



Cuts to Individuals' Itemized Deductions for Casualty and Theft Losses

The TCJA enacts severe new limits on individuals' itemized deductions of casualty and theft losses effective beginning in 2018.

Before the TCJA, individuals could claim as itemized deductions certain personal casualty losses, not compensated by insurance or otherwise, including losses arising from fire, storm, shipwreck, or other casualty, or from theft. There were two limitations to qualify for a deduction: (1) a loss had to exceed \$100, and (2) aggregate losses could be deducted only to the extent they exceeded 10% of adjusted gross income.

Severe cutback. For tax years 2018 through 2025, the personal casualty and theft loss deduction isn't available, except for casualty losses incurred in a federally declared disaster. So a taxpayer who suffers a personal casualty loss from a disaster declared by the President under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, still will be able to claim a personal casualty loss as an itemized deduction, subject to the \$100-per-casualty and 10%-of-AGI limitations mentioned above. Also, where a taxpayer has personal casualty gains, personal casualty losses can still be offset against those gains, even if the losses aren't incurred in a federally declared disaster.

Insurance check needed. The casualty loss deduction helped to lessen the financial impact of casualty and theft losses on individuals. Now that the deduction generally won't be allowed, except for declared disasters, you may want to review your homeowner, flood, and auto insurance policies to determine if you need additional protection.

We hope this information helps you understand these changes. Please contact a member of the Bowles Rice Tax Team if you wish to discuss how this change or any of the many other changes in the TCJA could affect your particular tax situation, and the possible planning steps you might consider in response.

Disclaimer

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Circular 230 Notice

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Questions?

If you wish to discuss any of these provisions, please contact a member of the Bowles Rice Tax Team.

Mike Caryl

(304) 264-4225
mcaryl@bowlesrice.com

Bob Kiss

(304) 347-1736
rkiss@bowlesrice.com

Marc Monteleone

(304) 347-1132
monteleone@bowlesrice.com

Alison Cox

(304) 264-4211
aacox@bowlesrice.com

David DeJarnett

(304) 264-4232
ddejarnett@bowlesrice.com

Emily Lambright

(304) 347-1124
elambright@bowlesrice.com

Kin Sayre

(304) 264-4226
ksayre@bowlesrice.com

Melissa Hall

(724) 514-8942
mhall@bowlesrice.com

Rick Hudson

(304) 420-5511
rhudson@bowlesrice.com

Breck Martin

(304) 420-5506
bmartin@bowlesrice.com

Seth Wilson

(304) 285-2531
swilson@bowlesrice.com

Amy Lamp-Leonard

(304) 264-4235
aleonard@bowlesrice.com