

Cancellation of Debt

General rule: Cancellation of debt is a taxable event, however there are exceptions and exclusions. A taxpayer should get a Form 1099-C from a financial institution or a government agency on debt forgiveness of \$600 or more.



Exceptions:

- Cancellation of debt from a private lender such as a relative or friend is viewed as a gift.
- Cancellation of student loan debt by professionals agreeing to serve in rural or low income areas is generally excepted from federal taxation.
- Cancellation of debt that would yield a deduction is not taxable.

Exclusions: Cancellation of debt can be excluded, all or in part, in the following cases:

- Debt discharged in bankruptcy does not create taxable income.
- Cancellation of debt is not taxable to the extent the taxpayer is insolvent. A taxpayer is insolvent to the extent that what he/she owes (debts) exceeds what he/she has (assets). Insolvency can be easily calculated by making a list of assets and debts and comparing the totals.
- Qualified personal residence debt discharged before January 1, 2014 of up to \$2 million will not be taxed. Personal residence debt is a mortgage a taxpayer obtains to buy, build, or improve his/her principal residence. This is also called acquisition debt. Home equity or refinance debt not used for the above purpose can not be relieved from tax with this exception. This was extended through 12-31-14 by Congress (in December, 2014).
- Qualified real property business debt can be excluded. (This is beyond the scope of this fact sheet.)
- Qualified farm debt (also beyond the scope of this fact sheet) can be excluded.

Common examples:

- **Cancellation of credit card debt is taxable** unless it is discharged in bankruptcy or the taxpayer is insolvent. If the taxpayer is insolvent, the debt cancellation is excludable only to the extent of insolvency.
- **A foreclosure or short sale of the taxpayers principal home** is taxable unless it qualifies as personal residence debt and it happens before 2015, the debt is discharged in bankruptcy, or the taxpayer is insolvent.
- **Cancellation of debt due to a loan restructured by the lender** can be excluded if the taxpayer is insolvent or it qualifies as personal residence debt and occurs before 2015.