Business Use of Home
Historical Method
and
Safe Harbor Method

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Business Use of Home

- Historical Method
- Safe Harbor Method

Qualifying for the Deduction

- Generally, you cannot deduct items related to your home, such as mortgage interest, real estate taxes, utilities, maintenance, rent, depreciation, or property insurance, as business expenses
- However, you may be able to deduct expenses related to the business use of part of your home if certain requirements are met

Requirements

- Exclusively and regularly as your principal place of business
- Exclusively and regularly as a place where you meet or deal with patients, clients, or customers in the normal course of your trade or business,
- In the case of a separate structure which is not attached to your home, in connection with your trade or business,
- On a regular basis for certain storage use
- For rental use
- As a daycare facility

Additional Tests for Employee Use

- If you are an employee and you use a part of your home for business, you may qualify for a deduction for its business use
- You must meet the tests discussed earlier plus:
  - Your business use must be for the convenience of your employer, and
  - You must not rent any part of your home to your employer and use the rented portion to perform services as an employee for that employer
  - If the use of the home office is merely appropriate and helpful, you cannot deduct expenses for the business use of your home

Exclusive Use Test

- To qualify under the exclusive use test, you must use a specific area of your home only for your trade or business
- The area used for business can be a room or other separately identifiable space
- The space does not need to be marked off by a permanent partition
- You do not meet the requirements of the exclusive use test if you use the area in question both for business and for personal purposes

Exceptions to Exclusive Use

- You do not have to meet the exclusive use test if either of the following applies
  - You use part of your home for the storage of inventory or product samples
  - You use part of your home as a daycare facility

Storage of Inventory or Product Samples

- If you use part of your home for storage of inventory or product samples, you can deduct expenses for the business use of your home without meeting the exclusive use test
- However, you must meet all the following tests
  - You sell products at wholesale or retail as your trade or business
  - You keep the inventory or product samples in your home for use in your trade or business
  - Your home is the only fixed location of your trade or business
  - You use the storage space on a regular basis
  - The space you use is a separately identifiable space suitable for storage

Regular Use

- To qualify under the regular use test, you must use a specific area of your home for business on a regular basis
- Incidental or occasional business use is not regular use
- You must consider all facts and circumstances in determining whether your use is on a regular basis

Trade or Business Use

- To qualify under the trade-or-business-use test, you must use part of your home in connection with a trade or business
- If you use your home for a profit-seeking activity that is not a trade or business, you cannot take a deduction for its business use

Trade or Business Example

- You use part of your home exclusively and regularly to read financial periodicals and reports, clip bond coupons, and carry out similar activities related to your own investments
- You do not make investments as a broker or dealer
- So, your activities are not part of a trade or business and you cannot take a deduction for the business use of your home

Principal Place of Business

- You can have more than one business location, including your home, for a single trade or business
- To qualify to deduct the expenses for the business use of your home under the principal place of business test, your home must be your principal place of business for that trade or business
- To determine whether your home is your principal place of business, you must consider:
  - The relative importance of the activities performed at each place where you conduct business, and
  - The amount of time spent at each place where you conduct business

Will Your Home Qualify?

- Your home office will qualify as your principal place of business if you meet the following requirements:
  - You use it exclusively and regularly for administrative or management activities of your trade or business
  - You have no other fixed location where you conduct substantial administrative or management activities of your trade or business
- If, after considering your business locations, your home cannot be identified as your principal place of business, you cannot deduct home office expenses

Administrative or Management Activities

- The following activities performed by you or others will not disqualify your home office from being your principal place of business
  - You have others conduct your administrative or management activities at locations other than your home. (For example, another company does your billing from its place of business.)
  - You conduct administrative or management activities at places that are not fixed locations of your business, such as in a car or a hotel room.
  - You occasionally conduct minimal administrative or management activities at a fixed location outside your home.
  - You conduct substantial non-administrative or non-management business activities at a fixed location outside your home. (For example, you meet with or pro- vide services to customers, clients, or patients at a fixed location of the business outside your home.)
  - You have suitable space to conduct administrative or management activities outside your home, but choose to use your home office for those activities instead

Example

- Thomas is a self-employed electrician.
- Most of Thomas's time is spent at customers' homes and offices installing breaker boxes and wiring homes
- He has a small office in his home that he uses exclusively and regularly for the administrative or management activities of his business, such as phoning customers, ordering supplies, and keeping his books
- Thomas writes up estimates and records of work completed at his customers' premises.
- He does not conduct any substantial administrative or management activities at any fixed location other than his home office
- Thomas does not do his own billing
- He uses a local bookkeeping service to bill his customers

Example Analysis

- Thomas's home office qualifies as his principal place of business for deducting expenses for its use
- He uses the home office for the administrative or managerial activities of his electrical business and he has no other fixed location where he conducts these administrative or managerial activities
- His choice to have his billing done by another company does not disqualify his home office from being his principal place of business
- He meets all the qualifications, including principal place of business, so he can deduct expenses for the business use of his home

More than One Trade or Business

- The same home office can be the principal place of business for two or more separate business activities.
- Whether your home office is the principal place of business for more than one business activity must be determined separately for each of your trade or business activities
- You must use the home office exclusively and regularly for one or more of the following purposes
  - As the principal place of business for one or more of your trades or businesses
  - As a place to meet or deal with patients, clients, or customers in the normal course of one or more of your trades or businesses
  - If your home office is a separate structure, in connection with one or more of your trades or businesses.
  - You can use your home office for more than one business activity, but you cannot use it for any nonbusiness (that is, personal) activities.
  - If you are an employee, any use of the home office in connection with your employment must be for the convenience of your employer

Place to Meet Patients, Clients or Customers

- If you meet or deal with patients, clients, or customers in your home in the normal course of your business, even though you also carry on business at another location, you can deduct your expenses for the part of your home used exclusively and regularly for business if you meet both the following tests
  - You physically meet with patients, clients, or customers on your premises
  - Their use of your home is substantial and integral to the conduct of your business

Separate Structure

- You can deduct expenses for a separate free-standing structure, such as a studio, workshop, garage, or barn, if you use it exclusively and regularly for your business
- The structure does not have to be your principal place of business or a place where you meet patients, clients, or customers

Rental to Employer

- If you rent part of your home to your employer and you use the rented part in performing services for your employer as an employee, your deduction for the business use of your home is limited
- You can deduct mortgage interest, qualified mortgage insurance premiums, real estate taxes, and personal casualty losses for the rented part, subject to any limitations
- However, you cannot deduct otherwise allowable trade or business expenses, business casualty losses, or depreciation related to the use of your home (or use the simplified method as an alternative to deducting these actual expenses) in performing services for your employer.

Historical Method

- Need to document actual expenses
- Calculate the Business Use of Home Percentage
- Use Form 8829 Business Use of Home

Expenses

- Direct
- Indirect
- Unrelated

Direct Expenses

- Expenses only for the business part of your home
- Examples: Painting or repairs only in the area used for business
  - These are deductible in full
  - Daycare, only partially deductible

Indirect Expenses

- Expenses for keeping up and running your entire home
- Examples: Insurance, utilities, and general repairs
  - Deductible based on the percentage of your home used for business

Unrelated Expenses

- Expenses only for the parts of your home not used for business
- Examples:
  Lawn care or painting a room not used or business
- Not deductible

Employee, Partner or Farmer

- If you are an employee or a partner, or you use your home in your farming business and you file Schedule F (Form 1040), you can use the Worksheet To Figure the Deduction for Business Use of Your Home (Page 23 of Publication 587)
- If you use your home in a trade or business and you file Schedule C (Form 1040), you will use Form 8829 to figure your deduction

Partyear use

- You cannot deduct expenses for the business use of your home incurred during any part of the year you did not use your home for business purposes
- For example, if you begin using part of your home for business on July 1, and you meet all the tests from that date until the end of the year, consider only your expenses for the last half of the year in figuring your allowable deduction

Expenses related to TaxExempt Income

- Generally, you cannot deduct expenses that are related to tax-exempt allowances
- However, if you receive a tax-exempt parsonage allowance or a tax-exempt military allowance, your expenses for mortgage interest and real estate taxes are deductible under the normal rules
- No deduction is allowed for other expenses related to the tax-exempt allowance
- If your housing is provided free of charge and the value of the housing is tax exempt, you cannot deduct the rental value of any portion of the housing

Actual Expenses

- You must divide the expenses of operating your home be tween personal and business use
- The part of a home operating expense you can use to figure your deduction depends on both of the following
  - Whether the expense is direct, indirect, or unrelated
  - The percentage of your home used for business

Deductible Regardless of Business Use of Home situation

- Certain expenses are deductible whether or not you use your home for business
- If you qualify to deduct business use of the home expenses, use the business percentage of these expenses to figure your total business use of the home deduction
- These expenses include the following:
  - Real estate taxes
  - Qualified mortgage insurance premiums
  - Deductible mortgage interest
  - Casualty losses

Other Expenses

- Other expenses are deductible only if you use your home for business
- You can use the business percentage of these expenses to figure your total business use of the home deduction
- These expenses generally include (but are not limited to) the following:
  - Depreciation
  - Insurance
  - Rent paid for the use of property you do not own but use in your trade or business
  - Repairs
  - Security system
  - Utilities and Services

Telephone

- The basic local telephone service charge, including taxes, for the first telephone landline into your home is a nondeductible personal expense
- However, charges for business long-distance phone calls on that line, as well as the cost of a second line into your home used exclusively for business, are deductible business expenses
- Do not include these expenses as a cost of using your home for business
- Deduct these charges separately on the appropriate form or schedule
- For example, if you file Schedule C (Form 1040), deduct these expenses on line 25, Utilities (instead of line 30, Expenses for business use of your home).

Depreciation of the Home

- If you own your home and qualify to deduct expenses for its business use, you can claim a deduction for depreciation
- Depreciation is an allowance for the wear and tear on the part of your home used for business
- You cannot depreciate the cost or value of the land
  - You recover its cost when you sell or otherwise dispose of the property
- Before you figure your depreciation deduction, you need to know the following information
  - The month and year you started using your home for business.
  - The adjusted basis and fair market value of your home (excluding land) at the time you began using it for business
  - The cost of any improvements before and after you began using the property for business
  - The percentage of your home used for business
  - MACRS 39 year property Non-residential Real Property

Business Percentage

- To find the business percentage, compare the size of the part of your home that you use for business to your whole house
- Use the resulting percentage to figure the business part of the expenses for operating your entire home
- You can use any reasonable method to determine the business percentage
- The following are two commonly used methods for figuring the percentage.
  - 1. Divide the area (length multiplied by the width) used for business by the total area of your home
  - 2. If the rooms in your home are all about the same size, you can divide the number of rooms used for business by the total number of rooms in your home

Deduction Limit

- If your gross income from the business use of your home equals or exceeds your total business expenses (including depreciation), you can deduct all your business expenses related to the use of your home
- If your gross income from the business use of your home is less than your total business expenses, your deduction for certain expenses for the business use of your home is limited
- Your deduction of otherwise nondeductible expenses, such as insurance, utilities, and depreciation of your home (with depreciation of your home taken last), that are allo- cable to the business, is limited to the gross income from the business use of your home minus the sum of the fol- lowing:

Deduction Limit

- The business part of expenses you could deduct even if you did not use your home for business (such as mortgage interest, real estate taxes, and casualty and theft losses that are allowable as itemized deductions on Schedule A (Form 1040))
- The business expenses that relate to the business activity in the home (for example, business phone, supplies, and depreciation on equipment), but not to the use of the home itself
- If you are self-employed, do not include your deduction for one-half of your self-employment tax

Carryover of Un-allowed Expenses

- If your deductions are greater than the current year's limit, you can carry over the excess to the next year in which you use actual expenses
- They are subject to the deduction limit for that year, whether or not you live in the same home during that year

More than One Place of Business

- If part of the gross income from your trade or business is from the business use of part of your home and part is from a place other than your home, you must determine the part of your gross income from the business use of your home before you figure the deduction limit
- In making this determination, consider the time you spend at each location, the business investment in each location, and any other relevant facts and circumstances.

Using the Simplified Method

- The simplified method is an alternative to the calculation, allocation, and substantiation of actual expenses
- In most cases, you will figure your deduction by multiplying $5, the prescribed rate, by the area of your home used for a qualified business use
- The area you use to figure your deduction is limited to 300 square feet

Actual Expenses and Depreciation of your Home

- If you elect to use the simplified method, you cannot deduct any actual expenses for the business except for business expenses that are not related to the use of the home
- You also cannot deduct any depreciation or section 179 expense for the portion of the home that is used for a qualified business use
- The depreciation deduction allowable for that portion of the home is deemed to be zero for a year you use the simplified method
- If you figure your deduction for business use of the home using actual expenses in a subsequent year, you will have to use the appropriate optional depreciation table for MACRS to figure your depreciation

Expenses Deductible without Regard to Business Use

- When using the simplified method, treat as personal expenses those business expenses related to the use of the home that are deductible without regard to whether there is a qualified business use of the home
- These expenses include mortgage interest, real estate taxes, and casualty losses, subject to any limitations

Rent Home

- If you also rent part of your home, you must still allocate these expenses between rental use and personal use (for this purpose, personal use includes business use reported using the simplified method)

No Deduction of Carryover of Actual Expenses

- If you used actual expenses to figure your deduction for business use of the home in a prior year and your deduction was limited, you cannot deduct the disallowed amount carried over from the prior year during a year you figure your deduction using the simplified method
- Instead, you will continue to carry over the disallowed amount to the next year that you use actual expenses to figure your deduction.

Election to Use the Simplified Method

- You choose whether or not to figure your deduction using the simplified method each tax year
- Make the election for a home by using the simplified method to figure the deduction for the qualified business use of that home on a timely filed, original federal income tax return
- An election for a tax year, once made, is irrevocable
- A change from using the simplified method in one year to actual expenses in a succeeding tax year, or *viceversa*, is not a change in method of accounting and does not require the consent of the Commissioner

Shared Use

- If you share your home with someone else who also uses the home in a business that qualifies for this deduction, each of you make your own election

More than One Qualified Business Use

- If you conduct more than one business that qualifies for this deduction in your home, your election to use the simplified method applies to all your qualified business uses of that home

More Than One Home

- If you used more than one home in your business during the year (for example, you moved during the year), you can elect to use the simplified method for only one of the homes
- You must figure the deduction for any other home using actual expenses

Simplified Amount

- Your deduction for the qualified business use of a home is the sum of each amount you figure for a separate qualified business use of your home
- To figure your deduction for the business use of a home using the simplified method, you will need to know the following information for each qualified business use of the home

Simplified Amount Day Care

- If the qualified business use is for a daycare facility that uses space in your home on a regular (but not exclusive) basis, you will also need to know the percentage of time that part of your home is used for daycare

Figuring the Deduction

- Multiply the allowable area by $5 (or less than $5 if the qualified business use is for a daycare that uses space in your home on a regular, but not exclusive, basis)
- Subtract the expenses from the business that are not related to the use of the home from the gross income related to the business use of the home
- If these expenses are greater than the gross income from the business use of the home, then you cannot take a deduction for this business use of the home
- Take the smaller of the amounts from above
- This is the amount you can deduct for this qualified business use of your home using the simplified method.

Employee, Partner, or Farming

- If you are an employee or a partner, or you use your home in your farming business and file Schedule F (Form 1040), you can use the Simplified Method Worksheet, page 26 of Publication 587
- If you use your home in a trade or business and you file Schedule C (Form 1040), you will use the Simplified Method Worksheet in your Instructions for Schedule C to figure your deduction.

Allowable Area

- In most cases, the allowable area is the smaller of the actual area (in square feet) of your home used in conducting the business and 300 square feet
- Your allowable area may be smaller if you conducted the business as a qualified joint venture with your spouse
  - The area used by the business was shared with another qualified business use, you used the home for the business for only part of the year, or the area used by the business changed during the year

Area Used by a Qualified Joint Venture

- If the qualified business use of the home is also a qualified joint venture, you and your spouse will figure the deduction for the business use separately
- Split the actual area used in conducting business between you and your spouse in the same manner you split your other tax attributes
- Then, each spouse will figure the allowable area separately

Shared Use

- If you share your home with someone else who uses the home to conduct business that also qualifies for this deduction, you may not include the same square feet to figure your deduction as the other person
- You must allocate the shared space between you and the other person in a reasonable manner

Example of Shared Use

- Kristen and Lindsey are roommates
- Kristen uses 300 square feet of their home for a qualified business use
- Lindsey uses 200 square feet of their home for a separate qualified business use
- The qualified business uses share 100 square feet
- In addition to the portion that they do not share, Kristen and Lindsey can both claim 50 of the 100 square feet or divide the 100 square feet between them in any reasonable manner
- If divided evenly, Kristen could claim 250 square feet using the simplified method and Lindsey could claim 150 square feet

More than One Qualified Business Use

- If you conduct more than one business qualifying for the deduction, you are limited to a maximum of 300 square feet for all of the businesses
- Allocate the actual square footage used (up to the maximum of 300 square feet) among your qualified business uses in a reasonable manner
- However, do not allocate more square feet to a qualified business use than you actually use for that business

Rental Use

- The simplified method does not apply to rental use
- A rental use that qualifies for the deduction must be figured using actual expenses
- If the rental use and a qualified business use share the same area, you will have to allocate the actual area used between the two uses
- You cannot use the same area to figure a deduction for the qualified business use as you are using to figure the deduction for the rental use

Part-year Use or Area Changes Simplified Method Only

- If your qualified business use was for a portion of the year (for example, a seasonal business, a business that begins during the year, or you moved during the year) or you changed the square footage of your qualified business use, your deduction is limited to the average monthly allowable square footage
- You calculate the average monthly allowable square footage by adding the amount of allowable square feet you used in each month and dividing the sum by 12
- When determining the average monthly allowable square footage, you cannot take more than 300 square feet into account for any one month
- Additionally, if your qualified business use was less than 15 days in a month, you must use -0- for that month

Gross Income Limitation

- Your deduction for business use of the home is limited to an amount equal to the gross income derived from the qualified business use of the home reduced by the business deductions that are unrelated to the use of your home
- If the business deductions that are unrelated to the use of your home are greater than the gross income derived from the qualified business use of your home, then you cannot take a deduction for this qualified business use of your home

Space Used Regularly for Daycare

- If you use the area of your home exclusively for daycare, you must reduce the prescribed rate (maximum $5 per square foot) before figuring your deduction
- The reduced rate will equal the prescribed rate times a fraction
- The numerator of the fraction is the number of hours that the space was used during the year for daycare and the denominator is the total number of hours during the year that the space was available for all uses

July Webinars

- **The Affordable Care Act – July 1, Noon to 2:00 (2 hours of CPE) -** A review of the ACA provisions and changes that have occurred with the law since enactment will be discussed. We will review the basics aspects you faced during the 2015 filing season and provide additional clarification on issues that were problematic. In addition, we will review some of the more difficult reconciliation issues as it relates to the Premium Tax Credit.
- **Foreign Account Tax Compliance Act (FATCA) – July 2, Noon to 1:00 -** The Foreign Account Tax Compliance Act (FATCA) is a United States federal law that requires United States persons, including individuals who live outside the United States, to report their financial accounts held outside of the United States, and requires foreign financial institutions to report to the Internal Revenue Service (IRS) about their U.S. clients. We will provide an overview of the law and filing requirements.

July Webinars

- Preparing for a Gambling Audit – July 6, Noon to 1:00 - Your client gambles, whether it slots or poker we will review the recent IRS issues as they relate to auditing your client who has gaming income. What advice should you give a client with this type of income and what records will IRS accept during the audit process will be discussed.
- Basis of a Partnership – July 7, Noon to 1:00 - Discussion will include filing requirements, hiring employees, how to make estimated tax payments and how the income will show up on the personal return. A general overview of the partnership and some of the problematic issues related to filing for this business entity.
- The Partnership Form K-1 – July 8, Noon to 1:00 - An overview of Form 1065 K-1 preparation and the resulting Form 1040 income issues will be discussed.
- Bartering and Trading Income – July 13, Noon to 1:00 - A question IRS auditor always ask, Dow you have any bartering or trading income? How this income is reported and the adjustments needed to be made on the tax return will be discussed.

July Webinars

- **Correspondence Audits – July 14, Noon – 1:00 -** IRS's chief audit stream is correspondence audit. They do more of them than face to face and other types of audits combined. Responding to the audit request and providing logical and concise information to resolve the issue is an important part of the audit process. What are the do's and don'ts in providing the information and how best to handle the audit will be discussed.
- **FinCEN – July 10, Noon to 1:00 -** FinCEN's mission is to safeguard the financial system from illicit use and combat money laundering and promote national security through the collection, analysis, and dissemination of financial intelligence and strategic use of financial authorities. We will review the application process to file a FinCen Form 114 and the BSA E-Filing overview. If your client has a financial interest in or signature authority over a foreign financial account, including a bank account, brokerage account, mutual fund, trust, or other type of foreign financial account, exceeding certain thresholds, the Bank Secrecy Act may require them to report the account yearly to the Department of Treasury by electronically filing a Financial Crimes Enforcement Network (FinCEN) 114, *Report of Foreign Bank and Financial Accounts* (FBAR).

July Webinars

- Report of Foreign Bank and Financial Accounts (FBAR) – July 21, Noon to 1:00 - United States persons are required to file an FBAR if: (1)The United States person had a financial interest in or signature authority over at least one financial account located outside of the United States; and (2) The aggregate value of all foreign financial accounts exceeded $10,000 at any time during the calendar year reported. This session will review the FBAR filing requirements and provide you with information when both the FBAR and the Form 114 both need to be filed, as well as an explanation of the differences between to the two requirements.
- Preparing for an IRS Audit – July 22, Noon to 1:00 - Your client has been informed that they will be subject to and IRS audit. Tips on how to preparer, what information you should gather, pre-audit analysis and other issues will be discussed.
- Issues Related to Estates, Procedures and Developments in Estate Tax Law – July 23, Noon to 1:00 - What's new with Estates tax law? An overview of some of the recent estate issues and a review of typical estate tax issues that you face with your clients.

CALT Website

http://www.calt.iastate.edu/

Tour of the CALT Website

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