



Instructions for Form 8915

Qualified Hurricane Retirement Plan Distributions and Repayments

Section references are to the Internal Revenue Code unless otherwise noted.

General Instructions

Purpose of Form

Use Form 8915 to report repayments of qualified hurricane distributions made in 2009 that were not included on your 2008 Form 8915.

Parts I and II

Use Part I to report any repayments of qualified hurricane distributions from retirement plans (other than IRAs).

Use Part II to report any repayments of qualified hurricane distributions from IRAs.

Additional Information

See Pub. 4492, Information for Taxpayers Affected by Hurricanes Katrina, Rita, and Wilma, for more details.

Who Must File

File Form 8915 if you made a repayment of a qualified hurricane distribution in 2009 that was not included on your 2008 Form 8915.



If you were affected by the Kansas storms and tornadoes that began on May 4, 2007, see Pub. 4492-A to determine what version of Form 8915 you must file.

When and Where to File

File Form 8915 with your 2009 Form 1040, 1040A, or 1040NR. If you are not required to file an income tax return but are required to file Form 8915, sign Form 8915 and send it to the Internal Revenue Service at the same time and place you would otherwise file Form 1040, 1040A, or 1040NR.

How is a Qualified Hurricane Distribution Taxed?

Generally, a qualified hurricane distribution is included in your income in equal amounts over 3 years. However, you could have elected to include the entire distribution in your income in the year of the distribution.

Also, qualified hurricane distributions are not subject to the 10% additional tax on early distributions.



You cannot repay a qualified hurricane distribution after 2009.

Qualified Hurricane Distribution

A qualified hurricane distribution is any distribution you received in 2005 or 2006 from an eligible retirement plan if both of the following conditions were met.

- Your main home was located in a hurricane disaster area listed below on the date shown for that area.
 - August 28, 2005, for the Hurricane Katrina disaster area. For this purpose, that area includes the states of Alabama, Florida, Louisiana, and Mississippi.
 - September 23, 2005, for the Hurricane Rita disaster area. For this purpose, that area includes the states of Louisiana and Texas.
 - October 23, 2005, for the Hurricane Wilma disaster area. For this purpose, that area includes the state of Florida.
- You sustained an economic loss because of Hurricane Katrina, Rita, or Wilma, on the date in (1) above for that hurricane. Examples of an economic loss include, but are not limited to (a) loss, damage to, or destruction of real or personal property from fire, flooding, looting, vandalism, theft, wind, or other cause; (b) loss related to displacement from your home; or (c) loss of livelihood due to temporary or permanent layoffs.

If (1) and (2) applied, you could have generally designated any distribution in 2005 or 2006 (including periodic payments and required minimum distributions) from an eligible retirement plan as a qualified hurricane distribution, regardless of whether the distribution was made on account of Hurricane Katrina, Rita, or Wilma. Qualified hurricane distributions were permitted without regard to your need or the actual amount of your economic loss.

A reduction or offset in 2005 or 2006 of your account balance in an eligible retirement plan in order to repay a loan also could have been designated as a qualified hurricane distribution. See *Distribution of plan loan offsets* later.

Limit. The total of your qualified hurricane distributions for 2005 and 2006 from all plans was limited to \$100,000. If you had distributions in excess of \$100,000 from more than one type of plan, such as a 401(k) plan and an IRA, you could have allocated the \$100,000 limit among the plans any way you chose.

Eligible retirement plan. An eligible retirement plan can be any of the following.

- A qualified pension, profit-sharing, or stock bonus plan (including a 401(k) plan).
- A qualified annuity plan.
- A tax-sheltered annuity contract.
- A governmental section 457 deferred compensation plan.
- A traditional, SEP, SIMPLE, or Roth IRA.

Distribution of plan loan offsets. A distribution of a plan loan offset is a distribution that occurs when, under the terms of a plan, the participant's accrued benefit is reduced (offset) in order to repay a loan. A distribution of a plan loan offset amount can occur for a variety of reasons, such as when a participant terminates employment or does not comply with the terms of repayment. Plan loan offsets are treated as actual distributions and are reported on Form 1099-R, box 1.

Main home. Generally, your main home is the home where you live most of the time. A temporary absence due to special circumstances, such as illness, education, business, military service, evacuation, or vacation, will not change your main home.

Additional tax. Qualified hurricane distributions were not subject to the 10% additional tax (or the 25% additional tax for certain distributions from SIMPLE IRAs) on early distributions and are not required to be reported on Form 5329. However, any distributions you received in excess of the \$100,000 qualified hurricane distribution limit may have been subject to the additional tax.

Note. If you chose to treat a distribution as a qualified hurricane distribution, it is not eligible for the 20% Capital Gain Election or the 10-Year Tax Option. For information on those options, see the instructions for Form 4972.

Repayment of a Qualified Hurricane Distribution

If you choose, you can generally repay any portion of a qualified hurricane distribution that is eligible for tax-free rollover treatment to an eligible retirement plan. Also, you can repay a qualified hurricane distribution made on account of hardship from a retirement plan. However, see *Exceptions* on page 2 for qualified hurricane distributions you cannot repay.

You have 3 years from the day after the date you received the distribution to make a repayment. The amount of your repayment cannot be more than the amount of the original distribution. Amounts that are repaid are treated as a

qualified rollover and are not included in income. Also, for purposes of the one-rollover-per-year limitation for IRAs, a repayment to an IRA is not considered a qualified rollover.

Include on Form 8915 any repayments you make during 2009 that were not included on your 2008 Form 8915. If you make a repayment in 2009, you may be eligible to amend your 2006, 2007, or 2008 return. See *Amending Form 8915* below.

Also file Form 8606 to report any repayment of a nondeductible contribution to a traditional IRA on line 1 of Form 8606. If you make a repayment of a previously deductible contribution to a traditional IRA, do not file Form 8606 solely because of such repayment. If you make a repayment to a Roth IRA, see Pub. 590 to figure your basis.

Exceptions. You cannot repay the following types of distributions.

1. Qualified hurricane distributions received as a beneficiary (other than a surviving spouse).
2. Required minimum distributions.
3. Periodic payments (other than from an IRA) that are for:
 - a. A period of 10 years or more,
 - b. Your life or life expectancy, or
 - c. The joint lives or life expectancies of you and your beneficiary.



2009 is the last year you can repay a qualified hurricane distribution.

Amending Form 8915

If you make any repayments during 2009, include the repayments on your 2009 Form 8915 if they were not included on your 2008 Form 8915. You may be able to file an amended return for 2006, 2007, or 2008 if either of the following applies.

- You elected to include all of your qualified hurricane distributions in income for 2006 (instead of over 3 years) on your original return.
- You received a qualified hurricane distribution in 2006 and included it in income over 3 years. See the examples below.

Example 1. You received a qualified hurricane distribution in the amount of \$90,000 on January 15, 2006. You choose to spread the \$90,000 over 3 years (\$30,000 in income for 2006, 2007, and 2008). On January 10, 2009, you make a repayment of \$45,000. The repayment of \$45,000 can be carried back to 2006, 2007, or 2008.

Example 2. The same facts as in *Example 1*, except you also want to make a repayment of \$10,000 on February 20, 2009. In this case, you cannot make a repayment of \$10,000 since the 3-year period for making a repayment has passed.

File Form 1040X, Amended U.S. Individual Income Tax Return, to amend a return you have already filed. Generally,

Form 1040X must be filed within 3 years after the date the original return was filed, or within 2 years after the date the tax was paid, whichever is later.

Specific Instructions

Name and social security number (SSN). If you file a joint return, enter only the name and SSN of the spouse whose information is being reported on Form 8915. If both you and your spouse are required to file Form 8915, file a separate Form 8915 for each of you.

Part I—Qualified Hurricane Distributions From Retirement Plans (other than IRAs)

Complete Part I if you made a repayment of a qualified hurricane distribution.

Line 4

At any time during the 3-year period after the date you received a qualified hurricane distribution, you can repay any portion of the distribution to an eligible retirement plan that is permitted to accept rollover contributions. You cannot, however, repay more than the amount of the original distribution. See *Repayment of a Qualified Hurricane Distribution* beginning on page 1 for details.

Enter on line 4 the amount of any repayments you made during 2009. Do not include any repayments you included on your 2008 Form 8915.

Example. You received a \$90,000 qualified hurricane distribution on August 7, 2006, from your 401(k) plan because of Hurricane Wilma. On July 1, 2009, you repay \$30,000 to an IRA. You would enter the \$30,000 repayment on line 4.

Line 5

If you have an amount on line 5, you may be able to carry this amount back to your 2006, 2007, or 2008 return and reduce the amount of tax. For more information, see *Amending Form 8915* on this page.

Part II—Qualified Hurricane Distributions From Traditional, SEP, SIMPLE, and Roth IRAs

Complete Part II if you made a repayment of a qualified hurricane distribution.

Line 9

At any time during the 3-year period after the date you received a qualified hurricane distribution, you can repay any portion of the distribution to an eligible retirement plan that is permitted to accept rollover contributions. You cannot, however, repay more than the amount of the original distribution. See *Repayment of a Qualified Hurricane Distribution* beginning on page 1 for details.

Enter on line 9 the amount of any repayments you made during 2009. Do not include any repayments you included on your 2008 Form 8915.

Example. You received a \$60,000 qualified hurricane distribution on July 1, 2006, from your Roth IRA because of Hurricane Katrina. On June 1, 2009, you repay \$30,000 to your Roth IRA. You would enter the \$30,000 repayment on line 9.

Line 10

If you have an amount on line 10, you may be able to carry this amount back to your 2006, 2007, or 2008 return and reduce the amount of tax. For more information, see *Amending Form 8915* on this page.

Privacy Act and Paperwork Reduction Act Notice.

We ask for the information on this form to carry out the Internal Revenue laws of the United States. We need this information to ensure that you are complying with these laws and to allow us to figure and collect the right amount of tax. You are required to give us this information if you made certain contributions or received certain distributions from qualified plans, including IRAs, and other tax-favored accounts. Our legal right to ask for the information requested on this form is sections 6001, 6011, 6012(a), and 6109 and their regulations. If you do not provide this information, or you provide incomplete or false information, you may be subject to penalties.

You are not required to provide the information requested on a form that is subject to the Paperwork Reduction Act unless the form displays a valid OMB control number. Books or records relating to a form or its instructions must be retained as long as their contents may become material in the administration of any Internal Revenue law. Generally, tax returns and return information are confidential, as required by section 6103. However, we may give this information to the Department of Justice for civil and criminal litigation, and to cities, states, the District of Columbia, and U.S. commonwealths and possessions to carry out their tax laws. We may also disclose this information to other countries under a tax treaty, to federal and state agencies to enforce federal nontax criminal laws, or to federal law enforcement and intelligence agencies to combat terrorism.

The average time and expenses required to complete and file this form will vary depending on individual circumstances. For the estimated averages, see the instructions for your income tax return.

If you have suggestions for making this form simpler, we would be happy to hear from you. See the instructions for your income tax return.