
Section 165.—Losses

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

Election in respect of losses attributable to a disaster. This ruling lists the areas declared by the President to qualify as major disaster or emergency areas during 1999 under the Disaster Relief and Emergency Assistance Act.

Rev. Rul. 2000-15

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. For purposes of § 165(i), a disaster includes an event declared a major disaster or an emergency under the Act.

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 1999 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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Disaster Areas in 1999	Type of Disaster	Date of Disaster
Arizona County of Maricopa	Severe storms, flooding, and high winds	September 14-23
Arkansas Counties of Bradley, Chicot, Clay, Columbia, Drew, Faulkner, Grant, Greene, Hempstead, Independence, Jackson, Jefferson, Lafayette, Lonoke, Miller, Monroe, Poinsett, Pulaski, Randolph, St. Francis, Saline, and White; and City of Beebe in White County	Severe storms, tornadoes, and high winds	January 21-31
California Counties of Butte, Humboldt, Napa, Plumas, San Bernardino, Shasta, Tehama, Trinity, Tuolumne, and Yuba	Severe fires	August 24- November 29
Colorado Counties of Bent, Crowley, Custer, Elbert, El Paso, Fremont, Kiowa, Larimer, Las Animas, Otero, Pueblo, and Weld	Severe storms, flooding, landslides, and mudslides	April 29-May 19
Connecticut Counties of Fairfield, Litchfield, and Hartford	High winds, heavy rain and flooding associated with Tropical Storm Floyd	September 16-21
Delaware County of New Castle	Hurricane Floyd	September 15-17
Florida Counties of Alachua, Baker, Bay, Bradford, Brevard, Broward, Calhoun, Charlotte, Clay, Collier, Columbia, Dade, De Soto, Duval, Franklin, Gadsden, Gilchrist, Glades, Gulf, Hamilton, Hardee, Hendry, Highlands, Hillsborough, Holms, Indian River, Jackson, Jefferson, Lee, Leon, Levy, Liberty, Manatee, Marion, Martin, Monroe, Nassau, Okeechobee Orange, Osceola, Palm Beach Pinellas, Polk, Putnam, Sarasota, Seminole, St. Lucie, Swannee, Union, Wakulla, Walton, and Washington	Fire hazards	April 15-May 25
Counties of Brevard, Duval, Flagler, Glades, Highlands, Indian River, Martin, Nassau, Palm Beach, St. Johns, St. Lucie, and Volusia.	Hurricane Floyd	September 13-25
Counties of Broward and Dade	Hurricane Floyd	September 14-16
Counties of Brevard, Broward, Collier, Dade, Flagler, Glades, Hendry, Highlands, Indian River, Martin, Monroe, Okeechobee, Orange, Osceola, Palm Beach, Polk, St. Lucie, Seminole, and Volusia	Hurricane Irene	October 14-24
Counties of Charlotte, De Soto, Hardee, Hillsborough, Lake, Lee, Manatee, Pasco, Pinellas, and Sarasota	Hurricane Irene	October 14-24
Georgia Counties of Candler and Dooly	Severe storms and tornadoes	April 15
Counties of Bryan, Camden, Chatham, Glynn, Liberty, and McIntosh	Hurricane Floyd	September 14-17
Illinois Counties of Adams, Brown, Bureau, Calhoun, Cass, Champaign, Christian, Cook, DeWitt, Douglas, DuPage, Ford, Fulton, Greene, Grundy, Hancock, Henderson, Henry, Iroquois, Kane, Kankakee, Kendall, Knox, Lake, La Salle, Livingston, Logan, Macon, Marshall, Mason, McDonough,	Record/near record snow	January 1-15

McHenry, McLean, Mercer, Menard, Morgan, Moultrie, Peoria, Piatt, Pike, Putnam, Sangamon, Schuyler, Scott, Shelby, Stark, Tazewell, Vermillion, Warren, Will, and Woodford		
County of Jo Daviess	Severe storms and flash flooding	May 16-17
Indiana		
Counties of Adams, Allen, Benton, Blackford, Boone, Carroll, Cass, Clay, Clinton, DeKalb, Delaware, Elkhart, Fayette, Fountain, Fulton, Grant, Hamilton, Hancock, Hendricks, Henry, Howard, Huntington, Jasper, Jay, Johnson, Kosciusko, Lake, Lagrange, LaPorte, Madison, Marion, Marshall, Miami, Montgomery, Morgan, Newton, Noble, Parke, Porter, Pulaski, Putnam, Randolph, Rush, St. Joseph, Shelby, Starke, Steuben, Tipton, Tippecanoe, Vermillion, Vigo, Wabash, Warren, Wayne, Wells, White, and Whitley	Record/near record snow	January 1-15
Iowa		
Counties of Black Hawk, Bremer, Buchanan, Butler, Chickasaw, Clayton, Clinton, Crawford, Delaware, Dubuque, Fayette, Harrison, Jones, Linn, Montgomery, and Scott	Severe storms, flooding, and tornadoes	May 16-29
Counties of Black Hawk, Bremer, Buchanan, Butler, Cerro Gordo, Chickasaw, Clayton, Crawford, Fayette, Floyd, Harrison, Howard, Jones, Linn, Mills, Mitchell, Montgomery, Pottawattamie, Story, Woodbury, and Worth	Severe storms and flooding	July 2-August 10
Kansas		
Counties of Reno, Sedgwick, and Sumner	Severe storms and tornadoes	May 3-6
Louisiana		
Parishes of Bossier, Caddo, Claiborne, De Soto, and Webster	Severe storms, tornadoes, and flooding	April 3-7
Maine		
Counties of Androscoggin, Cumberland, Kennebec, Oxford, and Somerset	Hurricane Floyd	September 16-19
Maryland		
Counties of Anne Arundel, Calvert, Caroline, Cecil, Charles, Harford, Kent, Queen Anne's, Somerset, St. Mary's, and Talbot	Hurricane Floyd	September 16-20
Massachusetts		
County of Worcester	Fire	December 3-13
Michigan		
Counties of Alcona, Allegan, Arenac, Barry, Berrien, Cass, Crawford, Ionia, Iosco, Jackson, Kalamazoo, Kent, Lawrence, Lenawee, Macomb, Marquette, Mecosta, Monroe, Montmorency, Muskegeon, Newaygo, Oakland, Oceana, Ogemaw, Osceola, Oscoda, Otsego, Ottawa, St. Joseph, Van Buren, Washtenaw, and Wayne	Near record snow	January 2-15
Minnesota		
Counties of Kittston, Marshall, Pennington, Polk, Red Lake, and Roseau	Severe ice storms, flooding and heavy rains	March 1-May 30
Counties of Aitkin, Beltrami, Cass, Clay, Cook, Hubbard, Itasca, Lake, and St. Louis	Severe storms, winds, and flooding	July 4-August 2
Missouri		
Counties of Andrew, Cole, Iron, Macon, Madison, and Osage	Severe storms and flooding	April 3-14

Nebraska Counties of Burt, Douglas, and Washington	Severe storms and flooding	August 6-9
Nevada County of Clark	Severe storms and flash flooding	July 8-16
New Hampshire Counties of Belknap, Cheshire, and Grafton	Tropical Storm Floyd	September 16-18
New Jersey Counties of Atlantic, Bergen, Burlington, Camden, Cape May, Cumberland, Essex, Gloucester, Hudson, Hunterdon, Mercer, Middlesex, Monmouth, Morris, Ocean, Passaic, Salem, Somerset, Sussex, Union, and Warren	Hurricane Floyd	September 16-18
New Mexico Counties of Dona Ana, Luna, Mora, Rio Arriba, San Juan, Sandoval, and Sierra; and the Mescalero Apache Reservation	Severe storms and flooding	July 16-August 7
New York Counties of Cattaraugus, Chautauqua, Erie, Genesee, Jefferson, Lewis, Niagara, Orleans, St. Lawrence, and Wyoming	Near record snow	January 1-15
Counties of Livingston, Monroe, Ontario, Orleans, Wayne, and Wyoming	Near record snow	March 3-6
Counties of Albany, Dutchess, Essex, Greene, Nassau, Orange, Putnam, Rensselaer, Rockland, Schenectady, Schoharie, Suffolk, Ulster, Warren, and Westchester	Hurricane Floyd	September 16-18
North Carolina Counties of Beaufort, Brunswick, Carteret, Craven, Currituck, Dare, Hyde, New Hanover, Onslow, Pamlico, and Pender	Hurricane Dennis	August 29-September 11
Counties of Alamance, Anson, Beaufort, Bertie, Bladen, Brunswick, Camden, Carteret, Caswell, Chatham, Chowan, Columbus, Craven, Cumberland, Currituck, Dare, Davidson, Duplin, Durham, Edgecombe, Forsyth, Franklin, Gates, Granville, Greene, Guilford, Halifax, Harnett, Hertford, Hoke, Hyde, Johnston, Jones, Lee, Lenoir, Martin, Montgomery, Moore, Nash, New Hanover, Northampton, Onslow, Orange, Pamlico, Pasquotank, Pender, Perquimans, Person, Pitt, Randolph, Richmond, Robeson, Rockingham, Rowan, Sampson, Scotland, Stanly, Stokes, Tyrrell, Union, Vance, Wake, Warren, Washington, Wayne, and Wilson	Hurricane Floyd	September 15-November 2
North Dakota Counties of Barnes, Benson, Bottineau, Burke, Burleigh, Cass, Cavalier, Dickey, Divide, Eddy, Emmons, Foster, Grand Forks, Griggs, Kidder, LaMoure, Logan, McHenry, McIntosh, McLean, Mercer, Morton, Mountrail, Nelson, Pembina, Pierce, Ramsey, Ransom, Renville, Richland, Rolette, Sargent, Sheridan, Sioux, Steele, Stutsman, Towner, Traill, Walsh, Ward, Wells, and Williams; and the Indian Reservations of the Spirit Lake Sioux Tribe, Standing Rock Soix (that portion of the reservation that lies within the State of North Dakota), Three Affiliated Tribes, and Turtle Mountain Band of Chippewa	Severe storms, flooding, snow and ice, ground saturation, landslides, mudslides, and tornadoes	March 1-July 19
Oklahoma Counties of Caddo, Canadian, Cleveland, Craig, Creek, Grady, Kingfisher, Latimer, Le Flore, Lincoln, Logan, McClain, Noble, Oklahoma, Okmulgee, Ottawa, Payne Pottawatomie, and Tulsa	Tornadoes and severe storms	May 3-5

Pennsylvania		
Counties of Juniata and McKean	Severe storms and flooding	August 20-21
Counties of Dauphin, Lycoming, Northumberland, Snyder, and Union	Severe flash flooding associated with Tropical Depression Dennis	September 6-7
Counties of Berks, Bucks, Chester, Delaware, Lancaster, Montgomery, Philadelphia, and York	Hurricane Floyd	September 16-29
Puerto Rico		
All 78 municipalities	Hurricane Lenny	November 17-20
South Carolina		
Counties Allendale, Bamberg, Barnwell, Beaufort, Berkeley, Calhoun, Charleston, Chesterfield, Clarendon, Colleton, Darlington, Dillon, Dorchester, Florence, Georgetown, Hampton, Horry, Jasper, Kershaw, Lee, Lexington, Marion, Marlboro, Orangeburg, Richland, Sumter, and Williamsburg	Hurricane Floyd	September 14-30
South Dakota		
County of Shannon and the Pine Ridge Indian Reservation	Severe storms, tornadoes, and flooding	June 4-18
Tennessee		
Counties of Benton, Carroll, Crockett, Decatur, Dickson, Fayette, Franklin, Giles, Hardeman, Haywood, Henderson, Houston, Humphreys, Jackson, Lauderdale, Lawrence, Lewis, Madison, Maury, Montgomery, Perry, Stewart, Warren, and Wayne	Severe storms, tornadoes, and high winds	January 17-February 1
Counties of Cheatham, Chester, Davidson, Decatur, Dickson, Hardeman, Hardin, Henderson, Hickman, Houston, Humphreys, Lawrence, McNairy, Perry, Stewart, Sumner, White, and Williamson	Severe storms, tornadoes, and flooding	May 5-19
Texas		
Counties of Bowie, Gregg, Red River, and Titus	Severe storms and tornadoes	May 4
Counties of Anderson, Andrews, Angelina, Archer, Armstrong, Austin, Bailey, Bandera, Bastrop, Baylor, Bell, Bexar, Blanco, Borden, Bosque, Bowie, Brazoria, Brazos, Brewster, Briscoe, Brown, Burleson, Burnet, Caldwell, Calhoun, Callahan, Camp, Carson, Cass, Castro, Chambers, Cherokee, Childress, Clay, Cochran, Coke, Coleman, Collin, Collingsworth, Colorado, Comal, Comanche, Concho, Cooke, Coryell, Cottle, Crane, Crockett, Crosby, Culberson, Dallam, Dallas, Dawson, Deaf Smith, Delta, Denton, DeWitt, Dickens, Donley, Eastland, Ector, Edwards, El Paso, Ellis, Erath, Falls, Fannin, Fayette, Fisher, Floyd, Foard, Fort Bend, Franklin, Freestone, Gaines, Galveston, Garza, Gillespie, Glasscock, Gonzales, Gray, Grayson, Gregg, Grimes, Guadalupe, Hale, Hall, Hamilton, Hansford, Hardeman, Hardin, Harris, Harrison, Hartley, Haskell, Hays, Hemphill, Henderson, Hill, Hockley, Hood, Hopkins, Houston, Howard, Hudspeth, Hunt, Hutchinson, Irion, Jack, Jackson, Jasper, Jeff Davis, Jefferson, Johnson, Jones, Kaufman, Kendall, Kent, Kerr, Kimble, King, Kinney, Knox, Lamar, Lamb, Lampasas, Lavaca, Lee, Leon, Liberty, Limestone, Lipscomb, Llano, Loving, Lubbock, Lynn, Madison, Marion, Martin, Mason, Matagorda, McCulloch, McLennan, Medina, Menard, Midland, Milam, Mills, Mitchell, Montague, Montgomery, Moore, Morris, Motley, Nacogdoches,	Extreme fire hazards	August 1-December 10

<p>Navarro, Newton, Nolan, Ochiltree, Oldham, Orange, Palo Pinto, Panola, Parker, Parmer, Pecos, Polk, Potter, Presidio, Rains, Randall, Reagan, Real, Red River, Reeves, Roberts, Robertson, Rockwall, Runnels, Rusk, Sabine, San Augustine, San Jacinto, San Saba, Schleicher, Scurry, Shackelford, Shelby, Sherman, Smith, Somerveil, Stephens, Sterling, Stonewall, Sutton, Swisher, Tarrant, Taylor, Terrell, Terry, Throckmorton, Titus, Tom Green, Travis, Trinity, Tyler, Upshur, Upton, Uvalde, Val Verde, Van Zandt, Victoria, Walker, Waller, Ward, Washington, Wharton, Wheeler, Wichita, Wilbarger, Williamson, Wilson, Winkler, Wise, Wood, Yoakum, and Young</p>		
<p>Counties of Aransas, Brooks, Cameron, Duval, Hidalgo, Jim Hogg, Jim Wells, Kenedy, Kleberg, Nueces, San Patricio, Webb, and Willacy</p>	<p>Severe storms and flooding caused by Hurricane Bret</p>	<p>August 21-26</p>
<p>U.S. Virgin Islands The U.S. Virgin Islands</p>	<p>Hurricane Lenny</p>	<p>November 16-20</p>
<p>Utah County of Salt Lake</p>	<p>Tornado, severe thunderstorms, and hail</p>	<p>August 11</p>
<p>Vermont Counties of Bennington, Caledonia, Essex, Lamoille, Orange, Orleans, Rutland, Washington, Windham, and Windsor</p>	<p>Severe storms and flooding associated with Hurricane Floyd</p>	<p>September 16-21</p>
<p>Virginia City of Hampton</p>	<p>Tropical Storm Dennis</p>	<p>August 27-September 13</p>
<p>Counties of Accomack, Brunswick, Caroline, Charles City, Chesterfield, Dinwiddie, Essex, Fairfax, Gloucester, Greenville, Halifax, Hanover, Henrico, Isle of Wight, James City, King and Queen, King George, King William, Lancaster, Lunenburg, Mathews, Mecklenburg, Middlesex, New Kent, Northampton, Northumberland, Prince George, Richmond, Southampton, Surry, Sussex, Westmoreland, and York, and Cities of Chesapeake City, Colonial Heights, Emporia, Franklin, Hampton, Hopewell, Newport News, Norfolk, Petersburg, Poquoson, Portsmouth, Richmond, Suffolk, Virginia Beach, and Williamsburg</p>	<p>Hurricane Floyd</p>	<p>September 13-26</p>
<p>Wisconsin Counties of Ashland, Bayfield, Douglas, Florence, Iron, Oneida, Price, Rusk, Sawyer, and Vilas</p>	<p>Severe storms, straight-line winds, and flooding</p>	<p>July 4-31</p>