

## Federal Tax Legislation Extends and Increases SALT Cap Preserves PTET Workarounds

July 17, 2025

The One Big Beautiful Bill Act (OBBBA), signed into law by President Donald Trump on July 4, 2025, introduces a revised approach to the limitation on deductibility of state and local taxes (SALT cap).

Rather than making the current \$10,000 SALT cap permanent as an earlier version of the OBBBA released by the Senate Finance Committee had proposed, the final bill offers temporary relief by raising the SALT cap to \$40,000 for tax years 2025 through 2029. The expanded SALT cap applies to taxpayers with modified adjusted gross income (MAGI) of \$500,000 or less and will be adjusted upward by 1% each year during that period.

For taxpayers with MAGI exceeding \$500,000, the new SALT cap phases down by 30% of the amount over the threshold, though it never drops below the original \$10,000 limit. After 2029, the SALT cap reverts permanently to \$10,000 for all taxpayers, eliminating any ongoing benefit from the temporary expansion.

The result is that the state and local tax deduction – without any cap – is passed through to the owners as a reduction in their distributive share of the pass-through entity's net taxable income. In IRS Notice 2020-75, the US Department of the Treasury and IRS blessed the use of the PTET workaround by announcing an intent to issue proposed regulations confirming that PTET payments would be deductible pass-through entity expenses not subject to the SALT cap. Although no regulations have been proposed, many states have adopted legislation facilitating these PTET payments, and the structure is popular among pass-through entities and their owners.

While the House had previously proposed restricting PTET deductions for owners of service businesses – such as law firms, medical practices and investment advisers – the final bill did not adopt these limitations. Accordingly, pass-through businesses, including those in professional services, may continue to use PTET elections to bypass the individual SALT cap under current IRS guidance.

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**Key Contacts** 

David Dalton	ddalton@cooley.com
Santa Monica	+1 310 883 6547
Stephanie Gentile	sgentile@cooley.com
New York	+1 212 479 6531
Todd Gluth	tgluth@cooley.com
San Diego	+1 858 550 6140
Eileen Marshall	emarshall@cooley.com
Washington, DC	+1 202 728 7083
Patrick Sharma	psharma@cooley.com
Santa Monica	+1 310 883 6464

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