

DEDUCTIBILITY OF CASUALTY AND THEFT LOSSES UNDER THE TAX CUTS AND JOBS ACT

The Tax Cuts and Jobs Act (“TCJA”), signed into law by President Trump on December 22, 2017, places severe new limits on individuals' itemized deductions of casualty and theft losses 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.

However, 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. In addition, 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.

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, an individual may want to review his or her homeowner, flood, and auto insurance policies to determine if he or she needs additional protection.

Please contact our office 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.

The Law Office of Eugene Gorrin, LLC
17 Watchung Avenue, Suite 204
Chatham, NJ 07928
973.701.9300
egorrin@gorrinlaw.com
www.gorrinlaw.com