



COMMISSIONER

DEPARTMENT OF THE TREASURY
INTERNAL REVENUE SERVICE
WASHINGTON, D.C. 20224

April 1, 2019

The Honorable Neal P. Dunn, M.D.
U.S. House of Representatives
Washington, DC 20515

Dear Representative Dunn:

Thank you for your letter dated February 8, 2019. You asked that we extend eligibility under Revenue Procedure 2018-09 to taxpayers affected by the 2018 federally declared disasters, or issue a new rule specifying that the affected taxpayers can use the Cost Indexes Safe Harbor Method. We are considering your request as well as whether we can provide any other types of assistance.

We are aware that taxpayers often have difficulty determining the amount of their casualty losses under the methods provided in Section 1.165-7(a)(2) of the Income Tax Regulations. To assist taxpayers, in December 2017, we issued Revenue Procedure 2018-08 and Revenue Procedure 2018-09. These revenue procedures provide safe harbor methods that individuals may use to determine the amount of their casualty losses.

Unlike Revenue Procedure 2018-09, which provides the Cost Indexes Safe Harbor Method that is specific to taxpayers in the particular geographic regions affected by Hurricanes Harvey, Irma, and Maria, Revenue Procedure 2018-08 provides certain safe harbor methods that are available to any taxpayer.

Taxpayers affected by the 2018 federally declared disasters are eligible to use the Estimated Repair Cost Safe Harbor Method, the De Minimis Safe Harbor Method, the Insurance Safe Harbor Method, the Contractor Safe Harbor Method, and the Disaster Loan Appraisal Safe Harbor Method to determine the amount of their casualty losses for personal-use residential real property. Similarly, taxpayers affected by the 2018 federally declared disasters are eligible to use the De Minimis Safe Harbor Method and the Replacement Cost Safe Harbor Method to determine the amount of their casualty losses for personal belongings. Revenue Procedure 2018-08 was intended to assist all taxpayers who suffer losses resulting from any type of casualty.

I hope this information is helpful. I am sending a similar letter to your colleagues. If you have any questions, please feel free to contact me, or a member of your staff may contact Leonard Oursler, Director, Legislative Affairs, at 202-317-6985.

Sincerely,



Charles P. Rettig

cc: Mary Beth Murphy, Division Commissioner, SB/SE
William Paul, Deputy Chief Counsel