's service to students as an eligible educator, provided that such purchases were neither reimbursed nor claimed as a deduction on the eligible educator's federal income tax return for the taxable year.

199 Other - Enter the amount of any other deduction which you are entitled to claim. If you are filing by paper, enclose an explanation and supporting documentation, if applicable. If you are filing electronically, provide a detailed explanation in the space provided by the software program.

Line 9. Total Deductions: Add Lines 8a through 8c and enter the total in the box. Enter this amount on Line 13 of your Form 760.

Tax Credit for Low-Income Individuals or Virginia Earned Income Credit

You may be eligible to claim a Credit for Low-Income Individuals if your family's Virginia adjusted gross income (family VAGI) is equal to or less than the federal poverty guidelines and you meet the Eligibility Requirements. You

are eligible for the Virginia Earned Income Tax Credit if you claimed an Earned Income Tax Credit on your federal return. Because both credits above are nonrefundable, taxpayers can only utilize these credits up to the extent of their Virginia income tax liability.

For taxable years beginning January 1, 2022, but before January 1, 2026, instead of claiming one of the two non-refundable credits above, Virginia residents may claim the Refundable Virginia Earned Income Tax Credit (EITC), equal to 15 percent of the federal EITC claimed by residents for the same taxable year. You can only claim one of these three credits. Claim the credit that benefits you the most. Please complete the entire section.

Eligibility Requirements: The above tax credits may **NOT** be claimed if you, your spouse, or any dependents claimed on your return or on your spouse's return claim any of the following:

- Age deduction
- Exemption for taxpayers who are blind or age 65 and over
- Virginia National Guard subtraction (Subtraction Code 28)
- Basic military pay subtraction (Subtraction Code 38)
- Federal & state employee subtraction (Subtraction Code 39) OR
- You are claimed as a dependent on another taxpayer's return.

Line 10. Compute your Family VAGI: Enter your Social Security Number, name and Virginia adjusted gross income (VAGI) from Line 9, Form 760. For all married taxpayers, enter your spouse's Social Security Number and name, and then follow the instructions below for your filing status:

- **Filing Status 2, Married Filing Jointly:** If you entered the joint VAGI for both you and your spouse exactly as shown on Line 9, Form 760, of your joint return, you do not need to enter a separate VAGI for your spouse. If you entered only your portion of the VAGI from Line 9, Form 760, then enter your spouse's VAGI on your spouse's line. The sum of your VAGI and your spouse's VAGI should equal the joint VAGI amount shown on Line 9, Form 760.
- **Filing Status 3, Married Filing Separately:** To claim the credit, you are required to provide your spouse's VAGI. If your spouse is:
 - Filing a separate Virginia Form 760, enter the VAGI on Line 9, Form 760, from your spouse's return. Only one spouse may claim the Credit for Low-Income Individuals.
 - Not required to file Form 760 (for example, if your spouse is a nonresident), compute your spouse's VAGI as if your spouse is required to file Form 760 resident return and enter the amount on your spouse's line.

Enter the Social Security Number and name of each dependent claimed as an exemption on your return and, if any of your dependents had income, enter the VAGI for each dependent. **For Filing Status 3, Married Filing Separately,**

also enter the Social Security Number and name for each of your dependents not claimed as an exemption on your return and, if any of the dependents had income, enter the VAGI for each dependent.

Add the VAGI amounts and enter the total. **This is your family VAGI.**

Line 11. Determine if you Qualify for the Credit for Low-Income Individuals: Enter the number of family members listed in Line 10. If your family VAGI on Line 10 is equal to or less than the federal poverty amount for your family size, you are eligible to claim the Credit for Low-Income Individuals.

Poverty Guideline Table

Eligible Exemptions	Poverty Guidelines	Eligible Exemptions	Poverty Guidelines
1	\$ 13,590	5	\$ 32,470
2	18,310	6	37,190
3	23,030	7	41,910
4	27,750	8*	46,630

* For each additional person, spouse and dependent exemption, add \$4,720 to the Poverty Guidelines.

Line 12. Exemptions to Compute Credit: If you qualify for the Credit for Low-Income Individuals, enter the number of personal and dependent exemptions you reported on your Form 760. Do not include exemptions for age 65 or older and blind.

Line 13. Multiply Line 12 by \$300. Enter the result on Line 13 and proceed to Line 14. If you do not qualify for the Credit for Low-Income Individuals but claimed an Earned Income Tax Credit on your federal return, enter \$0 on Line 13 and proceed to Line 14.

Line 14. Enter the amount of Earned Income Tax Credit claimed on your federal return. If you did not claim this credit on your federal return, enter \$0.

When a taxpayer using the married filing separately status computes the Virginia Earned Income Credit, the taxpayer must first determine their proportion of the earned income that was used to qualify for the federal Earned Income Tax Credit. That proportion must then be multiplied by the total Virginia Earned Income Credit, which is 20% of the federal Earned Income Tax Credit. The spouses may then claim their proportional shares of the credit on their separate returns.

Line 15. Multiply the amount on Line 14 by 20% (.20).

Line 16a. Enter the greater of Line 13 or Line 15.

Line 16b. Multiply Line 14 by 15% (.15).

Line 17. Choose the credit option that benefits you the most. You may claim a nonrefundable credit that equals to the lesser of the amounts on Line 16a above and Line 18 of Form 760 OR the new refundable credit that equals to the amount on Line 16b above. Enter your credit amount here and on Line 23 of Form 760.

The sum of all nonrefundable credits claimed cannot exceed your tax liability on Line 18, Form 760.

Many low-income individuals who work and have earned income under \$59,187 may also qualify for up to \$6,935 in Federal Earned Income Credit when filing their federal tax return! See your federal instructions or call 1.800.829.3676 to order Pub. 596.

Addition to Tax, Penalty and Interest

Line 18. Addition to Tax: Use Form 760C to compute any addition to tax you may owe for underpayment of estimated taxes. Use Form 760F if at least 66 2/3% of your income is derived from farming, fishing and/or being a merchant seaman.

You will not owe an addition to tax if each payment is made on time and:

- you owe \$150 or less in tax with your return.
- total withholding and timely estimated payments were at least 90% (66 2/3% for farmers, fishermen and merchant seamen) of your 2022 tax liability after nonrefundable credits or 100% of your 2021 tax liability after nonrefundable credits.
- you meet one of the exceptions computed on Form 760C or Form 760F. Enclose Form 760C or 760F showing the computation.

If you do not meet the criteria shown above, visit **www.tax.virginia.gov**, or refer to Form 760C or Form 760F.

Line 19. Penalty: The due date for filing a calendar year return is May 1, and the automatic extension provisions apply to returns filed by November 1. Depending on when you file your return, you may be required to compute an extension penalty or a late filing penalty. For more information on due dates and penalty provisions, refer to When to File Your Return on Page 4 of these instructions.

Extension penalty: If you file your return within 6 months after the due date and the amount of tax due with the return is more than 10% of your total tax liability, you must compute an extension penalty on the balance of tax due. The extension penalty is applied at the rate of 2% per month or part of a month, from the due date through the date your return is filed. The maximum extension penalty is 12% of the tax due. Note: If you do not pay the tax in full when you file your return, a late payment penalty will be assessed at the rate of 6% per month or part of a month from the date the return is filed through the date the tax is paid, to a maximum of 30%. If you file your return during the extension period, but do not pay the tax due when you file your return, both the extension penalty and the late payment penalty may apply. The extension penalty will apply from the due date of the return through the date the return is filed and the late payment penalty will apply from the date the return is filed through the date of payment. To avoid paying the late payment penalty during the extension period, you must pay any tax owed **when you file the return**.

Late filing penalty: If you file your return more than 6 months after the due date, no extension provisions apply and you must compute a late filing penalty of 30% of the tax due with your return.

Line 20. Interest: If you filed a tax due return after the filing date, even if you had an extension, you are liable for interest on the tax due amount on Form 760, Line 27, from the due date to the date filed or postmarked. If you do not pay in full when you file the return, you may be subject to additional penalties and interest. To obtain the daily interest factor, please call **804.367.8031** or contact your locality.

Line 21. Addition to Tax, Penalty and Interest: Add Lines 18 through 20. Enter here and on Form 760, Line 32.

Schedule VAC Line Instructions

Part I - Virginia529 and ABLE Contributions

You may contribute all or part of your income tax refund to one or more existing Virginia529 or ABLE accounts by completing Schedule VAC. Any contribution(s) made will be deemed a contribution to either a Virginia529 or ABLE account(s) for the 2022 taxable year.

Virginia529 is a savings plan that offers flexible, affordable, and tax-advantaged savings for qualified expenses through its programs: Prepaid529, Invest529, CollegeAmerica and CollegeWealth. For more information on establishing accounts, visit Virginia529.com. You are not required to be the owner of record for an account in order to direct a contribution of all or part of your income tax refund. However, please remember that only the Virginia529 account owner of record as of December 31st is eligible to take the Virginia state tax deduction associated with Virginia529 accounts. Please note that the CollegeWealth and Prepaid529 programs are no longer accepting new accounts, but existing account owners may continue to contribute to their current CollegeWealth accounts and Prepaid529 contracts.

ABLE is a tax-advantaged way to save, invest and pay for qualified disability expenses of eligible individuals with certain disabilities. Generally, funds in an ABLE account are disregarded when determining eligibility for

certain Federal means-tested benefits programs, such as Medicaid and Supplemental Security Income (SSI), and for Commonwealth of Virginia means-tested benefits programs as well. For information on the ABLEnow or ABLEAmerica program, visit able-now.com. You are not required to be the owner of record for an ABLE account in order to direct a contribution of all or part of your income tax refund and the contributor is eligible to take the Virginia state tax deduction associated with ABLE accounts.

When you specify a Virginia529 or ABLE contribution amount on Schedule VAC, you authorize the Department to transfer payment and related information to Virginia529 or ABLE to facilitate crediting contributions to the specified account(s) pursuant to their operating procedures. The information that will be exchanged is identified below:

- The contribution amounts and the program information contained on Schedule VAC.
- The taxpayer's name, Social Security Number or tax identification number, address, and telephone number. Note: Information for both spouses will be provided if a joint return is filed.

For purposes of determining interest on an overpayment or refund, no interest will accrue after the Department transfers the payment to Virginia529 or ABLE. If Virginia529 or ABLE is unable to match a contribution to an existing account, they will contact the taxpayer and attempt to resolve the contribution and, if all efforts fail, Virginia529 or ABLE will return the refund contribution to the taxpayer at the address on the return.

Part I, Section A

Enter the overpayment amount computed on your return less the amount credited to estimated tax for next year.

Part I, Section B

For each contribution, provide the Program Type Code (see codes below), beneficiary's last name, and account number. In addition, provide the proper account number and routing number if you are making a contribution to a CollegeAmerica or ABLEAmerica account. Contact your financial advisor for

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Call above listed numbers or visit above listed websites to obtain all program materials. Read them carefully before investing. An investor should consider the investment objectives, risks, charges, and expenses of the programs before investing. For non-Virginia residents: before investing in a 529 plan, consider whether you or the beneficiary's home state offers any state tax or other state benefits such as financial aid, scholarship funds, and protections from creditors that are only available for investments in that state's qualified tuition program. For non-Virginia residents: other states may sponsor an ABLE plan that offers state tax or other benefits not available through ABLEnow. © 2022 Virginia College Savings Plan. All Rights Reserved.