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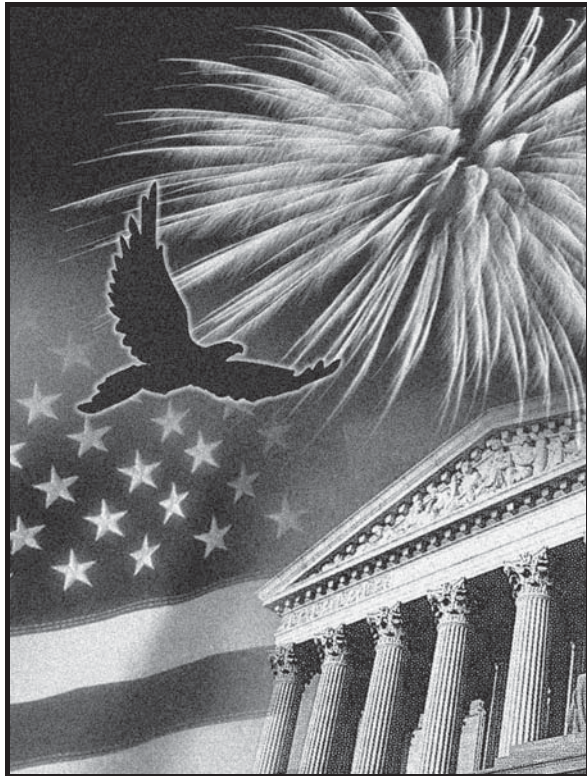
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Business Use of Your Home

(Including Use by Daycare Providers)

For use in preparing

2009 Returns



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Reminders

Photographs of missing children. The Internal Revenue Service is a proud partner with the National Center for Missing and Exploited Children. Photographs of missing children selected by the Center may appear in this publication on pages that would otherwise be blank. You can help bring these children home by looking at the photographs and calling 1-800-THE-LOST (1-800-843-5678) if you recognize a child.

Introduction

The purpose of this publication is to provide information on figuring and claiming the deduction for business use of your home. The term "home" includes a house, apartment, condominium, mobile home, boat, or similar property which provides basic living accommodations. It also includes structures on the property, such as an unattached garage, studio, barn, or greenhouse. However, it does not include any part of your property used exclusively as a hotel or inn.

This publication includes information on the following.

- The requirements for qualifying to deduct expenses for the business use of your home (including special rules for storing inventory or product samples).
- Types of expenses you can deduct.
- How to figure the deduction (including depreciation of your home).
- Special rules for daycare providers.
- Selling a home that was used partly for business.
- Deducting expenses for furniture and equipment used in your business.
- Records you should keep.
- Where to deduct your expenses.

The rules in this publication apply to individuals.

If you need information on deductions for renting out your property, see Publication 527, Residential Rental Property.

Comments and suggestions. We welcome your comments about this publication and your suggestions for future editions.

You can write to us at the following address:

Internal Revenue Service
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Useful Items

You may want to see:

Publications

- 523** Selling Your Home
- 551** Basis of Assets
- 583** Starting a Business and Keeping Records
- 946** How To Depreciate Property

Forms (and Instructions)

- Schedule C (Form 1040)** Profit or Loss from Business
- 2106** Employee Business Expenses
- 2106-EZ** Unreimbursed Employee Business Expenses
- 4562** Depreciation and Amortization
- 8829** Expenses for Business Use of Your Home

See *How To Get Tax Help* near the end of this publication for information about getting publications and forms.

Qualifying for a Deduction

Generally, you cannot deduct items such as mortgage interest and real estate taxes as business expenses. However, you may be able to deduct expenses related to the business use of part of your home if you meet specific requirements. Even then, your deduction may be limited. Use this section and Figure A, later, to decide if you can deduct expenses for the business use of your home.

To qualify to deduct expenses for business use of your home, you must use part of your home:

- Exclusively and regularly as your principal place of business (defined later),
- 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 (see *Storage of inventory or product samples*, later),
- For rental use (see Publication 527), or
- As a daycare facility (see *Daycare Facility*, later).

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 above 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

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.

Example. You are an attorney and use a den in your home to write legal briefs and prepare clients' tax returns. Your family also uses the den for recreation. The den is not used exclusively in your profession, so you cannot claim a deduction for the business use of the den.

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 (discussed next).
- You use part of your home as a daycare facility, discussed later under *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.

Example. Your home is the only fixed location of your business of selling mechanics' tools at retail. You regularly use half of your basement for storage of inventory and product samples. You sometimes use the area for personal purposes. The expenses for the storage space are deductible even though you do not use this part of your basement exclusively for business.

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.

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.

Your home office will qualify as your principal place of business if you meet the following requirements.

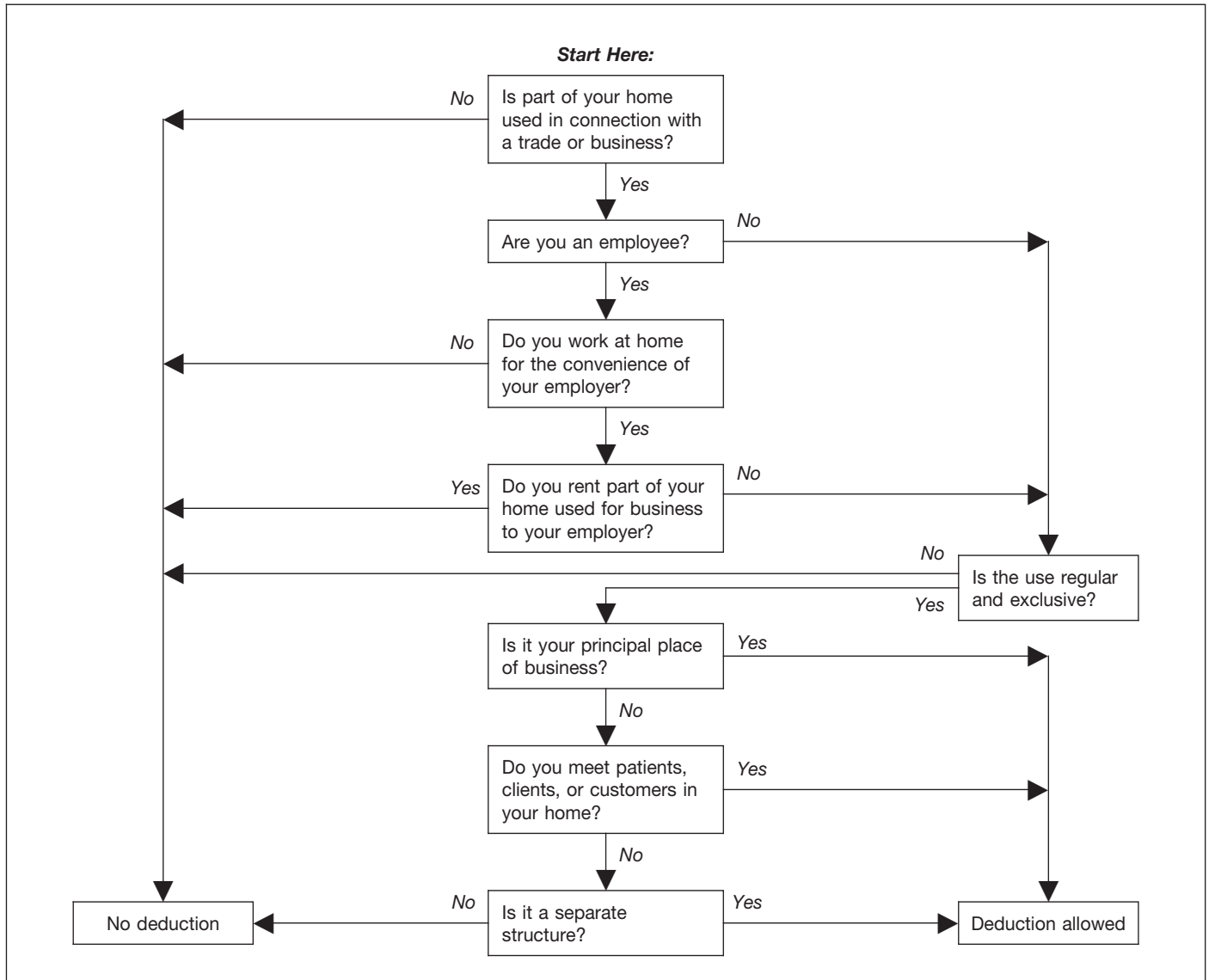
- You use it exclusively and regularly for administrative or management activities of your trade or business.
- You have no other fixed location where you conduct substantial administrative or management activities of your trade or business.

If, after considering your business locations, your home cannot be identified as your principal place of business, you cannot deduct home office expenses. However, see the later discussions under *Place To Meet Patients, Clients, or Customers* or *Separate Structure* for other ways to qualify to deduct home office expenses.

Administrative or management activities. There are many activities that are administrative or managerial in nature. The following are a few examples.

- Billing customers, clients, or patients.

Figure A. **Can You Deduct Business Use of the Home Expenses?** Do not use this chart if you use your home for the storage of inventory or product samples, or to operate a daycare facility. See *Exceptions to Exclusive Use*, earlier, and *Daycare Facility*, later.



- Keeping books and records.
- Ordering supplies.
- Setting up appointments.
- Forwarding orders or writing reports.

Administrative or management activities performed at other locations. 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 nonadministrative or non-management business activities at a fixed location outside your home. (For example, you meet with or provide 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 1. John is a self-employed plumber. Most of John’s time is spent at customers’ homes and offices installing and repairing plumbing. 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.

John 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. John does not do his own billing. He uses a local bookkeeping service to bill his customers.

John'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 plumbing 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 (to the extent of the deduction limit, explained later) for the business use of his home.

Example 2. Pamela is a self-employed sales representative for several different product lines. She has an office in her home that she uses exclusively and regularly to set up appointments and write up orders and other reports for the companies whose products she sells. She occasionally writes up orders and sets up appointments from her hotel room when she is away on business overnight.

Pamela's business is selling products to customers at various locations throughout her territory. To make these sales, she regularly visits customers to explain the available products and take orders.

Pamela's home office qualifies as her principal place of business for deducting expenses for its use. She conducts administrative or management activities there and she has no other fixed location where she conducts substantial administrative or management activities. The fact that she conducts some administrative or management activities in her hotel room (not a fixed location) does not disqualify her home office from being her principal place of business. She meets all the qualifications, including principal place of business, so she can deduct expenses (to the extent of the deduction limit, explained later) for the business use of her home.

Example 3. Paul is a self-employed anesthesiologist. He spends the majority of his time administering anesthesia and postoperative care in three local hospitals. One of the hospitals provides him with a small shared office where he could conduct administrative or management activities.

Paul very rarely uses the office the hospital provides. He uses a room in his home that he has converted to an office. He uses this room exclusively and regularly to conduct all the following activities.

- Contacting patients, surgeons, and hospitals regarding scheduling.
- Preparing for treatments and presentations.
- Maintaining billing records and patient logs.
- Satisfying continuing medical education requirements.
- Reading medical journals and books.

Paul's home office qualifies as his principal place of business for deducting expenses for its use. He conducts administrative or management activities for his business as an anesthesiologist there and he has no other fixed location where he conducts substantial administrative or management activities for this business. His choice to use his home office instead of the one provided by the hospital does not disqualify his home office from being his principal place of business. His performance of substantial nonadministrative or nonmanagement activities at fixed locations outside his home also 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 (to the extent of the deduction limit, explained later) for the business use of his home.

Example 4. Kathleen is employed as a teacher. She is required to teach and meet with students at the school and to grade papers and tests. The school provides her with a small office where she can work on her lesson plans, grade papers and tests, and meet with parents and students. The school does not require her to work at home.

Kathleen prefers to use the office she has set up in her home and does not use the one provided by the school. She uses this home office exclusively and regularly for the administrative duties of her teaching job.

Kathleen must meet the convenience-of-the-employer test, even if her home qualifies as her principal place of business for deducting expenses for its use. Her employer provides her with an office and does not require her to work at home, so she does not meet the convenience-of-the-employer test and cannot claim a deduction for the business use of her 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 (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. See *Rental to employer*, later if you rent part of your home to your employer.

Example. Tracy White is employed as a teacher. Her principal place of work is the school, which provides her office space to do her school work. She also has a mail order jewelry business. All her work in the jewelry business is done in her home office and the office is used exclusively for that business. If she meets all the other tests, she can deduct expenses for the business use of her home for the jewelry business.

If Tracy also uses the office for work related to her teaching, she must meet the exclusive use test for both businesses to qualify for the deduction. As an employee, Tracy must also meet the convenience-of-the-employer test to qualify for the deduction. She does not meet this test for her work as a teacher, so she cannot claim a deduction for the business use of her home for either activity.

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.

Doctors, dentists, attorneys, and other professionals who maintain offices in their homes generally will meet this requirement.

Using your home for occasional meetings and telephone calls will not qualify you to deduct expenses for the business use of your home.

The part of your home you use exclusively and regularly to meet patients, clients, or customers does not have to be your principal place of business.

Example. June Quill, a self-employed attorney, works 3 days a week in her city office. She works 2 days a week in her home office used only for business. She regularly meets clients there. Her home office qualifies for a business deduction because she meets clients there in the normal course of her business.

Separate Structure

You can deduct expenses for a separate free-standing structure, such as a studio, 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.

Example. John Berry operates a floral shop in town. He grows the plants for his shop in a greenhouse behind his home. He uses the greenhouse exclusively and regularly in his business, so he can deduct the expenses for its use, subject to the deduction limit, explained later.

Figuring the Deduction

After you determine that you meet the tests under *Qualifying for a Deduction*, you can begin to figure how much you can deduct. You will need to figure the percentage of your home used for business and the limit on the deduction.

If you are an employee or a partner, or you file Schedule F (Form 1040), Profit or Loss From Farming, use the *Worksheet To Figure the Deduction for Business Use of Your Home*, near the end of this publication, to help figure your deduction. If you file Schedule C (Form 1040), Profit or Loss From Business, you must generally use Form 8829, Expenses for Business Use of Your Home. The *Schedule C Example*, near the end of this publication, shows how to report the deduction on Form 8829.

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 in performing services for your employer.

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.

Example 1.

- Your office is 240 square feet (12 feet × 20 feet).
- Your home is 1,200 square feet.
- Your office is 20% ($240 \div 1,200$) of the total area of your home.
- Your business percentage is 20%.

Example 2.

- You use one room in your home for business.
- Your home has 10 rooms, all about equal size.
- Your office is 10% ($1 \div 10$) of the total area of your home.

- Your business percentage is 10%.



Use lines 1–7 of Form 8829, or lines 1–3 on the Worksheet To Figure the Deduction for Business Use of Your Home (near the end of this publication) to figure your business percentage.

Part-Year 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.

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 (with depreciation taken last), that are allocable to the business, is limited to the gross income from the business use of your home minus the sum of the following.

1. 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)). These expenses are discussed in detail under *Deducting Expenses*, later.
2. 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 in (2) above your deduction for half of your self-employment tax.

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

Figuring the deduction limit and carryover. If you are an employee or a partner, or you file Schedule F (Form 1040), use the *Worksheet To Figure the Deduction for Business Use of Your Home*, near the end of this publication. If you file Schedule C (Form 1040), figure your deduction limit and carryover on Form 8829.

Example. You meet the requirements for deducting expenses for the business use of your home. You use 20% of your home for business. In 2009, your business expenses and the expenses for the business use of your home are deducted from your gross income in the following order.

| | |
|--|----------------|
| Gross income from business | \$6,000 |
| Minus: | |
| Deductible mortgage interest and real estate taxes (20%) | 3,000 |
| Business expenses not related to the use of your home (100%) (business phone, supplies, and depreciation on equipment) | 2,000 |
| Deduction limit | <u>\$1,000</u> |
| Minus other expenses allocable to business use of home: | |
| Maintenance, insurance, and utilities (20%) | 800 |
| Depreciation allowed (20% = \$1,600 allowable, but subject to balance of deduction limit) | 200 |
| Other expenses up to the deduction limit | <u>\$1,000</u> |
| Depreciation carryover to 2010 (\$1,600 – \$200) (subject to deduction limit in 2010) | <u>\$1,400</u> |

You can deduct all of the business part of your deductible mortgage interest and real estate taxes (\$3,000). You also can deduct all of your business expenses not related to the use of your home (\$2,000). Additionally, you can deduct all of the business part of your expenses for maintenance, insurance, and utilities, because the total (\$800) is less than the \$1,000 deduction limit. Your deduction for depreciation for the business use of your home is limited to \$200 (\$1,000 minus \$800) because of the deduction limit. You can carry over the \$1,400 balance and add it to your depreciation for 2010, subject to your deduction limit in 2010.

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.



If your home office qualifies as your principal place of business, you can deduct your daily transportation costs between your home and another work location in the same trade or business. For more information on transportation costs, see Publication 463, *Travel, Entertainment, Gift, and Car Expenses*.

Deducting Expenses

If you qualify to deduct expenses for the business use of your home, you must divide the expenses of operating your home between personal and business use. This section discusses the types of expenses you may have and gives examples and brief explanations of these expenses.

Types of Expenses

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.

Table 1, next, describes the types of expenses you may have and the extent to which they are deductible.

Table 1. Types of Expenses

| Expense | Description | Deductibility |
|-----------|---|--|
| Direct | Expenses only for the business part of your home. Examples: Painting or repairs only in the area used for business. | Deductible in full.* Exception: May be only partially deductible in a daycare facility. See <i>Daycare Facility</i> , later. |
| Indirect | 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 only for the parts of your home not used for business. Examples: Lawn care or painting a room not used for business. | Not deductible. |

*Subject to the deduction limit, discussed earlier.



Form 8829 and the Worksheet To Figure the Deduction for Business Use of Your Home (both illustrated near the end of this publication) have separate columns for direct and indirect expenses.

Expenses related to tax-exempt 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.

Examples of Expenses

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 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 (covered under *Depreciating Your Home*, later).
- Insurance.
- Rent.
- Repairs.
- Security system.
- Utilities and services.

Real Estate Taxes

To figure the business part of your real estate taxes, multiply the real estate taxes paid by the percentage of your home used for business.

For more information on the deduction for real estate taxes, see Publication 530, *Tax Information for First-Time Homeowners*.

Deductible Mortgage Interest

To figure the business part of your deductible mortgage interest, multiply this interest by the percentage of your home used for business. You can include interest on a second mortgage in this computation. If your total mortgage debt is more than \$1,000,000 or your home equity debt is more than \$100,000, your deduction may be limited. For more information on what interest is deductible, see Publication 936, *Home Mortgage Interest Deduction*.

Qualified Mortgage Insurance Premiums

To figure the business part of your qualified mortgage insurance premiums, multiply the premiums by the percentage of your home used for business. You can include premiums for insurance on a second mortgage in this computation. If your adjusted gross income is more than \$100,000 (\$50,000 if your filing status is married filing separately), your deduction may be limited. For more information, see Publication 936, *Home Mortgage Interest Deduction*, and *Line 13* in the instructions for Schedule A (Form 1040).

Casualty Losses

If you have a casualty loss on your home that you use for business, treat the casualty loss as a direct expense, an indirect expense, or an unrelated expense, depending on the property affected.

- A direct expense is the loss on the portion of the property you use only in your business. Use the

entire loss to figure the business use of the home deduction.

- An indirect expense is the loss on property you use for both business and personal purposes. Use only the business portion to figure the deduction.
- An unrelated expense is the loss on property you do not use in your business. Do not use any of the loss to figure the deduction.

Example. You meet the rules to take a deduction for an office in your home that is 10% of the total area of your house. A storm damages your roof. This is an indirect expense as the roof is part of the whole house and is considered to be used both for business and personal purposes. You would complete Form 4684, *Casualties and Thefts*, to report your loss. You complete both section A (Personal Use Property) and section B (Business and Income-Producing Property) as your home is used both for business and personal purposes. Since you use 90% of your home for personal purposes, use 90% of the cost or adjusted basis of your home, insurance or other reimbursement, and fair market value, both before and after the storm, to figure the amounts to enter on lines 2, 3, 5, and 6 of Form 4684. Since you use 10% of your home for business purposes, use 10% of the cost or adjusted basis of your home, insurance or other reimbursement, and fair market value, both before and after the storm, to figure the amounts to enter on lines 21 and 22 of Form 4684.

Forms and worksheets to use. If you are filing Schedule C (Form 1040), get Form 8829 and follow the instructions for casualty losses. If you are an employee or a partner, or you file Schedule F (Form 1040), use the *Worksheet To Figure the Deduction for Business Use of Your Home*, near the end of this publication. You will also need to get Form 4684, *Casualties and Thefts*.

More information. For more information on casualty losses, see Publication 547, *Casualties, Disasters, and Thefts*.

Insurance

You can deduct the cost of insurance that covers the business part of your home. However, if your insurance premium gives you coverage for a period that extends past the end of your tax year, you can deduct only the business percentage of the part of the premium that gives you coverage for your tax year. You can deduct the business percentage of the part that applies to the following year in that year.

Rent

If you rent the home you occupy and meet the requirements for business use of the home, you can deduct part of the rent you pay. To figure your deduction, multiply your rent payments by the percentage of your home used for business.

If you own your home, you cannot deduct the fair rental value of your home. However, see *Depreciating Your Home*, later.

Repairs

The cost of repairs that relate to your business, including labor (other than your own labor), is a deductible expense. For example, a furnace repair benefits the entire home. If you use 10% of your home for business, you can deduct 10% of the cost of the furnace repair.

Repairs keep your home in good working order over its useful life. Examples of common repairs are patching walls and floors, painting, wallpapering, repairing roofs and gutters, and mending leaks. However, repairs are sometimes treated as a permanent improvement. See *Permanent Improvements*, later, under *Depreciating Your Home*.

Security System

If you install a security system that protects all the doors and windows in your home, you can deduct the business part of the expenses you incur to maintain and monitor the system. You also can take a depreciation deduction for the part of the cost of the security system relating to the business use of your home.

Utilities and Services

Expenses for utilities and services, such as electricity, gas, trash removal, and cleaning services, are primarily personal expenses. However, if you use part of your home for business, you can deduct the business part of these expenses. Generally, the business percentage for utilities is the same as the percentage of your home used for business.

Telephone. The basic local telephone service charge, including taxes, for the first telephone line 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).

Depreciating Your 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. See *Business Percentage*, earlier, under *Figuring the Deduction*.

Adjusted basis defined. The adjusted basis of your home is generally its cost, plus the cost of any permanent improvements you made to it, minus any casualty losses or depreciation deducted in earlier tax years. For a discussion of adjusted basis, see Publication 551.

Permanent improvements. A permanent improvement increases the value of property, adds to its life, or gives it a new or different use. Examples of improvements are replacing electric wiring or plumbing, adding a new roof or addition, paneling, or remodeling.

You must carefully distinguish between repairs and improvements. See *Repairs*, earlier, under *Deducting Expenses*. You also must keep accurate records of these expenses. These records will help you decide whether an expense is a deductible or capital (added to the basis) expense. However, if you make repairs as part of an extensive remodeling or restoration of your home, the entire job is an improvement.

Example. You buy an older home and fix up two rooms as a beauty salon. You patch the plaster on the ceilings and walls, paint, repair the floor, install an outside door, and install new wiring, plumbing, and other equipment. Normally, the patching, painting, and floor work are repairs and the other expenses are permanent improvements. However, because the work gives your property a new use, the entire remodeling job is a permanent improvement and its cost is added to the basis of the property. You cannot deduct any portion of it as a repair expense.

Adjusting for depreciation deducted in earlier years. Decrease the basis of your property by the depreciation you deducted, or could have deducted, on your tax returns under the method of depreciation you properly selected. If you deducted less depreciation than you could have under the method you selected, decrease the basis by the amount you could have deducted under that method. If you did not deduct any depreciation, decrease the basis by the amount you could have deducted.

If you deducted more depreciation than you should have, decrease your basis by the amount you should have deducted, plus the part of the excess depreciation you deducted that actually decreased your tax liability for any year.

If you deducted the incorrect amount of depreciation, see *How Do You Correct Depreciation Deductions* in chapter 1 of Publication 946.

Fair market value defined. The fair market value of your home is the price at which the property would change hands between a buyer and a seller, neither having to buy or sell, and both having reasonable knowledge of all necessary facts. Sales of similar property, on or about the date you begin using your home for business, may be helpful in figuring the property's fair market value.

Figuring the Depreciation Deduction for the Current Year

If you began using your home for business before 2009, continue to use the same depreciation method you used in past tax years.

If you began using your home for business in 2009, depreciate the business part as nonresidential real property under the modified accelerated cost recovery system (MACRS). Under MACRS, nonresidential real property is depreciated using the straight line method over 39 years. For more information on MACRS and other methods of depreciation, see Publication 946.

To figure the depreciation deduction, you must first figure the part of the cost of your home that can be depreciated (depreciable basis). The depreciable basis is figured by multiplying the percentage of your home used for business by the smaller of the following.

- The adjusted basis of your home (excluding land) on the date you began using your home for business.
- The fair market value of your home (excluding land) on the date you began using your home for business.

Depreciation table. If 2009 was the first year you used your home for business, you can figure your 2009 depreciation for the business part of your home by using the appropriate percentage from the following table.

Table 2. MACRS Percentage Table for 39-Year Nonresidential Real Property

| Month First Used for Business | Percentage To Use |
|-------------------------------|-------------------|
| 1 | 2.461% |
| 2 | 2.247% |
| 3 | 2.033% |
| 4 | 1.819% |
| 5 | 1.605% |
| 6 | 1.391% |
| 7 | 1.177% |
| 8 | 0.963% |
| 9 | 0.749% |
| 10 | 0.535% |
| 11 | 0.321% |
| 12 | 0.107% |

Multiply the depreciable basis of the business part of your home by the percentage from the table for the first month you use your home for business. See Table A-7a in Appendix A of Publication 946 for the percentages for the remaining tax years of the recovery period.

Example. In May, George Miller began to use one room in his home exclusively and regularly to meet clients. This room is 8% of the square footage of his home. He bought the home in 1999 for \$125,000. He determined from his property tax records that his adjusted basis in the house (exclusive of land) is \$115,000. In May, the house had a fair market value of \$165,000. He multiplies his adjusted basis (which is less than the fair market value) by 8%. The result is \$9,200, his depreciable basis for the business part of the house.

George files his return based on the calendar year. May is the 5th month of his tax year. He multiplies his depreciable basis of \$9,200 by 1.605% (.01605), the percentage from the table for the 5th month. His depreciation deduction is \$147.66.

Depreciating Permanent Improvements

Add the costs of permanent improvements made before you began using your home for business to the basis of your property. Depreciate these costs as part of the cost of your home as explained earlier. The costs of improvements made after you begin using your home for business (that affect the business part of your home, such as a new roof) are depreciated separately. Multiply the cost of the improvement by the business-use percentage and depreciate the result over the recovery period that would apply to your home if you began using it for business at the same time as the improvement. For improvements made this year, the recovery period is 39 years. For the percentage to use for the first year, see Table 2, earlier. For more information on recovery periods, see *Which Recovery Period Applies* in chapter 4 of Publication 946.

Daycare Facility

If you use space in your home on a regular basis for providing daycare, you may be able to deduct the business expenses for that part of your home even if you use the same space for nonbusiness purposes. To qualify for this exception to the exclusive use rule, you must meet both of the following requirements.

- You must be in the trade or business of providing daycare for children, persons age 65 or older, or persons who are physically or mentally unable to care for themselves.
- You must have applied for, been granted, or be exempt from having, a license, certification, registration, or approval as a daycare center or as a family or group daycare home under state law. You do not

meet this requirement if your application was rejected or your license or other authorization was revoked.

Figuring the deduction. If you regularly use part of your home for daycare, figure what part is used for daycare, as explained at *Business Percentage*, earlier under *Figuring the Deduction*. If you use that part exclusively for daycare, deduct all the allocable expenses, subject to the deduction limit, as explained earlier.

If the use of part of your home as a daycare facility is regular, but not exclusive, you must figure the percentage of time that part of your home is used for daycare. A room that is available for use throughout each business day and that you regularly use in your business is considered to be used for daycare throughout each business day. You do not have to keep records to show the specific hours the area was used for business. You can use the area occasionally for personal reasons. However, a room you use only occasionally for business does not qualify for the deduction.



To find the percentage of time you actually use your home for business, compare the total time used for business to the total time that part of your home can be used for all purposes. You can compare the hours of business use in a week with the number of hours in a week (168). Or you can compare the hours of business use for the year with the number of hours in the year (8,760 in 2009). If you started or stopped using your home for daycare in 2009, you must prorate the number of hours based on the number of days the home was available for daycare.

Example 1. Mary Lake used her basement to operate a daycare business for children. She figures the business percentage of the basement as follows.

$$\frac{\text{Square footage of the basement}}{\text{Square footage of her home}} = \frac{1,600}{3,200} = 50\%$$

She used the basement for daycare an average of 12 hours a day, 5 days a week, for 50 weeks a year. During the other 12 hours a day, the family could use the basement. She figures the percentage of time the basement was used for daycare as follows.

$$\frac{\text{Number of hours used for daycare (12 x 5 x 50)}}{\text{Total number of hours in the year (24 x 365)}} = \frac{3,000}{8,760} = 34.25\%$$

Mary can deduct 34.25% of any direct expenses for the basement. However, because her indirect expenses are for the entire house, she can deduct only 17.13% of the indirect expenses. She figures the percentage for her indirect expenses as follows.

| | |
|--|---------------|
| Business percentage of the basement | 50% |
| Multiplied by: Percentage of time used for daycare | × 34.25% |
| Percentage for indirect expenses | <u>17.13%</u> |

Mary completes Form 8829, shown later. In Part I, she figures the percentage of her home used for business, including the percentage of time the basement was used.

In Part II, Mary figures her deductible expenses. She uses the following information to complete Part II.

| | |
|--|-----------------|
| Gross income from her daycare business | \$50,000 |
| Expenses not related to the business use of the home | <u>\$25,000</u> |
| Tentative profit | <u>\$25,000</u> |
| Rent | \$8,400 |
| Utilities | \$850 |
| Painting the basement | \$500 |

Mary enters her tentative profit, \$25,000, on line 8. (This figure is the same as the amount on line 29 of her Schedule C.)

The expenses she paid for rent and utilities relate to her entire home. Therefore, she enters them in column (b) on the appropriate lines. She adds these two expenses (line 22) and multiplies the total by the percentage on line 7 and enters the result, \$1,585, on line 23.

Mary paid \$500 to have the basement painted. The painting is a direct expense. However, because she did not use the basement exclusively for daycare, she must multiply \$500 by the percentage of time the basement was used for daycare (34.25% – line 6). She enters \$171 (34.25% × \$500) on line 19, column (a). She adds line 22, column (a), and line 23 and enters \$1,756 (\$171 + \$1,585) on line 25. This is less than her deduction limit (line 15), so she can deduct the entire amount. She completes the rest of Part II by entering \$1,756 on lines 33 and 35. She then carries the \$1,756 to line 30 of her Schedule C (not shown).

Example 2. Assume the same facts as in Example 1 except that Mary also has another room that was available each business day for children to take naps in. Although she did not keep a record of the number of hours the room was actually used for naps, it was used for part of each business day. Since the room was available for business use during regular operating hours each business day and was used regularly in the business, it is considered used for daycare throughout each business day. The basement and room are 60% of the total area of her home. In figuring her expenses, 34.25% of any direct expenses for the basement and room are deductible. In addition, 20.55% (34.25% × 60%) of her indirect expenses are deductible.

Example 3. Assume the same facts as in Example 1 except that Mary stopped using her home for a daycare facility on June 24, 2009. She used the basement for daycare an average of 12 hours a day, 5 days a week, but for only 25 weeks of the year. During the other 12 hours a day, the family could still use the basement. She figures the percentage of time the basement was used for business as follows.

$$\frac{\text{Number of hours used for daycare (12 x 5 x 25)}}{\text{Total number of hours during period used (24 x 175)}} = \frac{1,500}{4,200} = 35.71\%$$

Mary can deduct 35.71% of any direct expenses for the basement. However, because her indirect expenses are for the entire house, she can deduct only 17.86% of the indirect expenses. She figures the percentage for her indirect expenses as follows.

| | |
|--|---------------|
| Business percentage of the basement | 50% |
| Multiplied by: Percentage of time used for daycare | × 35.71% |
| Percentage for indirect expenses | <u>17.86%</u> |

Meals. If you provide food for your daycare recipients, do not include the expense as a cost of using your home for business. Claim it as a separate deduction on your Schedule C (Form 1040). You can never deduct the cost of food consumed by you or your family. You can deduct as a business expense 100% of the actual cost of food consumed by your daycare recipients (see *Standard meal and snack rates*, later, for an optional method for eligible children) and generally only 50% of the cost of food consumed by your employees. However, you can deduct 100% of the cost of food consumed by your employees if its value can be excluded from their wages as a *de minimis* fringe benefit. For more information on meals that meet these requirements, see *Meals* in chapter 2 of Publication 15-B, Employer’s Tax Guide to Fringe Benefits.

If you deduct the actual cost of food for your daycare business, keep a separate record (with receipts) of your family’s food costs.

Reimbursements you receive from a sponsor under the Child and Adult Food Care Program of the Department of Agriculture are taxable only to the extent they exceed your expenses for food for eligible children. If your reimbursements are more than your expenses for food, show the difference as income in Part I of Schedule C. If your food expenses are greater than the reimbursements, show the difference as an expense in Part V of Schedule C. Do not include payments or expenses for your own children if they are eligible for the program. Follow this procedure even if you receive a Form 1099 reporting a payment from the sponsor.

Standard meal and snack rates. If you qualify as a family daycare provider, you can use the standard meal and snack rates, instead of actual costs, to compute the deductible cost of meals and snacks provided to eligible children. For these purposes:

- A family daycare provider is a person engaged in the business of providing family daycare.
- Family daycare is childcare provided to eligible children in the home of the family daycare provider. The care must be non-medical, not involve a transfer of legal custody, and generally last less than 24 hours each day.
- Eligible children are minor children receiving family daycare in the home of the family daycare provider. Eligible children do not include children who are full-time or part-time residents in the home where the childcare is provided or children whose parents or guardians are residents of the same home. Eligible children do not include children who receive daycare services for personal reasons of the provider. For example, if a provider provides daycare services for a relative as a favor to that relative, that child is not an eligible child.

You can compute the deductible cost of each meal and snack you actually purchased and served to an eligible

Expenses for Business Use of Your Home
 ▶ **File only with Schedule C (Form 1040). Use a separate Form 8829 for each home you used for business during the year.**
 ▶ **See separate instructions.**

Name(s) of proprietor(s) Your social security number
 Mary Lake 412-00-1234

Part I Part of Your Home Used for Business

| | | | |
|---|---|---|-----------|
| 1 | Area used regularly and exclusively for business, regularly for daycare, or for storage of inventory or product samples (see instructions) | 1 | 1,600 |
| 2 | Total area of home | 2 | 3,200 |
| 3 | Divide line 1 by line 2. Enter the result as a percentage. | 3 | 50 % |
| For daycare facilities not used exclusively for business, go to line 4. All others go to line 7. | | | |
| 4 | Multiply days used for daycare during year by hours used per day | 4 | 3,000 hr. |
| 5 | Total hours available for use during the year (365 days x 24 hours) (see instructions) | 5 | 8,760 hr. |
| 6 | Divide line 4 by line 5. Enter the result as a decimal amount | 6 | .3425 |
| 7 | Business percentage. For daycare facilities not used exclusively for business, multiply line 6 by line 3 (enter the result as a percentage). All others, enter the amount from line 3 | 7 | 17.13 % |

Part II Figure Your Allowable Deduction

| | | | |
|---|--|----|--------|
| 8 | Enter the amount from Schedule C, line 29, plus any net gain or (loss) derived from the business use of your home and shown on Schedule D or Form 4797. If more than one place of business, see instructions | 8 | 25,000 |
| See instructions for columns (a) and (b) before completing lines 9-21. | | | |
| 9 | Casualty losses (see instructions) | 9 | |
| 10 | Deductible mortgage interest (see instructions) | 10 | |
| 11 | Real estate taxes (see instructions) | 11 | |
| 12 | Add lines 9, 10, and 11 | 12 | |
| 13 | Multiply line 12, column (b) by line 7 | 13 | |
| 14 | Add line 12, column (a) and line 13 | 14 | -0- |
| 15 | Subtract line 14 from line 8. If zero or less, enter -0- | 15 | 25,000 |
| 16 | Excess mortgage interest (see instructions) | 16 | |
| 17 | Insurance | 17 | |
| 18 | Rent | 18 | 8,400 |
| 19 | Repairs and maintenance | 19 | 171 |
| 20 | Utilities | 20 | 850 |
| 21 | Other expenses (see instructions) | 21 | |
| 22 | Add lines 16 through 21 | 22 | 171 |
| 23 | Multiply line 22, column (b) by line 7 | 23 | 1,585 |
| 24 | Carryover of operating expenses from 2008 Form 8829, line 42 | 24 | |
| 25 | Add line 22 column (a), line 23, and line 24 | 25 | 1,756 |
| 26 | Allowable operating expenses. Enter the smaller of line 15 or line 25 | 26 | 1,756 |
| 27 | Limit on excess casualty losses and depreciation. Subtract line 26 from line 15 | 27 | 23,244 |
| 28 | Excess casualty losses (see instructions) | 28 | |
| 29 | Depreciation of your home from line 41 below | 29 | |
| 30 | Carryover of excess casualty losses and depreciation from 2008 Form 8829, line 43 | 30 | |
| 31 | Add lines 28 through 30 | 31 | -0- |
| 32 | Allowable excess casualty losses and depreciation. Enter the smaller of line 27 or line 31 | 32 | -0- |
| 33 | Add lines 14, 26, and 32 | 33 | 1,756 |
| 34 | Casualty loss portion, if any, from lines 14 and 32. Carry amount to Form 4684 (see instructions) | 34 | -0- |
| 35 | Allowable expenses for business use of your home. Subtract line 34 from line 33. Enter here and on Schedule C, line 30. If your home was used for more than one business, see instructions | 35 | 1,756 |

Part III Depreciation of Your Home

| | | | |
|----|---|----|---|
| 36 | Enter the smaller of your home's adjusted basis or its fair market value (see instructions) | 36 | |
| 37 | Value of land included on line 36 | 37 | |
| 38 | Basis of building. Subtract line 37 from line 36 | 38 | |
| 39 | Business basis of building. Multiply line 38 by line 7. | 39 | |
| 40 | Depreciation percentage (see instructions) | 40 | % |
| 41 | Depreciation allowable (see instructions). Multiply line 39 by line 40. Enter here and on line 29 above | 41 | |

Part IV Carryover of Unallowed Expenses to 2010

| | | | |
|----|--|----|--|
| 42 | Operating expenses. Subtract line 26 from line 25. If less than zero, enter -0- | 42 | |
| 43 | Excess casualty losses and depreciation. Subtract line 32 from line 31. If less than zero, enter -0- | 43 | |

child during the time period you provided family daycare using the standard meal and snack rates shown in Table 3, later. You can use the standard meal and snack rates for a maximum of one breakfast, one lunch, one dinner, and three snacks per eligible child per day. If you receive reimbursement for a particular meal or snack, you can deduct only the portion of the applicable standard meal or snack rate that is more than the amount of the reimbursement.

You can use either the standard meal and snack rates or actual costs to calculate the deductible cost of food provided to eligible children in the family daycare for any particular tax year. If you choose to use the standard meal and snack rates for a particular tax year, you must use the rates for all your deductible food costs for eligible children during that tax year. However, if you use the standard meal and snack rates in any tax year, you can use actual costs to compute the deductible cost of food in any other tax year.

If you use the standard meal and snack rates, you must maintain records to substantiate the computation of the total amount deducted for the cost of food provided to eligible children. The records kept should include the name of each child, dates and hours of attendance in the daycare, and the type and quantity of meals and snacks served. This information can be recorded in a log similar to the one shown in *Exhibit A*, near the end of this publication.

The standard meal and snack rates include beverages, but do not include non-food supplies used for food preparation, service, or storage, such as containers, paper products, or utensils. These expenses can be claimed as a separate deduction on your Schedule C (Form 1040).

Table 3. 2009 Standard Meal and Snack Rates

| Location of Family Daycare Provider | Breakfast | Lunch | Dinner | Snack |
|-------------------------------------|-----------|--------|--------|--------|
| States other than Alaska and Hawaii | \$1.17 | \$2.18 | \$2.18 | \$0.65 |
| Alaska | \$1.86 | \$3.53 | \$3.53 | \$1.05 |
| Hawaii | \$1.36 | \$2.55 | \$2.55 | \$0.76 |

Sale or Exchange of Your Home

If you sell or exchange your home, you may be able to exclude up to \$250,000 (\$500,000 for certain married persons filing a joint return) of the gain on the sale or exchange if you meet the ownership and use tests.

Ownership and use tests. To qualify for the exclusion, you must meet the ownership and use tests. This means that during the 5-year period ending on the date of the sale:

- You owned the home for at least 2 years (ownership test), and
- You lived in the home as your main home for at least 2 years (use test).

Gain on Sale

If you use property partly as a home and partly for business, the treatment of any gain on the sale varies depending on whether the part of the property used for business is part of your home or separate from it.

Part of Home Used for Business

If the part of your property used for business is within your home, such as a room used as a home office for a business or rooms used to provide daycare, you do not need to allocate gain on the sale of the property between the business part of the property and the part used as a home. In addition, you do not need to report the sale of the business part on Form 4797. This is true whether or not you were entitled to claim any depreciation. However, you cannot exclude the part of any gain equal to any depreciation allowed or allowable after May 6, 1997. See *Depreciation*, later.

Separate Part of Property Used for Business

You may have used part of your property as a home and a separate part of it, such as an outbuilding, for business.

Use test not met for business part. You cannot exclude gain on the separate part of your property used for business unless you owned and lived in that part of your property for at least 2 years during the 5-year period ending on the date of the sale. If you do not meet the use test for the business part of the property, an allocation of the gain on the sale is required. For this purpose, you must allocate the basis of the property and the amount realized upon its sale between the business part and the part used as a home. You must report the sale of the business part on Form 4797.

Use test met for business part (business use in year of sale). If you used a separate part of your property for business in the year of sale, you should treat the sale of the property as the sale of two properties, even if you met the use test for the business part. You must report the sale of the business part on Form 4797.

To determine the amount to report on Form 4797, you must divide your selling price, selling expenses, and basis between the part of the property used for business and the separate part used as your home. In the same way, if you qualify to exclude any of the gain on the business part of

your property, also divide your maximum exclusion between that part of the property and the separate part used as your home.

Excluding gain on the business part of your property. You generally can exclude gain on the part of your property used for business if you owned and lived in that part as your main home for at least 2 years during the 5-year period ending on the date of the sale.

Use test met for business part (no business use in year of sale). If you have used a separate part of your property for business (though not in the year of sale) but meet the use test for both the business part and the part you use as a home, you do not need to treat the transaction as the sale of two properties. Also, you do not need to file Form 4797. You generally can exclude gain on the entire property.

Depreciation

If you were entitled to deduct depreciation on the part of your home used for business, you cannot exclude the part of the gain equal to any depreciation you deducted (or could have deducted) for periods after May 6, 1997. This means that when figuring the amount of gain you can exclude, you must reduce the total gain by any depreciation allowed or allowable on the part of your home used for business after May 6, 1997.

If you can show by adequate records or other evidence that the depreciation you actually deducted (the allowed depreciation) was less than the amount you were entitled to deduct (the allowable depreciation), the amount you cannot exclude (and must subtract from your total gain when figuring your exclusion) is the amount you actually deducted.

You do not have to reduce the gain by any depreciation you deducted (or could have deducted) for a separate structure for which you cannot exclude the allocable portion of the gain.

Basis Adjustment

If you used any part of your home for business, you must adjust the basis of your home for any depreciation that was allowable for its business use, even if you did not claim it. If you deducted less depreciation than you could have under the method you properly selected, you must decrease the basis by the amount you could have deducted under that method. If you deducted more depreciation than you should have under the method you properly selected, you must decrease the basis by the amount you should have deducted, plus the part of the excess deducted that actually decreased your tax liability for any year. For more information on reducing the basis of your property for depreciation, see Publication 551.

Reporting the Sale

Do not report the 2009 sale of your main home on your tax return unless:

- You have a gain and you do not qualify to exclude all of it, or
- You have a gain and choose not to exclude it.

If you have any taxable gain on the sale of your main home that cannot be excluded, report the entire gain realized on Schedule D (Form 1040). Report it in column (f) of line 1 or line 8 of Schedule D, as short term or long term capital gain depending on how long you owned the home. If you qualify to exclude any of the gain, show the amount of the exclusion on the line directly below the line on which you report the gain. Write "Section 121 exclusion" in column (a) as a loss (in parentheses).

If you used the home for business, you may have to use Form 4797 to report the sale of the business part. See the Instructions for Form 4797.

More Information

This section covers only the basic rules for the sale or exchange of your home. For more information, see Publication 523.

Business Furniture and Equipment

This section discusses the depreciation and section 179 deductions you may be entitled to take for furniture and equipment you use in your home for business or work as an employee. These deductions are available whether or not you qualify to deduct expenses for the business use of your home.

This section explains the different rules for each of the following.

- Listed property.
- Property bought for business use.
- Personal property converted to business use.

Listed Property

If you use certain types of property, called listed property, in your home, special rules apply. Listed property includes computers and related equipment and any property of a type generally used for entertainment, recreation, and amusement (including photographic, phonographic, communication, and video recording equipment).

Exception for certain use of computers. Computers and related equipment used exclusively in a qualifying office in your home are not listed property. If you qualify to deduct expenses for the business use of your home (see *Qualifying for a Deduction*, earlier) and you use your computer exclusively in your qualifying office in the home, do not use the listed property rules discussed below. Instead, follow the rules discussed under *Property Bought for Business Use*, later.

More-than-50%-use test. If you bought listed property and placed it in service during the year, you must use it more than 50% for business (including work as an employee) to claim a section 179 deduction or an accelerated depreciation deduction.

If your business use of listed property is 50% or less, you cannot take a section 179 deduction and you must depreciate the property using the Alternative Depreciation System (ADS) (straight line method). For more information on ADS, see chapter 4 in Publication 946.

Listed property meets the more-than-50%-use test for any year if its qualified business use is more than 50% of its total use. You must allocate the use of any item of listed property used for more than one purpose during the year among its various uses. You cannot use the percentage of investment use as part of the percentage of qualified business use to meet the more-than-50%-use test. However, you do use the combined total of business and investment use to figure your depreciation deduction for the property.

Example 1. Sarah does not qualify to claim a deduction for the business use of her home, but she uses her home computer 40% of the time for a business she operates out of her home. She also uses the computer 50% of the time to manage her investments. Sarah's home computer is listed property because it is not used in a qualified office in her home. She does not use the computer more than 50% for business, so she cannot elect a section 179 deduction. She can use her combined business/investment use (90%) to figure her depreciation deduction using ADS.

Example 2. If Sarah uses her computer 60% of the time for her business and 30% for managing her investments, her computer meets the more-than-50%-use test. She can elect a section 179 deduction. She can use her combined business/investment use (90%) to figure her depreciation deduction using the General Depreciation System (GDS).

Employee. If you use your own listed property (or listed property you rent) in your work as an employee, the property is business-use property only if you meet the following requirements.

- The use is for your employer's convenience.
- The use is required as a condition of your employment.

The use of property as a condition of your employment means that it is necessary for you to properly perform your work. Whether the use of the property is required for this purpose depends on all the facts and circumstances. Your employer does not have to tell you specifically to use the property. Nor is a statement by your employer to that effect sufficient.

Years following the year placed in service. If, in a year after you place an item of listed property in service, you fail to meet the more-than-50%-use test for that item of property, you may be required to do the following.

1. Figure depreciation, beginning with the year you no longer use the property more than 50% for business, using the straight line method.
2. Figure any excess depreciation (include any section 179 deduction on the property in figuring excess depreciation) and add it to:
 - a. Your gross income, and
 - b. The adjusted basis of your property.

For more information, see *Recapture of Excess Depreciation* under *What Is the Business-Use Requirement* in chapter 5 of Publication 946.

Reporting and recordkeeping requirements. If you use listed property in your business, you must file Form 4562 to claim a depreciation or section 179 deduction. Begin with Part V, Section A, of that form.



You cannot take any depreciation or section 179 deduction for the use of listed property unless you can prove your business/investment use with adequate records or sufficient evidence to support your own statements.

To meet the adequate records requirement, you must maintain an account book, diary, log, statement of expense, trip sheet, or similar record or other documentary evidence that is sufficient to establish business/investment use. For more information on what records to keep, see *What Records Must Be Kept* in chapter 5 of Publication 946.

Property Bought for Business Use

If you bought certain property during 2009 to use in your business, you can do any one of the following (subject to the limits discussed later).

- Elect a section 179 deduction for the full cost of the property.
- Depreciate the full cost of the property.
- Take part of the cost as a section 179 deduction and depreciate the balance.

Section 179 Deduction

You can claim the section 179 deduction for the cost of depreciable tangible personal property bought for use in your trade or business. You can choose how much (subject to the limit) of the cost you want to deduct under section 179 and how much you want to depreciate. You can spread the section 179 deduction over several items of property in any way you choose as long as the total does not exceed the maximum allowable. You cannot take a section 179 deduction for the basis of the business part of your home.

You elect the section 179 deduction by completing Part I of Form 4562.

More information. For more information on the section 179 deduction, qualifying property, the dollar limit, and the

business income limit, see chapter 2 in Publication 946 and the Form 4562 Instructions.

Depreciation



You can take a special depreciation allowance to recover part of the cost of qualified Gulf Opportunity Zone (GO Zone) property placed in service during the tax year. The allowance applies for the first year you place the property in service. For certain qualified property placed in service in 2009, you can take an additional deduction of 50% of the property's depreciable basis (after any section 179 deduction and before you figure regular depreciation). There is also a special depreciation allowance for qualified disaster property. For more information, see Claiming the Special Depreciation Allowance in chapter 3 of Publication 946.

Use Parts II and III of Form 4562 to claim your deduction for depreciation on property placed in service during the year. Do not include any costs deducted in Part I (section 179 deduction).

Most business property used in a home office is either 5-year or 7-year property under MACRS.

- 5-year property includes computers and peripheral equipment, typewriters, calculators, adding machines, and copiers.
- 7-year property includes office furniture and fixtures such as desks, files, and safes.

Under MACRS, you generally use the half-year convention, which allows you to deduct a half year of depreciation in the first year you use the property in your business. If you place more than 40% of your depreciable property in service during the last 3 months of your tax year, you must use the mid-quarter convention instead of the half-year convention.

After you have determined the cost of the depreciable property (minus any section 179 deduction and special depreciation allowance taken on the property) and whether it is 5-year or 7-year property, use the table, shown next, to figure your depreciation if the half-year convention applies.

Table 4. MACRS Percentage Table for 5- and 7-Year Property Using Half-Year Convention

| Recovery Year | 5-Year Property | 7-Year Property |
|---------------|-----------------|-----------------|
| 1 | 20.00% | 14.29% |
| 2 | 32.00% | 24.49% |
| 3 | 19.20% | 17.49% |
| 4 | 11.52% | 12.49% |
| 5 | 11.52% | 8.93% |
| 6 | 5.76% | 8.92% |
| 7 | | 8.93% |
| 8 | | 4.46% |

See Publication 946 for a discussion of the mid-quarter convention and for complete MACRS percentage tables.

Example. In June 2009, Donald Kent bought a desk and three chairs for use in his office. His total bill for the

furniture was \$1,975. His taxable business income for the year was \$3,000 without any deduction for the office furniture. Donald can elect to do one of the following.

- Take a section 179 deduction for the full cost of the office furniture.
- Take part of the cost of the furniture as a section 179 deduction and depreciate the balance.
- Depreciate the full cost of the office furniture.

The furniture is 7-year property under MACRS. Donald does not take a section 179 deduction. He multiplies \$1,975 by 14.29% (.1429) to get his MACRS depreciation deduction of \$282.23.

Personal Property Converted to Business Use

If you use property in your home office that was used previously for personal purposes, you cannot take a section 179 deduction for the property. You also cannot take a special depreciation allowance for the property. You can depreciate it, however. The method of depreciation you use depends on when you first used the property for personal purposes.

If you began using the property for personal purposes after 1986 and change it to business use in 2009, depreciate the property under MACRS.

The basis for depreciation of property changed from personal to business use is the lesser of the following.

- The adjusted basis of the property on the date of change.
- The fair market value of the property on the date of change.

If you began using the property for personal purposes after 1980 and before 1987 and change it to business use in 2009, you generally depreciate the property under the accelerated cost recovery system (ACRS). However, if the depreciation under ACRS is greater in the first year than the depreciation under MACRS, you must depreciate it under MACRS. For information on ACRS, see Publication 534, *Depreciating Property Placed in Service Before 1987*.

If you began using the property for personal purposes before 1981 and change it to business use in 2009, depreciate the property by the straight line or declining balance method based on salvage value and useful life.

Recordkeeping



You do not have to use a particular method of recordkeeping, but you must keep records that provide the information needed to figure your deductions for the business use of your home. You should keep canceled checks, receipts, and other evidence of expenses you paid.

Your records must show the following information.

- The part of your home you use for business.
- That you use part of your home exclusively and regularly for business as either your principal place of business or as the place where you meet or deal with clients or customers in the normal course of your business. (However, see the earlier discussion, *Exceptions to Exclusive Use*, under *Qualifying for a Deduction*.)
- The depreciation and expenses for the business part.

You must keep your records for as long as they are important for any tax law. This is usually the later of the following dates.

- 3 years from the return due date or the date filed.
- 2 years after the tax was paid.

Keep records to prove your home's depreciable basis. This includes records of when and how you acquired your home, your original purchase price, any improvements to your home, and any depreciation you are allowed because you maintained an office in your home. You can keep copies of Forms 8829 or the Publication 587 worksheets as records of depreciation.

For more information on recordkeeping, see Publication 583.

Where To Deduct

Deduct expenses for the business use of your home on Form 1040. Where you deduct these expenses on the form depends on whether you are:

- A self-employed person, or
- An employee.

If you are a partner, see *Partners*, later, for information on where to deduct expenses for the business use of your home.

Self-Employed Persons

If you are self-employed and file Schedule C (Form 1040), complete and attach Form 8829 to your return.

If you file Schedule F (Form 1040), report your entire deduction for business use of the home (line 33 of the *Worksheet To Figure the Deduction for Business Use of Your Home*), up to the deduction limit discussed under *Figuring the Deduction*, earlier, on line 34 of Schedule F. Enter "Business Use of Home" on the dotted line beside the entry.

Deductible mortgage interest. If you file Schedule C (Form 1040), enter all your deductible mortgage interest on line 10 of Form 8829. After you have figured the business part of the mortgage interest on lines 12 and 13, subtract that amount from the total on line 10. The remainder is deductible on Schedule A (Form 1040), line 10 or 11. If the

interest you deduct on Schedule A for your home mortgage is limited, enter the excess on line 16 of Form 8829.

If you file Schedule F (Form 1040), include the business part of your deductible home mortgage interest with your total business use of the home expenses on line 34. You can use the *Worksheet To Figure the Deduction for Business Use of Your Home*, later in this publication, to figure the deductible part of mortgage interest. Enter the nonbusiness part of the deductible mortgage interest on Schedule A, line 10 or 11.

To determine if the limits on qualified home mortgage interest apply to you, see the instructions for Schedule A (Form 1040) or Publication 936.

Qualified mortgage insurance premiums. If you file Schedule C (Form 1040), enter all your deductible qualified mortgage insurance premiums on line 10 of Form 8829. After you have figured the business part of the qualified mortgage insurance premiums on lines 12 and 13, subtract that amount from the qualified mortgage insurance premiums included on line 10. The remainder is deductible on Schedule A (Form 1040), line 13. If the premiums you deduct on Schedule A are limited, include the excess with any excess mortgage interest and enter the total on line 16 of Form 8829.

If you file Schedule F (Form 1040), include the business part of your deductible qualified mortgage insurance premiums with your total business use of the home expenses on line 34. You can use the *Worksheet To Figure the Deduction for Business Use of Your Home*, later in this publication, to figure the deductible part of qualified mortgage insurance premiums. Enter the nonbusiness part of the qualified mortgage insurance premiums on Schedule A, line 13.

To determine if the limits on qualified mortgage insurance premiums apply to you, see the instructions for Schedule A (Form 1040) or Publication 936.

Real estate taxes. If you file Schedule C (Form 1040), enter all your deductible real estate taxes on Form 8829, line 11. After you have figured the business part of your taxes on lines 12 and 13, subtract that amount from your total real estate taxes on line 11. The remainder is deductible on Schedule A (Form 1040), line 6.

If you file Schedule F (Form 1040), include the business part of real estate taxes with your total business use of the home expenses on line 34. Enter the nonbusiness part of your real estate taxes on line 6 of Schedule A.



If you itemize your deductions, be sure to include only the personal part of your deductible mortgage interest, qualified mortgage insurance premiums, and real estate taxes on Schedule A (Form 1040). Do not deduct any of the business part on Schedule A. For example, if your business percentage on Form 8829, line 7, or line 3 of the Worksheet To Figure the Deduction for Business Use of Your Home, later, is 30%, you can deduct only 70% of your deductible mortgage interest, qualified mortgage insurance premiums, and real estate taxes as personal expenses on Schedule A.

Casualty losses. If you are using Form 8829, refer to the specific instructions for line 9 and enter the amount from

line 34 of Form 8829 on line 34 of Form 4684, Section B. Enter "See Form 8829" above line 34.

If you file Schedule F (Form 1040), enter the business part of casualty losses (line 32 of the *Worksheet To Figure the Deduction for Business Use of Your Home*) on line 34 of Form 4684, Section B. Enter "See attached statement" above line 34.

Other expenses. If you file Schedule C (Form 1040), report the other home expenses that would not be allowable if you did not use your home for business (insurance, maintenance, utilities, depreciation, etc.) on the appropriate lines of your Form 8829. If you rent rather than own your home, report the rent you paid on line 18. If these expenses exceed the deduction limit, carry the excess over to next year. The carryover will be subject to next year's deduction limit.

If you file Schedule F (Form 1040), include your otherwise nondeductible expenses (insurance, maintenance, utilities, depreciation, etc.) with your total business use of the home expenses on Schedule F, line 34. If these expenses exceed the deduction limit, carry the excess over to the next year. The carryover will be subject to next year's deduction limit.

Business expenses not for the use of your home. Deduct in full your business expenses that are not for the use of your home itself (dues, salaries, supplies, certain telephone expenses, etc.) on the appropriate lines of Schedule C (Form 1040) or Schedule F (Form 1040). These expenses are not for the use of your home, so they are not subject to the deduction limit for business use of the home expenses.

Employees

As an employee, you must itemize deductions on Schedule A (Form 1040) to claim a deduction for the business use of your home and any other employee business expenses. This generally applies to all employees, including outside salespersons. If you are a statutory employee, use Schedule C (Form 1040) to claim the expenses. Follow the instructions given earlier under *Self-Employed Persons*. The statutory employee box within box 13 on your Form W-2 will be checked if you are a statutory employee.

If you have employee expenses for which you were not reimbursed, report them on Schedule A, line 21. You also generally must complete Form 2106 if either of the following apply.

- You claim any job-related vehicle, travel, transportation, meal, or entertainment expenses.
- Your employer paid you for any of your job expenses reportable on line 21. (Amounts your employer included in box 1 of your Form W-2 are not considered paid by your employer.)

However, you can use the simpler Form 2106-EZ, instead of Form 2106, if you meet the following requirements.

- You were not reimbursed for your expenses by your employer, or if you were reimbursed, the reimbursement was included in box 1 of your Form W-2.
- If you claim car expenses, you use the standard mileage rate.

When your employer pays for your expenses using a reimbursement or allowance arrangement, the payments generally should not be on your Form W-2 if all the following rules for an accountable plan are met.

- You adequately account to your employer for the expenses within a reasonable period of time.
- You return any payments not spent for business expenses (excess reimbursements) within a reasonable period of time.
- You must have paid or incurred deductible expenses while performing services as an employee.

If you meet the accountable plan rules and your business expenses equal your reimbursement, do not report the reimbursement as income and do not deduct the expenses.

Adequately accounting to employer. You adequately account to your employer when you give your employer documentary evidence of your travel, mileage, and other employee business expenses, such as receipts, along with an account book, diary, or similar record in which you entered each expense at or near the time you had it.

You also may be treated as adequately accounting to your employer if your employer gives you a per diem or car allowance similar in form to, and not more than, the federal rate and you verify the time, place, and business purpose of each expense. For more information, see Publication 463 and the instructions for Form 2106.

Deductible mortgage interest. Although you generally deduct expenses for the business use of your home on Schedule A (Form 1040), line 21, unreimbursed employee expenses, do not include any deductible home mortgage interest on that line. Instead, deduct both the business and nonbusiness parts of this interest on line 10 or 11 of Schedule A.

If the home mortgage interest you can deduct on lines 10 or 11 is limited by the home mortgage interest rules, you cannot deduct the excess as an employee business expense on Schedule A, line 21, even though you use part of your home for business. To determine if the limits on home mortgage interest apply to you, see Publication 936 or the instructions for Schedule A (Form 1040).

Qualified mortgage insurance premiums. Although you generally deduct expenses for the business use of your home on Schedule A (Form 1040), line 21, do not include any deductible qualified mortgage insurance premiums on that line. Instead, deduct both the business and nonbusiness parts of these premiums on line 13 of Schedule A (Form 1040).

If the qualified mortgage insurance premiums you can deduct on line 13 is limited, you cannot deduct the excess as an employee business expense on Schedule A, line 21,

even though you use part of your home for business. To determine if you can deduct mortgage insurance premiums and if any limits apply to you, see Publication 936 and *Line 13* in the instructions for Schedule A (Form 1040).

Real estate taxes. Deduct both the business and non-business parts of your real estate taxes on line 6 of Schedule A. For more information on amounts allowable as a deduction for real estate taxes, see Publication 530, Tax Information for First-Time Homeowners.

Casualty losses. Enter the business part of casualty losses (line 32 of the *Worksheet To Figure the Deduction for Business Use of Your Home*, later,) on Form 4684, Section B, Part II, line 31. Enter "See attached statement" above line 31.

Other expenses. If you file Form 2106 or Form 2106-EZ, report on line 4 the following expenses.

- The business part of your otherwise nondeductible expenses (utilities, maintenance, insurance, depreciation, etc.) that do not exceed the deduction limit.
- The employee business expenses not related to the use of your home, such as advertising.

Add these to your other employee business expenses and complete the rest of the form. Enter the total from Form 2106, or Form 2106-EZ, on Schedule A, line 21, where it is subject to the 2%-of-adjusted-gross-income limit. If you do not have to file Form 2106 or Form 2106-EZ, enter your total expenses directly on Schedule A, line 21.

Example. You are an employee who works at home for the convenience of your employer. You meet all the requirements to deduct expenses for the business use of your home. Your employer does not reimburse you for any of your business expenses and you are not otherwise required to file Form 2106 or Form 2106-EZ.

As an employee, you do not have gross receipts, cost of goods sold, etc. You begin with gross income from the business use of your home, which you determine to be \$6,000.

The percentage of expenses due to the business use of your home is 20%. You have the following expenses.

| | |
|--|----------------|
| Deductible mortgage interest (20%) | \$1,500 |
| Real estate taxes (20%) | 1,000 |
| Total | <u>\$2,500</u> |
| Expenses not related to business use of the home (100%): | |
| Supplies | \$500 |
| Advertising | 1,300 |
| Telephone | 200 |
| Total | <u>\$2,000</u> |
| Otherwise nondeductible expenses: | |
| Maintenance (20%) | \$200 |
| Utilities (20%) | 350 |
| Insurance (20%) | 250 |
| Total | <u>\$800</u> |
| Depreciation (20%) | \$1,600 |

Based on the above expenses, you figure your deduction limit as follows.

| | |
|--------------|---------|
| Gross income | \$6,000 |
| Less: | |

| | | |
|---|---------|----------------|
| Deductible mortgage interest (20%) | \$1,500 | |
| Real estate taxes (20%) | 1,000 | |
| Expenses not related to business use of the home (100%) | 2,000 | 4,500 |
| Deduction limit | | <u>\$1,500</u> |

Your deduction for otherwise nondeductible expenses and depreciation is limited to \$1,500. You can deduct all your otherwise nondeductible expenses (\$800) and \$700 (\$1,500 – \$800) of your depreciation.

You deduct your expenses for business use of your home on Schedule A (Form 1040) as shown in the following table.

| Expense | Amount | Schedule A |
|--|---------|----------------|
| Deductible mortgage interest | \$1,500 | Line 10 or 11* |
| Real estate taxes | \$1,000 | Line 6* |
| Expenses not related to the business use of the home | \$2,000 | Line 21** |
| Otherwise nondeductible expenses | \$800 | Line 21** |
| Depreciation | \$700 | Line 21** |

*In addition to the 80% nonbusiness part of the expense.

**Subject to the 2%-of-adjusted-gross-income limit.

You can carry over the \$900 (\$1,600 – \$700) of depreciation that exceeds the deduction limit to next year, subject to the deduction limit for that year.

Partners

You may be allowed to deduct unreimbursed ordinary and necessary expenses you paid on behalf of the partnership (including qualified expenses for the business use of your home) if you were required to pay these expenses under the partnership agreement.

Use the *Worksheet To Figure the Deduction for Business Use of Your Home*, near the end of this publication, to figure the deduction for the business use of your home.

Deducting unreimbursed partnership expenses. See the following forms and related instructions for information about deducting unreimbursed partnership expenses.

- Schedule E (Form 1040), Supplemental Income and Loss.
- Schedule SE (Form 1040), Self-Employment Tax.
- Schedule K-1 (Form 1065), Partner's Share of Income, Credits, Deductions, etc.

More information. For more information about partners and partnerships, see Publication 541, Partnerships.

Schedule C Example

The filled-in forms for John Stephens that follow show how to report deductions for the business use of your home if you file Schedule C (Form 1040).

Form 4562. Based on the following facts, John completes Form 4562 as follows:

Part I, lines 1–13. John began using his home for business in January of this year. He purchased a new computer and filing cabinet to use in his business. The computer, used 100% for business, cost \$3,200. The filing cabinet cost \$600. John elects to take the section 179 deduction for both items.

John completes Part I of Form 4562. He enters the cost of both the computer and filing cabinet, \$3,800, on line 2 and completes lines 4 and 5. On line 6, he enters a description of each item, its cost, and the cost he elects to expense. Line 11 is the smaller of line 5 (\$250,000) or the taxable income from all trades and businesses without regard to the section 179 deduction. Since he has no other business income, he adds line 31 of Schedule C and the amount of the section 179 deduction (\$3,800) for a total business income of \$27,871. This amount goes on line 11 since it is smaller than \$250,000. He enters \$3,800 on line 12.

Part III, line 19c. John converted to business use a desk and chair (furniture) he had purchased in 2002 for personal purposes. In 2002, he paid \$1,500 for them. The total fair market value in 2009 is \$550. The fair market value is less than the cost, so his depreciable basis is \$550.

Because the furniture is 7-year property under MACRS, John enters \$550 in Part III, line 19c, column (c) of Form 4562. He completes columns (d) through (f). He uses Table 4 in this publication or Table A-1 in Publication 946 to find the rate of 14.29% for property placed in service during the first month of the year. He multiplies \$550 by 14.29% (.1429) and enters \$79 on column (g).

Part III, line 19i. This is the first year John used his home for business, so he must figure the depreciation on line 19i. On line 19i, column (c), he enters \$11,000, the depreciable basis of the business part of his home. He began using his home for business in January of 2009. (For a discussion on how he figures his depreciation deduction, see *Step 3* under *Form 8829, Part II*, later.) He enters \$271 on line 19i, column (g).

Part IV, line 22. John totals the amounts on line 12 and line 19 in column (g) and enters the total on line 22. He enters both the section 179 deduction (\$3,800) and the depreciation on the furniture (\$79) on line 13 of Schedule C (Form 1040). He enters the depreciation on his home (\$271) on Form 8829, line 29.

Schedule C. John completes Schedule C as follows:

Line 13. As discussed previously, John enters the amount from line 13, Form 4562, for his section 179 deduction (\$3,800) and the depreciation deduction for his office furniture (\$79) for a total of \$3,879.

Line 16b. This amount is the interest on installment payments for the business assets John uses in his home office.

Line 25. John had a separate telephone line in his home office that he used only for business. He can deduct \$347 for the line.

Lines 28–30. On line 28, he totals all his expenses other than those for the business use of his home, and then subtracts that total from his gross income. He uses the result on line 29 to figure the deduction limit on his expenses for the business use of his home. He enters that amount on Form 8829, line 8, and then completes the form. He enters the amount of his home office deduction from Form 8829, line 35, on Schedule C, line 30.

Form 8829, Part I. John uses one room of his home exclusively and regularly to meet clients. In Part I of Form 8829 he shows that, based on the square footage, the room is 10% of the total area of his home.

Form 8829, Part II. John uses Part II of Form 8829 to figure his allowable home office deduction.

Step 1. First, he figures the business part of expenses that would be deductible even if he did not use part of his home for business. These expenses (\$4,500 deductible mortgage interest and \$1,000 real estate taxes) relate to his entire home, so he enters them in column (b) on lines 10 and 11. He then subtracts the \$550 business part of these expenses (line 14) from his tentative business profit (line 8). The result, \$25,002 on line 15, is the most he can deduct for his other home office expenses.

Step 2. Next, he figures his deduction for operating expenses. He paid \$300 to have his office repainted. He enters this amount on line 19, column (a) because it is a direct expense. All his other expenses (\$400 homeowner's insurance, \$1,400 roof repairs, and \$1,800 gas and electric) relate to his entire home. Therefore, he enters them in column (b) on the appropriate lines as indirect expenses. He adds the \$300 direct expenses (line 22, column (a)) to the \$360 total for indirect expenses (line 23) and enters the total, \$660, on line 25. This amount is less than his deduction limit, so he can deduct it in full. The \$24,342 balance of his deduction limit (line 27) is the most he can deduct for depreciation.

Step 3. Next, he figures his allowable depreciation deduction for the business use of his home in Part III of Form 8829. The adjusted basis of his home is \$130,000, which is less than the fair market value of \$160,000. He figures the value of the land to be \$20,000. He subtracts the land value from the adjusted basis. He multiplies the result (\$110,000) by the percentage on line 7 to get the depreciable basis of the business part of his home (\$11,000).

He began using the office in January, so he uses Table 2 in this publication or Table A-7a in Appendix A of Publication 946. The depreciation percentage for the first year of the recovery period for assets placed in service in the first month is 2.461%. His depreciation deduction for 2009 (line 41) is \$271 (.02461 × \$11,000). He enters that amount in Part II on lines 29 and 31. This is less than the available balance of his deduction limit (line 27), so he can deduct the full amount as depreciation. John also must complete Form 4562 for 2009, so he enters \$271 on line 19i, column (g) of Form 4562. See *Form 4562*, earlier.

Step 4. Finally, he figures his total deduction for his home office by adding together his otherwise deductible expenses (line 14), his operating expenses (line 26), and

depreciation (line 32). He enters the result, \$1,481, on lines 33 and 35, and on Schedule C, line 30.

**SCHEDULE C
(Form 1040)**

**Profit or Loss From Business
(Sole Proprietorship)**

OMB No. 1545-0074

2009

Attachment
Sequence No. **09**

Department of the Treasury
Internal Revenue Service (99)

► **Partnerships, joint ventures, etc., generally must file Form 1065 or 1065-B.**
► **Attach to Form 1040, 1040NR, or 1041.** ► **See Instructions for Schedule C (Form 1040).**

Name of proprietor: John Stephens Social security number (SSN): 465-00-0001

A Principal business or profession, including product or service (see page C-2 of the instructions):
Tax Preparation Services

B Enter code from pages C-9, 10, & 11: 5 | 4 | 1 | 2 | 1 | 3

C Business name. If no separate business name, leave blank.
Stephens Tax Service

D Employer ID number (EIN), if any

E Business address (including suite or room no.): 821 Union Street
City, town or post office, state, and ZIP code: Hometown, IA 52761

F Accounting method: (1) Cash (2) Accrual (3) Other (specify) ►

G Did you "materially participate" in the operation of this business during 2009? If "No," see page C-3 for limit on losses Yes No

H If you started or acquired this business during 2009, check here

Part I Income

| | | | |
|--|--------------------------|----------|---------------|
| 1 Gross receipts or sales. Caution. See page C-4 and check the box if: • This income was reported to you on Form W-2 and the "Statutory employee" box on that form was checked, or • You are a member of a qualified joint venture reporting only rental real estate income not subject to self-employment tax. Also see page C-3 for limit on losses. | <input type="checkbox"/> | 1 | <u>34,280</u> |
| 2 Returns and allowances | | 2 | |
| 3 Subtract line 2 from line 1 | | 3 | <u>34,280</u> |
| 4 Cost of goods sold (from line 42 on page 2) | | 4 | |
| 5 Gross profit. Subtract line 4 from line 3 | | 5 | <u>34,280</u> |
| 6 Other income, including federal and state gasoline or fuel tax credit or refund (see page C-4) | | 6 | |
| 7 Gross income. Add lines 5 and 6 | | 7 | <u>34,280</u> |

Part II Expenses. Enter expenses for business use of your home **only** on line 30.

| | | | | | |
|---|------------|--------------|---|------------|---------------|
| 8 Advertising | 8 | <u>250</u> | 18 Office expense | 18 | <u>600</u> |
| 9 Car and truck expenses (see page C-4) | 9 | <u>1,266</u> | 19 Pension and profit-sharing plans | 19 | |
| 10 Commissions and fees | 10 | | 20 Rent or lease (see page C-6): | | |
| 11 Contract labor (see page C-4) | 11 | | a Vehicles, machinery, and equipment | 20a | |
| 12 Depletion | 12 | | b Other business property | 20b | |
| 13 Depreciation and section 179 expense deduction (not included in Part III) (see page C-5) | 13 | <u>3,879</u> | 21 Repairs and maintenance | 21 | |
| 14 Employee benefit programs (other than on line 19) | 14 | | 22 Supplies (not included in Part III) | 22 | <u>253</u> |
| 15 Insurance (other than health) | 15 | <u>750</u> | 23 Taxes and licenses | 23 | |
| 16 Interest: | | | 24 Travel, meals, and entertainment: | | |
| a Mortgage (paid to banks, etc.) | 16a | | a Travel | 24a | <u>310</u> |
| b Other | 16b | <u>200</u> | b Deductible meals and entertainment (see page C-6) | 24b | <u>256</u> |
| 17 Legal and professional services | 17 | <u>350</u> | 25 Utilities | 25 | <u>347</u> |
| 28 Total expenses before expenses for business use of home. Add lines 8 through 27 | 28 | | 26 Wages (less employment credits) | 26 | |
| 29 Tentative profit or (loss). Subtract line 28 from line 7 | 29 | | 27 Other expenses (from line 48 on page 2) | 27 | <u>267</u> |
| 30 Expenses for business use of your home. Attach Form 8829 | 30 | | 28 Total expenses before expenses for business use of home. Add lines 8 through 27 | 28 | <u>8,728</u> |
| 31 Net profit or (loss). Subtract line 30 from line 29. | 31 | | 29 Tentative profit or (loss). Subtract line 28 from line 7 | 29 | <u>25,552</u> |
| • If a profit, enter on both Form 1040, line 12 , and Schedule SE, line 2 , or on Form 1040NR, line 13 (if you checked the box on line 1, see page C-7). Estates and trusts, enter on Form 1041, line 3 . | | | 30 Expenses for business use of your home. Attach Form 8829 | 30 | <u>1,481</u> |
| • If a loss, you must go to line 32. | | | 31 Net profit or (loss). Subtract line 30 from line 29. | 31 | <u>24,071</u> |
| 32 If you have a loss, check the box that describes your investment in this activity (see page C-7). | | | • If a profit, enter on both Form 1040, line 12 , and Schedule SE, line 2 , or on Form 1040NR, line 13 (if you checked the box on line 1, see the line 31 instructions on page C-7). Estates and trusts, enter on Form 1041, line 3 . | | |
| • If you checked 32a, enter the loss on both Form 1040, line 12 , and Schedule SE, line 2 , or on Form 1040NR, line 13 (if you checked the box on line 1, see the line 31 instructions on page C-7). Estates and trusts, enter on Form 1041, line 3 . | | | • If you checked 32b, you must attach Form 6198 . Your loss may be limited. | | |
| • If you checked 32b, you must attach Form 6198 . Your loss may be limited. | | | 32a <input type="checkbox"/> All investment is at risk. | | |
| | | | 32b <input type="checkbox"/> Some investment is not at risk. | | |

For Paperwork Reduction Act Notice, see page C-9 of the instructions.

Cat. No. 11334P

Schedule C (Form 1040) 2009

Expenses for Business Use of Your Home
 ▶ File only with Schedule C (Form 1040). Use a separate Form 8829 for each home you used for business during the year.
 ▶ See separate instructions.

Name(s) of proprietor(s) *John Stephens* Your social security number *465-00-0001*

Part I Part of Your Home Used for Business

| | | | |
|---|---|---|-----------|
| 1 | Area used regularly and exclusively for business, regularly for daycare, or for storage of inventory or product samples (see instructions) | 1 | 200 |
| 2 | Total area of home | 2 | 2,000 |
| 3 | Divide line 1 by line 2. Enter the result as a percentage. | 3 | 10 % |
| For daycare facilities not used exclusively for business, go to line 4. All others go to line 7. | | | |
| 4 | Multiply days used for daycare during year by hours used per day | 4 | hr. |
| 5 | Total hours available for use during the year (365 days x 24 hours) (see instructions) | 5 | 8,760 hr. |
| 6 | Divide line 4 by line 5. Enter the result as a decimal amount | 6 | . |
| 7 | Business percentage. For daycare facilities not used exclusively for business, multiply line 6 by line 3 (enter the result as a percentage). All others, enter the amount from line 3 | 7 | 10 % |

Part II Figure Your Allowable Deduction

| | | | |
|---|--|----|--------|
| 8 | Enter the amount from Schedule C, line 29, plus any net gain or (loss) derived from the business use of your home and shown on Schedule D or Form 4797. If more than one place of business, see instructions | 8 | 25,552 |
| See instructions for columns (a) and (b) before completing lines 9-21. | | | |
| 9 | Casualty losses (see instructions) | 9 | |
| 10 | Deductible mortgage interest (see instructions) | 10 | 4,500 |
| 11 | Real estate taxes (see instructions) | 11 | 1,000 |
| 12 | Add lines 9, 10, and 11 | 12 | 5,500 |
| 13 | Multiply line 12, column (b) by line 7 | 13 | 550 |
| 14 | Add line 12, column (a) and line 13 | 14 | 550 |
| 15 | Subtract line 14 from line 8. If zero or less, enter -0- | 15 | 25,002 |
| 16 | Excess mortgage interest (see instructions) | 16 | |
| 17 | Insurance | 17 | 400 |
| 18 | Rent | 18 | |
| 19 | Repairs and maintenance | 19 | 300 |
| 20 | Utilities | 20 | 1,800 |
| 21 | Other expenses (see instructions) | 21 | |
| 22 | Add lines 16 through 21 | 22 | 300 |
| 23 | Multiply line 22, column (b) by line 7 | 23 | 360 |
| 24 | Carryover of operating expenses from 2008 Form 8829, line 42 | 24 | -0- |
| 25 | Add line 22 column (a), line 23, and line 24 | 25 | 660 |
| 26 | Allowable operating expenses. Enter the smaller of line 15 or line 25 | 26 | 660 |
| 27 | Limit on excess casualty losses and depreciation. Subtract line 26 from line 15 | 27 | 24,342 |
| 28 | Excess casualty losses (see instructions) | 28 | |
| 29 | Depreciation of your home from line 41 below | 29 | 271 |
| 30 | Carryover of excess casualty losses and depreciation from 2008 Form 8829, line 43 | 30 | |
| 31 | Add lines 28 through 30 | 31 | 271 |
| 32 | Allowable excess casualty losses and depreciation. Enter the smaller of line 27 or line 31 | 32 | 271 |
| 33 | Add lines 14, 26, and 32 | 33 | 1,481 |
| 34 | Casualty loss portion, if any, from lines 14 and 32. Carry amount to Form 4684 (see instructions) | 34 | |
| 35 | Allowable expenses for business use of your home. Subtract line 34 from line 33. Enter here and on Schedule C, line 30. If your home was used for more than one business, see instructions | 35 | 1,481 |

Part III Depreciation of Your Home

| | | | |
|----|---|----|---------|
| 36 | Enter the smaller of your home's adjusted basis or its fair market value (see instructions) | 36 | 130,000 |
| 37 | Value of land included on line 36 | 37 | 20,000 |
| 38 | Basis of building. Subtract line 37 from line 36 | 38 | 110,000 |
| 39 | Business basis of building. Multiply line 38 by line 7. | 39 | 11,000 |
| 40 | Depreciation percentage (see instructions) | 40 | 2.461 % |
| 41 | Depreciation allowable (see instructions). Multiply line 39 by line 40. Enter here and on line 29 above | 41 | 271 |

Part IV Carryover of Unallowed Expenses to 2010

| | | | |
|----|--|----|--|
| 42 | Operating expenses. Subtract line 26 from line 25. If less than zero, enter -0- | 42 | |
| 43 | Excess casualty losses and depreciation. Subtract line 32 from line 31. If less than zero, enter -0- | 43 | |

Depreciation and Amortization
(Including Information on Listed Property)

▶ See separate instructions. ▶ Attach to your tax return.

| | | |
|---|---|--|
| Name(s) shown on return <i>John Stephens</i> | Business or activity to which this form relates <i>Tax Preparation</i> | Identifying number <i>465-00-0001</i> |
|---|---|--|

Part I Election To Expense Certain Property Under Section 179

Note: If you have any listed property, complete Part V before you complete Part I.

| | | |
|---|------------------------------|------------------|
| 1 Maximum amount. See the instructions for a higher limit for certain businesses | 1 | \$250,000 |
| 2 Total cost of section 179 property placed in service (see instructions) | 2 | 3,800 |
| 3 Threshold cost of section 179 property before reduction in limitation (see instructions) | 3 | \$800,000 |
| 4 Reduction in limitation. Subtract line 3 from line 2. If zero or less, enter -0- | 4 | -0- |
| 5 Dollar limitation for tax year. Subtract line 4 from line 1. If zero or less, enter -0-. If married filing separately, see instructions | 5 | 250,000 |
| 6 (a) Description of property | (b) Cost (business use only) | (c) Elected cost |
| Computer | 3,200 | 3,200 |
| File Cabinet | 600 | 600 |
| 7 Listed property. Enter the amount from line 29 | 7 | |
| 8 Total elected cost of section 179 property. Add amounts in column (c), lines 6 and 7 | 8 | 3,800 |
| 9 Tentative deduction. Enter the smaller of line 5 or line 8 | 9 | 3,800 |
| 10 Carryover of disallowed deduction from line 13 of your 2008 Form 4562 | 10 | -0- |
| 11 Business income limitation. Enter the smaller of business income (not less than zero) or line 5 (see instructions) | 11 | 27,871 |
| 12 Section 179 expense deduction. Add lines 9 and 10, but do not enter more than line 11 | 12 | 3,800 |
| 13 Carryover of disallowed deduction to 2010. Add lines 9 and 10, less line 12 ▶ | 13 | -0- |

Note: Do not use Part II or Part III below for listed property. Instead, use Part V.

Part II Special Depreciation Allowance and Other Depreciation (Do not include listed property.) (See instructions.)

| | | |
|--|-----------|--|
| 14 Special depreciation allowance for qualified property (other than listed property) placed in service during the tax year (see instructions) | 14 | |
| 15 Property subject to section 168(f)(1) election | 15 | |
| 16 Other depreciation (including ACRS) | 16 | |

Part III MACRS Depreciation (Do not include listed property.) (See instructions.)

Section A

| | | |
|---|-----------|--|
| 17 MACRS deductions for assets placed in service in tax years beginning before 2009 | 17 | |
| 18 If you are electing to group any assets placed in service during the tax year into one or more general asset accounts, check here <input type="checkbox"/> | | |

Section B—Assets Placed in Service During 2009 Tax Year Using the General Depreciation System

| (a) Classification of property | (b) Month and year placed in service | (c) Basis for depreciation (business/investment use only—see instructions) | (d) Recovery period | (e) Convention | (f) Method | (g) Depreciation deduction |
|---------------------------------------|--------------------------------------|--|---------------------|----------------|------------|----------------------------|
| 19a 3-year property | | | | | | |
| b 5-year property | | | | | | |
| c 7-year property | | | | | | |
| d 10-year property | | 550 | 7 | HY | 200DB | 79 |
| e 15-year property | | | | | | |
| f 20-year property | | | | | | |
| g 25-year property | | | 25 yrs. | | S/L | |
| h Residential rental property | | | 27.5 yrs. | MM | S/L | |
| | | | 27.5 yrs. | MM | S/L | |
| i Nonresidential real property | | 11,000 | 39 yrs. | MM | S/L | 271 |
| | | | | MM | S/L | |

Section C—Assets Placed in Service During 2009 Tax Year Using the Alternative Depreciation System

| | | | | | | |
|-----------------------|--|--|---------|----|-----|--|
| 20a Class life | | | | | S/L | |
| b 12-year | | | 12 yrs. | | S/L | |
| c 40-year | | | 40 yrs. | MM | S/L | |

Part IV Summary (See instructions.)

| | | |
|--|-----------|-------|
| 21 Listed property. Enter amount from line 28 | 21 | |
| 22 Total. Add amounts from line 12, lines 14 through 17, lines 19 and 20 in column (g), and line 21. Enter here and on the appropriate lines of your return. Partnerships and S corporations—see instructions | 22 | 4,150 |
| 23 For assets shown above and placed in service during the current year, enter the portion of the basis attributable to section 263A costs | 23 | |

Worksheet To Figure the Deduction for Business Use of Your Home

Use this worksheet if you file Schedule F (Form 1040) or you are an employee or a partner.

Keep for Your Records



PART 1—Part of Your Home Used for Business:

- 1) Area of home used for business 1) _____
- 2) Total area of home 2) _____
- 3) Percentage of home used for business (divide line 1 by line 2 and show result as percentage) 3) _____ %

PART 2—Figure Your Allowable Deduction

- 4) Gross income from business (see instructions) 4) _____
- | | (a)
Direct
Expenses | (b)
Indirect
Expenses | |
|---|---------------------------|-----------------------------|-----------|
| 5) Casualty losses | 5) _____ | _____ | |
| 6) Deductible mortgage interest and qualified mortgage insurance premiums | 6) _____ | _____ | |
| 7) Real estate taxes | 7) _____ | _____ | |
| 8) Total of lines 5 through 7 | 8) _____ | _____ | |
| 9) Multiply line 8, column (b), by line 3 | | 9) _____ | |
| 10) Add line 8, column (a), and line 9 | | 10) _____ | |
| 11) Business expenses not from business use of home (see instructions) | | 11) _____ | |
| 12) Add lines 10 and 11 | | | 12) _____ |
| 13) Deduction limit. Subtract line 12 from line 4 | | | 13) _____ |
| 14) Excess mortgage interest and qualified mortgage insurance premiums | 14) _____ | _____ | |
| 15) Insurance | 15) _____ | _____ | |
| 16) Rent | 16) _____ | _____ | |
| 17) Repairs and maintenance | 17) _____ | _____ | |
| 18) Utilities | 18) _____ | _____ | |
| 19) Other expenses | 19) _____ | _____ | |
| 20) Add lines 14 through 19 | 20) _____ | _____ | |
| 21) Multiply line 20, column (b) by line 3 | | 21) _____ | |
| 22) Carryover of operating expenses from prior year (see instructions) | | 22) _____ | |
| 23) Add line 20, column (a), line 21, and line 22 | | | 23) _____ |
| 24) Allowable operating expenses. Enter the smaller of line 13 or line 23 | | | 24) _____ |
| 25) Limit on excess casualty losses and depreciation. Subtract line 24 from line 13 | | | 25) _____ |
| 26) Excess casualty losses (see instructions) | | 26) _____ | |
| 27) Depreciation of your home from line 39 below | | 27) _____ | |
| 28) Carryover of excess casualty losses and depreciation from prior year (see instructions) | | 28) _____ | |
| 29) Add lines 26 through 28 | | | 29) _____ |
| 30) Allowable excess casualty losses and depreciation. Enter the smaller of line 25 or line 29 | | | 30) _____ |
| 31) Add lines 10, 24, and 30 | | | 31) _____ |
| 32) Casualty losses included on lines 10 and 30 (see instructions) | | | 32) _____ |
| 33) Allowable expenses for business use of your home. (Subtract line 32 from line 31.) See instructions for where to enter on your return | | | 33) _____ |

PART 3—Depreciation of Your Home

- 34) Smaller of adjusted basis or fair market value of home (see instructions) 34) _____
- 35) Basis of land 35) _____
- 36) Basis of building (subtract line 35 from line 34) 36) _____
- 37) Business basis of building (multiply line 36 by line 3) 37) _____
- 38) Depreciation percentage (from applicable table or method) 38) _____ %
- 39) Depreciation allowable (multiply line 37 by line 38) 39) _____

PART 4—Carryover of Unallowed Expenses to Next Year

- 40) Operating expenses. Subtract line 24 from line 23. If less than zero, enter -0- 40) _____
- 41) Excess casualty losses and depreciation. Subtract line 30 from line 29. If less than zero, enter -0- 41) _____

Instructions for the Worksheet

If you are an employee or a partner, or you file Schedule F (Form 1040), Profit or Loss From Farming, use the *Worksheet To Figure the Deduction for Business Use of Your Home*. The following instructions explain how to complete each part of the worksheet.

Partners. See *Partners*, under *Where To Deduct*, earlier, before completing the worksheet.



If you file Schedule C (Form 1040), use Form 8829 to figure the deductions and attach the form to your return.

Part 1—Part of Your Home Used for Business

Lines 1–3.

If you figure the percentage based on area, use lines 1 through 3 to figure the business-use percentage. Enter the percentage on line 3.

You can use any other reasonable method that accurately reflects your business-use percentage. If you operate a daycare facility and you meet the exception to the exclusive use test for part or all of the area you use for business, you must figure the business-use percentage for that area as explained under *Daycare Facility*, earlier. If you use another method to figure your business percentage, skip lines 1 and 2 and enter the percentage on line 3.

Part 2—Figure Your Allowable Deduction

Line 4.

If you file Schedule F, enter your total gross income that is related to the business use of your home. This generally would be the amount on line 11 of Schedule F.

If you are an employee, enter your total wages that are related to the business use of your home.

Lines 5–7.

Enter only the amounts that would be deductible whether or not you used your home for business (that is, amounts allowable as itemized deductions on Schedule A (Form 1040) or amounts for real estate taxes and net disaster loss by which you can increase your standard deduction.

Generally (disaster) waivers include only the part of a casualty loss that exceeds \$100 plus 10% of adjusted gross income.

If you file Schedule F or are a partner, treat qualified mortgage insurance premiums as personal expenses for this step. Figure the amount to include on line 6 by completing Schedule A, line 13, in accordance with the instructions on page A-7 of the Schedule A (Form 1040) instructions. However, when figuring your adjusted gross income (Form 1040, line 38) for this purpose, exclude the gross income from business use of your home and the

deductions attributable to that income. Include on line 6 the amount from Schedule A, line 13. See *Lines 14–22* below to deduct part of the qualified mortgage insurance premiums not allowed because of the adjusted gross income limit. Do not file or use that Schedule A to figure the amount to deduct on line 13 of that schedule. Instead, complete a separate Schedule A to deduct the personal portion of your qualified mortgage insurance premiums.

Under column (a), *Direct Expenses*, enter expenses that benefit only the business part of your home. Under column (b), *Indirect Expenses*, enter expenses that benefit the entire home. You generally enter 100% of the expense. However, if the business percentage of an indirect expense is different from the percentage on line 3, enter only the business part of the expense on the appropriate line in column (a), and leave that line in column (b) blank.

Lines 9–10.

Multiply your total indirect expenses (line 8, column (b)) by the business percentage from line 3. Enter the result on line 9. Add this amount to the total direct expenses (line 8, column (a)) and enter the total on line 10.

Lines 11–13.

Enter any other business expenses that are not attributable to business use of the home on line 11. For employees, examples include travel, supplies, and business telephone expenses. Farmers generally should enter their total farm expenses before deducting office in the home expenses. Do not enter the deduction for one-half of your self-employment tax. Add the amounts on lines 10 and 11, and enter the total on line 12. Subtract line 12 from line 4, and enter the result on line 13. This is your deduction limit. You use it to determine whether you can deduct any of your other expenses for business use of the home this year. If you cannot, you will carry them over to next year.

If line 13 is zero or less, enter zero. Deduct your expenses for deductible home mortgage interest, qualified mortgage insurance premiums, real estate taxes, casualty losses, and any business expenses not attributable to use of your home on the appropriate lines of the schedule(s) for Form 1040 as explained earlier under *Where To Deduct*.

Lines 14–22.

On lines 14 through 19, enter your otherwise nondeductible expenses for the business use of your home. These include utilities, insurance, repairs, and maintenance. If you rent, report the amount paid on line 16. If you file Schedule F, include any part of your home mortgage interest or qualified mortgage insurance premiums that is more than the limits given in Publication 936. (If you are an employee, do not enter any excess home mortgage interest or qualified mortgage insurance premiums.) In column (a), enter the expenses that benefit only the business part of your home (direct expenses). In column (b), enter the expenses that benefit the entire home (indirect expenses). Multiply line 20, column (b) by the business-use percentage (line 3) and enter this amount on line 21.

If you claimed a deduction for business use of your home on your 2008 tax return, enter the amount from line 40 of your 2008 worksheet on line 22.

Lines 25–30.

On lines 25 through 30, figure your limit on deductions for excess casualty losses and depreciation.

On line 26, figure the excess casualty loss by multiplying the business use percentage from line 3 by the part of casualty losses that would not be allowable if you did not use your home for business (i.e., the casualty losses in excess of the amount on line 5).

On line 27, enter the depreciation deduction from Part 3.

If you claimed a deduction for business use of your home on your 2008 tax return, enter on line 28 the amount from line 41 of your 2008 worksheet.

On lines 29 and 30, figure your allowable excess casualty losses and depreciation.

Lines 31–33.

On line 31, total all allowable business use of the home deductions.

On line 32, enter the total of the casualty losses shown on lines 10 and 30. Enter the amount from line 32 on line 31 of Form 4684, Section B and enter “See Form 4684” above line 31. See the instructions for Form 4684 for more information on completing that form.

Line 33 is the total (other than casualty losses) allowable as a deduction for business use of your home. If you file Schedule F (Form 1040), enter this amount on line 34, Other expenses, of Schedule F and enter “Business Use of Home” on the line beside the entry. Do not add the specific expenses into other line totals of Part II of Schedule F.

If you are an employee or partner, see *Where To Deduct*, earlier, for information on how to claim the deduction.

Part 3—Depreciation of Your Home

Figure your depreciation deduction on lines 34 through 39. On line 34, enter the smaller of the adjusted basis or the fair market value of the property at the time you first used it for business. Do not adjust this amount for changes in basis or value after that date. Allocate the basis between the land and the building on lines 35 and 36. You cannot depreciate any part of the land. On line 38, enter the correct percentage for the current year from the tables in Publication 946. Multiply this percentage by the business basis to get the depreciation deduction. Enter this figure on lines 39 and 27. Complete and attach Form 4562 to your return if this is the first year you used your home, or an improvement or addition to your home, in business.

Part 4—Carryover of Unallowed Expenses to Next Year

Complete these lines to figure the expenses that must be carried forward to next year.

How To Get Tax Help

You can get help with unresolved tax issues, order free publications and forms, ask tax questions, and get information from the IRS in several ways. By selecting the method that is best for you, you will have quick and easy access to tax help.

Contacting your Taxpayer Advocate. The Taxpayer Advocate Service (TAS) is an independent organization within the IRS whose employees assist taxpayers who are experiencing economic harm, who are seeking help in resolving tax problems that have not been resolved through normal channels, or who believe that an IRS system or procedure is not working as it should. Here are seven things every taxpayer should know about TAS:

- TAS is your voice at the IRS.
- Our service is free, confidential, and tailored to meet your needs.
- You may be eligible for TAS help if you have tried to resolve your tax problem through normal IRS channels and have gotten nowhere, or you believe an IRS procedure just isn't working as it should.
- TAS helps taxpayers whose problems are causing financial difficulty or significant cost, including the cost of professional representation. This includes businesses as well as individuals.
- TAS employees know the IRS and how to navigate it. We will listen to your problem, help you understand what needs to be done to resolve it, and stay with you every step of the way until your problem is resolved.
- TAS has at least one local taxpayer advocate in every state, the District of Columbia, and Puerto Rico. You can call your local advocate, whose number is in your phone book, in Pub. 1546, Taxpayer Advocate Service—Your Voice at the IRS, and on our website at www.irs.gov/advocate. You can also call our toll-free line at 1-877-777-4778 or TTY/TDD 1-800-829-4059.
- You can learn about your rights and responsibilities as a taxpayer by visiting our online tax toolkit at www.taxtoolkit.irs.gov.

Low Income Taxpayer Clinics (LITCs). The Low Income Taxpayer Clinic program serves individuals who have a problem with the IRS and whose income is below a certain level. LITCs are independent from the IRS. Most LITCs can provide representation before the IRS or in court on audits, tax collection disputes, and other issues for free or a small fee. If an individual's native language is not English, some clinics can provide multilingual information about taxpayer rights and responsibilities. For more information, see Publication 4134, Low Income Taxpayer Clinic List. This publication is available at www.irs.gov, by calling 1-800-TAX-FORM (1-800-829-3676), or at your local IRS office.

Free tax services. To find out what services are available, get Publication 910, IRS Guide to Free Tax Services. It contains lists of free tax information sources, including publications, services, and free tax education and assistance programs. It also has an index of over 100 TeleTax topics (recorded tax information) you can listen to on your telephone.

Accessible versions of IRS published products are available on request in a variety of alternative formats for people with disabilities.

Free help with your return. Free help in preparing your return is available nationwide from IRS-trained volunteers. The Volunteer Income Tax Assistance (VITA) program is designed to help low-income taxpayers and the Tax Counseling for the Elderly (TCE) program is designed to assist taxpayers age 60 and older with their tax returns. Many VITA sites offer free electronic filing and all volunteers will let you know about credits and deductions you may be entitled to claim. To find the nearest Vita or TCE site, call 1-800-829-1040.

As part of the TCE program, AARP offers the Tax-Aide counseling program. To find the nearest AARP Tax-Aide site, call 1-888-227-7669 or visit AARP's website at www.aarp.org/money/taxaide.

For more information on these programs, go to www.irs.gov and enter keyword "VITA" in the upper right-hand corner.



Internet. You can access the IRS website at www.irs.gov 24 hours a day, 7 days a week to:

- *E-file* your return. Find out about commercial tax preparation and *e-file* services available free to eligible taxpayers.
- Check the status of your 2009 refund. Go to www.irs.gov and click on *Where's My Refund*. Wait at least 72 hours after the IRS acknowledges receipt of your e-filed return, or 3 to 4 weeks after mailing a paper return. If you filed Form 8379 with your return, wait 14 weeks (11 weeks if you filed electronically). Have your 2009 tax return available so you can provide your social security number, your filing status, and the exact whole dollar amount of your refund.
- Download forms, instructions, and publications.
- Order IRS products online.
- Research your tax questions online.
- Search publications online by topic or keyword.
- Use the online Internal Revenue Code, Regulations, or other official guidance.
- View Internal Revenue Bulletins (IRBs) published in the last few years.
- Figure your withholding allowances using the withholding calculator online at www.irs.gov/individuals.
- Determine if Form 6251 must be filed by using our Alternative Minimum Tax (AMT) Assistant.

- Sign up to receive local and national tax news by email.
- Get information on starting and operating a small business.



Phone. Many services are available by phone.

- *Ordering forms, instructions, and publications.* Call 1-800-TAX FORM (1-800-829-3676) to order current-year forms, instructions, and publications, and prior-year forms and instructions. You should receive your order within 10 days.
- *Asking tax questions.* Call the IRS with your tax questions at 1-800-829-1040.
- *Solving problems.* You can get face-to-face help solving tax problems every business day in IRS Taxpayer Assistance Centers. An employee can explain IRS letters, request adjustments to your account, or help you set up a payment plan. Call your local Taxpayer Assistance Center for an appointment. To find the number, go to www.irs.gov/localcontacts or look in the phone book under *United States Government, Internal Revenue Service*.
- *TTY/TDD equipment.* If you have access to TTY/TDD equipment, call 1-800-829-4059 to ask tax questions or to order forms and publications.
- *TeleTax topics.* Call 1-800-829-4477 to listen to pre-recorded messages covering various tax topics.
- *Refund information.* To check the status of your 2009 refund, call 1-800-829-1954 during business hours or 1-800-829-4477 (automated refund information 24 hours a day, 7 days a week). Wait at least 72 hours after the IRS acknowledges receipt of your e-filed return, or 3 to 4 weeks after mailing a paper return. If you filed Form 8379 with your return, wait 14 weeks (11 weeks if you filed electronically). Have your 2009 tax return available so you can provide your social security number, your filing status, and the exact whole dollar amount of your refund. Refunds are sent out weekly on Fridays. If you check the status of your refund and are not given the date it will be issued, please wait until the next week before checking back.
- *Other refund information.* To check the status of a prior year refund or amended return refund, call 1-800-829-1954.

Evaluating the quality of our telephone services. To ensure IRS representatives give accurate, courteous, and professional answers, we use several methods to evaluate the quality of our telephone services. One method is for a second IRS representative to listen in on or record random telephone calls. Another is to ask some callers to complete a short survey at the end of the call.



Walk-in. Many products and services are available on a walk-in basis.

- *Products.* You can walk in to many post offices, libraries, and IRS offices to pick up certain forms, instructions, and publications. Some IRS offices, libraries, grocery stores, copy centers, city and county government offices, credit unions, and office supply stores have a collection of products available to print from a CD or photocopy from reproducible proofs. Also, some IRS offices and libraries have the Internal Revenue Code, regulations, Internal Revenue Bulletins, and Cumulative Bulletins available for research purposes.
- *Services.* You can walk in to your local Taxpayer Assistance Center every business day for personal, face-to-face tax help. An employee can explain IRS letters, request adjustments to your tax account, or help you set up a payment plan. If you need to resolve a tax problem, have questions about how the tax law applies to your individual tax return, or you are more comfortable talking with someone in person, visit your local Taxpayer Assistance Center where you can spread out your records and talk with an IRS representative face-to-face. No appointment is necessary—just walk in. If you prefer, you can call your local Center and leave a message requesting an appointment to resolve a tax account issue. A representative will call you back within 2 business days to schedule an in-person appointment at your convenience. If you have an ongoing, complex tax account problem or a special need, such as a disability, an appointment can be requested. All other issues will be handled without an appointment. To find the number of your local office, go to www.irs.gov/localcontacts or look in the phone book under *United States Government, Internal Revenue Service*.



Mail. You can send your order for forms, instructions, and publications to the address below. You should receive a response within 10 days after your request is received.

Internal Revenue Service
1201 N. Mitsubishi Motorway
Bloomington, IL 61705-6613



DVD for tax products. You can order Publication 1796, IRS Tax Products DVD, and obtain:

- Current-year forms, instructions, and publications.
- Prior-year forms, instructions, and publications.
- Tax Map: an electronic research tool and finding aid.
- Tax law frequently asked questions.
- Tax Topics from the IRS telephone response system.

- Internal Revenue Code—Title 26 of the U.S. Code.
- Fill-in, print, and save features for most tax forms.
- Internal Revenue Bulletins.
- Toll-free and email technical support.
- Two releases during the year.
 - The first release will ship the beginning of January 2010.

– The final release will ship the beginning of March 2010.

Purchase the DVD from National Technical Information Service (NTIS) at www.irs.gov/cdorders for \$30 (no handling fee) or call 1-877-233-6767 toll free to buy the DVD for \$30 (plus a \$6 handling fee).

Exhibit A. Family Daycare Provider Meal and Snack Log

Name of Provider _____ TIN/SSN _____

Week of _____

Keep For Your Records

| Child's Name | Monday | Tuesday | Wednesday | Thursday | Friday | Saturday | Sunday | Totals |
|--------------|---|---|---|---|---|---|---|--|
| | Hours of attendance: _____ <input type="checkbox"/> Bkfst <input type="checkbox"/> Snack <input type="checkbox"/> Lunch <input type="checkbox"/> Snack <input type="checkbox"/> Dinner <input type="checkbox"/> Snack | Hours of attendance: _____ <input type="checkbox"/> Bkfst <input type="checkbox"/> Snack <input type="checkbox"/> Lunch <input type="checkbox"/> Snack <input type="checkbox"/> Dinner <input type="checkbox"/> Snack | Hours of attendance: _____ <input type="checkbox"/> Bkfst <input type="checkbox"/> Snack <input type="checkbox"/> Lunch <input type="checkbox"/> Snack <input type="checkbox"/> Dinner <input type="checkbox"/> Snack | Hours of attendance: _____ <input type="checkbox"/> Bkfst <input type="checkbox"/> Snack <input type="checkbox"/> Lunch <input type="checkbox"/> Snack <input type="checkbox"/> Dinner <input type="checkbox"/> Snack | Hours of attendance: _____ <input type="checkbox"/> Bkfst <input type="checkbox"/> Snack <input type="checkbox"/> Lunch <input type="checkbox"/> Snack <input type="checkbox"/> Dinner <input type="checkbox"/> Snack | Hours of attendance: _____ <input type="checkbox"/> Bkfst <input type="checkbox"/> Snack <input type="checkbox"/> Lunch <input type="checkbox"/> Snack <input type="checkbox"/> Dinner <input type="checkbox"/> Snack | Hours of attendance: _____ <input type="checkbox"/> Bkfst <input type="checkbox"/> Snack <input type="checkbox"/> Lunch <input type="checkbox"/> Snack <input type="checkbox"/> Dinner <input type="checkbox"/> Snack | Number served: _____ Breakfasts: _____ Lunches: _____ Dinners: _____ Snacks: _____ |
| | Hours of attendance: _____ <input type="checkbox"/> Bkfst <input type="checkbox"/> Snack <input type="checkbox"/> Lunch <input type="checkbox"/> Snack <input type="checkbox"/> Dinner <input type="checkbox"/> Snack | Hours of attendance: _____ <input type="checkbox"/> Bkfst <input type="checkbox"/> Snack <input type="checkbox"/> Lunch <input type="checkbox"/> Snack <input type="checkbox"/> Dinner <input type="checkbox"/> Snack | Hours of attendance: _____ <input type="checkbox"/> Bkfst <input type="checkbox"/> Snack <input type="checkbox"/> Lunch <input type="checkbox"/> Snack <input type="checkbox"/> Dinner <input type="checkbox"/> Snack | Hours of attendance: _____ <input type="checkbox"/> Bkfst <input type="checkbox"/> Snack <input type="checkbox"/> Lunch <input type="checkbox"/> Snack <input type="checkbox"/> Dinner <input type="checkbox"/> Snack | Hours of attendance: _____ <input type="checkbox"/> Bkfst <input type="checkbox"/> Snack <input type="checkbox"/> Lunch <input type="checkbox"/> Snack <input type="checkbox"/> Dinner <input type="checkbox"/> Snack | Hours of attendance: _____ <input type="checkbox"/> Bkfst <input type="checkbox"/> Snack <input type="checkbox"/> Lunch <input type="checkbox"/> Snack <input type="checkbox"/> Dinner <input type="checkbox"/> Snack | Hours of attendance: _____ <input type="checkbox"/> Bkfst <input type="checkbox"/> Snack <input type="checkbox"/> Lunch <input type="checkbox"/> Snack <input type="checkbox"/> Dinner <input type="checkbox"/> Snack | Number served: _____ Breakfasts: _____ Lunches: _____ Dinners: _____ Snacks: _____ |
| | Hours of attendance: _____ <input type="checkbox"/> Bkfst <input type="checkbox"/> Snack <input type="checkbox"/> Lunch <input type="checkbox"/> Snack <input type="checkbox"/> Dinner <input type="checkbox"/> Snack | Hours of attendance: _____ <input type="checkbox"/> Bkfst <input type="checkbox"/> Snack <input type="checkbox"/> Lunch <input type="checkbox"/> Snack <input type="checkbox"/> Dinner <input type="checkbox"/> Snack | Hours of attendance: _____ <input type="checkbox"/> Bkfst <input type="checkbox"/> Snack <input type="checkbox"/> Lunch <input type="checkbox"/> Snack <input type="checkbox"/> Dinner <input type="checkbox"/> Snack | Hours of attendance: _____ <input type="checkbox"/> Bkfst <input type="checkbox"/> Snack <input type="checkbox"/> Lunch <input type="checkbox"/> Snack <input type="checkbox"/> Dinner <input type="checkbox"/> Snack | Hours of attendance: _____ <input type="checkbox"/> Bkfst <input type="checkbox"/> Snack <input type="checkbox"/> Lunch <input type="checkbox"/> Snack <input type="checkbox"/> Dinner <input type="checkbox"/> Snack | Hours of attendance: _____ <input type="checkbox"/> Bkfst <input type="checkbox"/> Snack <input type="checkbox"/> Lunch <input type="checkbox"/> Snack <input type="checkbox"/> Dinner <input type="checkbox"/> Snack | Hours of attendance: _____ <input type="checkbox"/> Bkfst <input type="checkbox"/> Snack <input type="checkbox"/> Lunch <input type="checkbox"/> Snack <input type="checkbox"/> Dinner <input type="checkbox"/> Snack | Number served: _____ Breakfasts: _____ Lunches: _____ Dinners: _____ Snacks: _____ |



| | | |
|--|------------|--|
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Tax Publications for Individual Taxpayers

See *How To Get Tax Help* for a variety of ways to get publications, including by computer, phone, and mail.

General Guides

- 1 Your Rights as a Taxpayer
- 17 Your Federal Income Tax For Individuals
- 334 Tax Guide for Small Business (For Individuals Who Use Schedule C or C-EZ)
- 509 Tax Calendars for 2010
- 910 IRS Guide to Free Tax Services

Specialized Publications

- 3 Armed Forces' Tax Guide
- 54 Tax Guide for U.S. Citizens and Resident Aliens Abroad
- 225 Farmer's Tax Guide
- 463 Travel, Entertainment, Gift, and Car Expenses
- 501 Exemptions, Standard Deduction, and Filing Information
- 502 Medical and Dental Expenses (Including the Health Coverage Tax Credit)
- 503 Child and Dependent Care Expenses
- 504 Divorced or Separated Individuals
- 505 Tax Withholding and Estimated Tax
- 514 Foreign Tax Credit for Individuals
- 516 U.S. Government Civilian Employees Stationed Abroad
- 517 Social Security and Other Information for Members of the Clergy and Religious Workers
- 519 U.S. Tax Guide for Aliens
- 521 Moving Expenses
- 523 Selling Your Home
- 524 Credit for the Elderly or the Disabled
- 525 Taxable and Nontaxable Income
- 526 Charitable Contributions
- 527 Residential Rental Property (Including Rental of Vacation Homes)
- 529 Miscellaneous Deductions
- 530 Tax Information for Homeowners
- 531 Reporting Tip Income

- 535 Business Expenses
- 536 Net Operating Losses (NOLs) for Individuals, Estates, and Trusts
- 537 Installment Sales
- 541 Partnerships
- 544 Sales and Other Dispositions of Assets
- 547 Casualties, Disasters, and Thefts
- 550 Investment Income and Expenses (Including Capital Gains and Losses)
- 551 Basis of Assets
- 552 Recordkeeping for Individuals
- 554 Tax Guide for Seniors
- 555 Community Property
- 556 Examination of Returns, Appeal Rights, and Claims for Refund
- 559 Survivors, Executors, and Administrators
- 561 Determining the Value of Donated Property
- 564 Mutual Fund Distributions
- 570 Tax Guide for Individuals With Income From U.S. Possessions
- 571 Tax-Sheltered Annuity Plans (403(b) Plans) For Employees of Public Schools and Certain Tax-Exempt Organizations
- 575 Pension and Annuity Income
- 584 Casualty, Disaster, and Theft Loss Workbook (Personal-Use Property)
- 587 Business Use of Your Home (Including Use by Daycare Providers)
- 590 Individual Retirement Arrangements (IRAs)
- 593 Tax Highlights for U.S. Citizens and Residents Going Abroad
- 594 The IRS Collection Process
- 596 Earned Income Credit (EIC)
- 721 Tax Guide to U.S. Civil Service Retirement Benefits
- 901 U.S. Tax Treaties
- 907 Tax Highlights for Persons with Disabilities

- 908 Bankruptcy Tax Guide
- 915 Social Security and Equivalent Railroad Retirement Benefits
- 919 How Do I Adjust My Tax Withholding?
- 925 Passive Activity and At-Risk Rules
- 926 Household Employer's Tax Guide For Wages Paid in 2010
- 929 Tax Rules for Children and Dependents
- 936 Home Mortgage Interest Deduction
- 946 How To Depreciate Property
- 947 Practice Before the IRS and Power of Attorney
- 950 Introduction to Estate and Gift Taxes
- 967 The IRS Will Figure Your Tax
- 969 Health Savings Accounts and Other Tax-Favored Health Plans
- 970 Tax Benefits for Education
- 971 Innocent Spouse Relief
- 972 Child Tax Credit
- 1542 Per Diem Rates (For Travel Within the Continental United States)
- 1544 Reporting Cash Payments of Over \$10,000 (Received in a Trade or Business)
- 1546 Taxpayer Advocate Service – Your Voice at the IRS

Spanish Language Publications

- 1SP Derechos del Contribuyente
- 17SP El Impuesto Federal sobre los Ingresos Para Personas Fisicas
- 547SP Hechos Fortuitos Desastres y Robos
- 594SP El Proceso de Cobro del IRS
- 596SP Crédito por Ingreso del Trabajo
- 850 English-Spanish Glossary of Words and Phrases Used in Publications Issued by the Internal Revenue Service
- 1544SP Informe de Pagos en Efectivo en Exceso de \$10,000 (Recibidos en una Ocupación o Negocio)

Commonly Used Tax Forms

See *How To Get Tax Help* for a variety of ways to get forms, including by computer, phone, and mail.

| Form Number and Title | Form Number and Title |
|---|--|
| 1040 U.S. Individual Income Tax Return | 2210 Underpayment of Estimated Tax by Individuals, Estates, and Trusts |
| Sch A Itemized Deductions | 2441 Child and Dependent Care Expenses |
| Sch B Interest and Ordinary Dividends | 2848 Power of Attorney and Declaration of Representative |
| Sch C Profit or Loss From Business | 3903 Moving Expenses |
| Sch C-EZ Net Profit From Business | 4562 Depreciation and Amortization |
| Sch D Capital Gains and Losses | 4868 Application for Automatic Extension of Time To File U.S. Individual Income Tax Return |
| Sch D-1 Continuation Sheet for Schedule D | 4952 Investment Interest Expense Deduction |
| Sch E Supplemental Income and Loss | 5329 Additional Taxes on Qualified Plans (Including IRAs) and Other Tax-Favored Accounts |
| Sch EIC Earned Income Credit | 6251 Alternative Minimum Tax—Individuals |
| Sch F Profit or Loss From Farming | 8283 Noncash Charitable Contributions |
| Sch H Household Employment Taxes | 8582 Passive Activity Loss Limitations |
| Sch J Income Averaging for Farmers and Fishermen | 8606 Nondeductible IRAs |
| Sch L Standard Deduction for Certain Filers | 8812 Additional Child Tax Credit |
| Sch M Making Work Pay and Government Retiree Credits | 8822 Change of Address |
| Sch R Credit for the Elderly or the Disabled | 8829 Expenses for Business Use of Your Home |
| Sch SE Self-Employment Tax | 8863 Education Credits (American Opportunity, Hope, and Lifetime Learning Credits) |
| 1040A U.S. Individual Income Tax Return | 9465 Installment Agreement Request |
| 1040EZ Income Tax Return for Single and Joint Filers With No Dependents | |
| 1040-ES Estimated Tax for Individuals | |
| 1040X Amended U.S. Individual Income Tax Return | |
| 2106 Employee Business Expenses | |
| 2106-EZ Unreimbursed Employee Business Expenses | |