

**Election in respect of losses attributable to a disaster.** This ruling lists the areas declared by the President to qualify as major disaster areas under the Disaster Relief and Emergency Assistance Act since the publication of Rev. Rul. 95-17.

**Rev. Rul. 96-13**

Under § 165(i) of the Internal Revenue Code, if a taxpayer suffers a loss attributable to a disaster occurring in an area subsequently determined by the President of the United States to warrant assistance by the Federal Government under the Disaster Relief and Emergency Assistance Act, 42 U.S.C. §§ 5121-5204c (1988 & Supp. V 1993) (the Act), the taxpayer may elect to claim a deduction for that loss on the taxpayer's federal income tax return for the taxable year immediately preceding the taxable year in which the disaster occurred.

Section 1.165-11(e) of the Income Tax Regulations provides that the election to deduct a disaster loss for the preceding year must be made by filing a return, an amended return, or a claim for refund on or before the later of (1) the due date of the taxpayer's income tax return (determined without regard to any extension of time to file the

return) for the taxable year in which the disaster actually occurred, or (2) the due date of the taxpayer's income tax return (determined with regard to any extension of time to file the return) for the taxable year immediately preceding the taxable year in which the disaster actually occurred.

The provisions of § 165(i) apply only to losses that are otherwise deductible under § 165(a). An individual taxpayer may deduct losses if they are incurred in a trade or business, if they are incurred in a transaction entered into for profit, or if they are casualty losses under § 165(c)(3).

The President has determined that during 1995 the areas listed below have been adversely affected by disasters of sufficient severity and magnitude to warrant assistance by the Federal Government under the Act.

**DRAFTING INFORMATION**

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**Section 165.—Losses**

*26 CFR 1.165-11: Election in respect of losses attributable to a disaster.*

<b>Disaster Areas in 1995</b>	<b>Type of Disaster</b>	<b>Date of Disaster</b>
<b>Alabama</b>		
Counties of Cullman, DeKalb, Marion, Marshall, and Winston	Severe storms, tornadoes, and flooding	February 15-20, 1995
Counties of Autauga, Baldwin, Barbour, Bullock, Bulter, Calhoun, Chambers, Cherokee, Chilton, Clarke, Clay, Cleburne, Coffee, Conecuh, Coosa, Covington, Crenshaw, Cullman, Dale, DeKalb, Elmore, Escambia, Etowah, Geneva, Henry, Houston, Jefferson, Lee, Lowndes, Macon, Mobile, Montgomery, Pike, Randolph, Russell, St. Clair, Talladega, and Tallapoosa	Hurricane Opal	October 4-8, 1995
<b>Alaska</b>		
Chugach and Copper River Education Attendance Areas (these areas include the City of Cordova, the City of Valdez, and the Richardson, Cooper River, and Edgerton Highway Areas); Municipality of Anchorage; Kenai Peninsula Borough, Kodiak Island Borough, and Matanuska-Susitna Borough	Severe storms and flooding	September 18-October 10, 1995

<b>Disaster Areas in 1995</b>	<b>Type of Disaster</b>	<b>Date of Disaster</b>
<b>California</b>		
Counties of Alameda, Amador, Butte, Colusa, Contra Costa, Del Norte, El Dorado, Glenn, Humboldt, Kern, Kings, Lake, Lassen, Los Angeles, Madera, Marin, Mendocino, Modoc, Monterey, Napa, Nevada, Orange, Placer, Plumas, Riverside, Sacramento, San Bernardino, San Diego, San Mateo, San Luis Obispo, Santa Barbara, Santa Clara, Santa Cruz, Shasta, Solano, Sonoma, Sutter, Tehama, Trinity, Ventura, Yolo, and Yuba	Severe winter storms	January 3-February 10, 1995
Counties of Alameda, Alpine, Amador, Butte, Calaveras, Colusa, Contra Costa, El Dorado, Fresno, Glenn, Humboldt, Imperial, Inyo, Kern, Kings, Lake, Lassen, Los Angeles, Madera, Marin, Mariposa, Mendocino, Merced, Modoc, Mono, Monterey, Napa, Nevada, Orange, Placer, Plumas, Riverside, Sacramento, San Benito, San Bernardino, San Diego, San Francisco, San Joaquin, San Luis Obispo, San Mateo, Santa Barbara, Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou, Sonoma, Solano, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, Ventura, Yolo, and Yuba	Severe winter storms	February 13-April 19, 1995
<b>Florida</b>		
Counties of Bay, Brevard, Escambia, Okaloosa, Santa Rosa, and Walton	Hurricane Erin	August 2-3, 1995
Counties of Bay, Calhoun, Escambia, Franklin, Gadsden, Gulf, Holmes, Jackson, Leon, Liberty, Okaloosa, Santa Rosa, Taylor, Wakulla, Walton, and Washington	Hurricane Opal	October 4-11, 1995
Counties of Collier and Lee	Hurricane Opal	October 4-31, 1995
Counties of Martin, Palm Beach, and St. Lucie	Severe storms and flooding	October 13-November 20, 1995
<b>Georgia</b>		
Counties of Banks, Barrow, Bartow, Carroll, Catoosa, Chattooga, Cherokee, Clay, Clayton, Cobb, Coweta, Dade, Dawson, DeKalb, Douglas, Fannin, Fayette, Floyd, Forsyth, Fulton, Gilmer, Gordon, Gwinnett, Habersham, Hall, Haralson, Harris, Heard, Lumpkin, Meriwether, Murray, Muscogee, Paulding, Pickens, Pike, Polk, Quitman, Rabun, Randolph, Rockdale, Spalding, Stewart, Talbot, Towns, Troup, Union, Upson, Walker, White, and Whitfield		
City of Albany located in Dougherty County	Severe storms and tornadoes	November 7-8, 1995
<b>Illinois</b>		
Counties of Alexander, Brown, Calhoun, Cass, Fulton, Greene, Jackson, Jersey, Madison, Mason, Monroe, Morgan, Pike, Pulaski, Randolph, Schuyler, Scott, St. Clair, and Union	Severe storms and flooding	May 15-June 15, 1995
<b>Kentucky</b>		
Counties of Adair, Bath, Boyd, Breathitt, Breckinridge, Carter, Casey, Christian, Clark, Cumberland, Elliot, Floyd, Fulton, Green, Hardin, Jackson, Jessamine, Johnson, Lawrence, Laurel, Magoffin, Meade, Mercer, Montgomery, Owsley, Perry, Pike, Pulaski, Rockcastle, Rowan, Russell, and Taylor	Tornadoes, severe wind and hail storms, torrential rain, and flooding	May 13-19, 1995

<b>Disaster Areas in 1995</b>	<b>Type of Disaster</b>	<b>Date of Disaster</b>
Louisiana Parishes of Ascension, Assumption, Jefferson, LaFourche, Orleans, St. Bernard, St. Charles, St. James, St. John, St. Tammany, Tangipahoa, and Terrebonne	Severe storms, tornadoes, and flooding	May 8-16, 1995
Minnesota Counties of Aitkin, Becker, Beltrami, Cass, Clay, Clearwater, Crow Wing, Hubbard, Itasca, Kittson, Mahnomen, Otter Tail, St. Louis, Wadena, and Wilkin, and White Earth Indian Reservation	Severe storms, straight line winds, and tornadoes	July 9-14, 1995
Counties of Big Stone, Stevens, Swift, and Traverse	Severe ice storm	October 23-24, 1995
Mississippi Counties of Hancock, Harrison, Jackson, and Pearl River	Severe storms, tornadoes, and flooding	May 8-17, 1995
Missouri City of St. Louis; Counties of Adair, Andrew, Atchinson, Barry, Barton, Bates, Benton, Boone, Callaway, Camden, Cape Girardeau, Carroll, Cass, Chariton, Clark, Cole, Cooper, Dallas, Daviess, Dekalb, Franklin, Gasconade, Gentry, Henry, Howard, Jackson, Jasper, Jefferson, Johnson, Lafayette, Lewis, Lincoln, Linn, Macon, Maries, McDonald, Mercer, Miller, Mississippi, Moniteau, Montgomery, Morgan, New Madrid, Newton, Nodaway, Osage, Pemiscot, Perry, Ray, Saint Francois, Saline, Scotland, Scott, St. Charles, St. Clair, Ste. Genevieve, St. Louis, Stone, Sullivan, Vernon, and Warren	Severe storms, hail, tornadoes, and flooding	May 13-June 23, 1995
New Hampshire Counties of Carroll, Cheshire, Coos, Grafton, Merrimack, and Sullivan	Excessive rain, high winds, and flooding	October 20-November 15, 1995
North Carolina Counties of Ashe, Avery, Cherokee, Clay, Graham, Haywood, Jackson, Macon, Madison, Mitchell, Swain, Transylvania, Watauga, Wilkes, and Yancey; the Eastern Band of the Cherokee Indian Reservation	Severe storm, high winds, and flooding	October 4-6, 1995
North Dakota Counties of Barnes, Benson, Bottineau, Burleigh, Cavalier, Dickey, Eddy, Emmons, Foster, Griggs, Kidder, La Moure, Logan, McHenry, McIntosh, McLean, Nelson, Pembina, Pierce, Ramsey, Ransom, Renville, Rolette, Sargent, Sheridan, Sioux, Steele, Stutsman, Towner, Traill, Walsh, and Wells	Severe storms, flooding, and ground saturation due to high water tables	March 1-July 5, 1995
Ohio Counties of Champaign, Erie, Licking, Logan, Lorain, Marion, Mercer, Miami, Scioto, Shelby, and Washington	Severe storms and flooding	August 7-18, 1995
Oklahoma City of Oklahoma City; County of Oklahoma	Explosion at the Alfred P. Murrah Federal Building in Oklahoma City	April 19, 1995
Counties of Alfalfa, Atoka, Beckham, Caddo, Canadian, Carter, Cotton, Creek, Custer, Ellis, Grady, Grant, Harmon, Jackson, Kingfisher, Kiowa, Lincoln, Logan, Major, Murray, Nowata, Osage, Ottawa, Pottawatomie, Roger Mills, Seminole, Tillman, Washita, and Woodward	Severe storms, flooding, and tornadoes	May 26-June 11, 1995

<b>Disaster Areas in 1995</b>	<b>Type of Disaster</b>	<b>Date of Disaster</b>
Counties of Alfalfa, Blaine, Caddo, Canadian, Cotton, Custer, Grant, Greer, Harmon, Jackson, Kay, Kiowa, Major, Oklahoma, Tillman, Washita, and Woods	Tornadoes, severe storms, and flooding	July 21-August 6, 1995
Oregon County of Wasco	Flash flooding	July 8-9, 1995
Puerto Rico Municipalities of Aguas Buenas, Barranquitas, Canovanas, Carolina, Ceiba, Ciales, Comerio, Culebra, Fajardo, Juncos, Loiza, Naguabo, San Lorenzo, and Vieques	Hurricane Marilyn	September 15-17, 1995
South Dakota Counties of Aurora, Brule, Buffalo, Campbell, Corson, Dewey, Edmunds, Faulk, Haakon, Hand, Hughes, Hyde, Jerauld, Jones, Lyman, McPherson, Potter, Stanley, Sully, Walworth, and Ziebach	Severe winter storms	January 13-February 10, 1995
Counties of Aurora, Beadle, Bon Homme, Brookings, Brown, Brule, Buffalo, Butte, Campbell, Charles Mix, Clark, Clay, Codington, Custer, Davison, Day, Deuel, Douglas, Edmunds, Faulk, Grant, Gregory, Haakon, Hamlin, Hand, Hanson, Hughes, Hutchinson, Hyde, Jerauld, Jones, Kingsbury, Lake, Lawrence, Lincoln, Lyman, Marshall, McCook, McPherson, Meade, Miner, Moody, Pennington, Potter, Roberts, Sanborn, Spink, Stanley, Sully, Tripp, Turner, Walworth, and Yankton	Severe storms, flooding, and ground saturation due to high water tables	March 1-June 20, 1995
Counties of Aurora, Beadle, Bon Homme, Brookings, Brule, Buffalo, Charles Mix, Clark, Codington, Davison, Deuel, Douglas, Grant, Gregory, Hamlin, Hanson, Hutchinson, Jerauld, Kingsbury, Lake, McCook, Miner, Roberts, Sanborn, Spink, and Tripp	Severe winter storm	October 22-24, 1995
Tennessee Counties of Cumberland, Houston, Lake, Lauderdale, and Lawrence	Severe storms and tornadoes	May 14-19, 1995
Texas County of Tom Green	Severe thunderstorms, flooding, hail, and tornadoes	May 28-31, 1995
U.S. Virgin Islands Islands of St. Croix, St. John, and St. Thomas	Hurricane Marilyn	September 15-17, 1995
Vermont Counties of Caledonia, Chittenden, Essex, Lamoille, Orleans, and Washington	Excessive rain and flooding	August 4-6, 1995
Virginia Cities of Bedford, Buena Vista, Lexington, Lynchburg, Roanoke, and Staunton; Counties of Albemarle, Amherst, Augusta, Bath, Bedford, Campbell, Culpeper, Franklin, Giles, Greene, Halifax, Madison, Orange, Pittsylvania, Rappahannock, Roanoke, Rockbridge, and Warren	Severe storms and flooding	June 22-July 7, 1995
Washington Counties of Chelan, Clallam, Clark, Cowlitz, Grays Harbor, Island, Jefferson, King, Kittitas, Lewis, Mason, Pacific, Pierce, Skagit, Snohomish, Thurston, Wahkiakum, Whatcom, and Yakima	Severe storms, high wind, and flooding	November 7-December 18, 1995

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**Disaster Areas in 1995****Type of Disaster****Date of Disaster**

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West Virginia

Counties of Mercer, Mineral, and Nicholas

Severe storms, heavy  
rain, and flash flooding

June 23-28, 1995

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