



Columbus Income Tax Newsletter

January 2003



STATE LAW CHANGES THAT AFFECT MUNICIPAL TAXATION

Ohio House Bills 477 and 483, enacted in 2000, changed the State law that regulates municipal income taxes. The following changes will take effect on January 1, 2003:

Estimate payment due dates - The due dates for individual taxpayers' 2nd, 3rd and 4th quarterly estimated tax payments will change to, respectively, July 31st and October 31st of the current year and January 31st of the following year. Due dates for these payments for business taxpayers will continue to be, respectively, June 15th, September 15th and December 15th. The 1st quarterly estimate payment for individual and business taxpayers, to be paid with the Declaration, will continue to be due on April 15th of each year.

Consolidated returns - An affiliated group of corporations may file a consolidated income tax return if that affiliated group for the same tax reporting period filed a consolidated return for federal income tax purposes. Only those members of the affiliated group that are conducting business within the City and are subject to the tax shall be allowed to deduct a loss from the gain of another corporation in the group having a taxable profit and the operations of only those members of the affiliated group that are conducting business within the City and are subject to the tax may be taken into consideration in computing net profits or the business allocation percentage formula of another.

****IMPORTANT NOTICE****

The instruction on "Combined Returns (Corporations Only)" on Page 4 of the 2002 Form BR-25 instructions is incorrect as printed. This instruction should be redesignated as "Consolidated Returns" and read as indicated above.

AUTHORIZED TAX FORMS

The Columbus Income Tax Division will accept authorized forms distributed by the Division, approved facsimiles of these forms and approved generic forms. For a generic form to be accepted, it must provide all information required to be reported by the forms distributed by the Division. Forms developed from pre-approved software packages will be accepted. Taxpayers and preparers are requested to use pre-encoded forms provided by the Division. All forms can be found and downloaded at our web site at: www.columbus-tax.net

CITY TAX ON THE NET PROFITS OF REIT

In March of 2002, a decision in the case *City of Columbus v. New Plan Realty Trust* was rendered by the Ohio Supreme Court. The Court found that the Columbus city income tax is properly imposed upon the net profits of a REIT (real estate investment trust) before said net profits are distributed via dividends to the REIT's shareholders.

COMMON PAYMASTER ACCOUNTS

All taxpayers and preparers that utilize a common paymaster are asked to designate on their returns the name and E.I.N. of the common paymaster. Preparers having a large number of accounts related to a single common paymaster are requested to provide a listing of such accounts so that each account can be properly referenced.

YEAR 2003 MAILING ADDRESSES

Mailing addresses to be used in 2003 are as follows:

CITY TREASURER
DEPT 448
COLUMBUS OH 43265-0448

-Individual and Business returns & payments (lockbox)
(changed from last year)

CITY TREASURER
PO BOX 182158
COLUMBUS OH 43218-2158

-General correspondence (office address):

COLUMBUS INCOME TAX DIVISION
50 W GAY ST 4TH FL
COLUMBUS OH 43215-9037

COLLECTION GROUP TAX RATES

Tax rates to be used in 2003 for tax year 2002 returns and tax year 2003 declarations and withholding returns for the cities and villages in our collection group are as follows:

Columbus	2%	Marble Cliff	2%
Grove City	2%	Brice	1%
Groveport	2%	Lithopolis	1%
Obetz	2%	Harrisburg	1%
Canal Winchester	2%		

CITY TAX RATES ON THE WEB

The municipal tax rates for all cities and villages in Ohio can be found on our web site at: www.columbus-tax.net

CITY OF WORTHINGTON RETURNS

On July 1, 2002, the City of Worthington left our collection group to join the Regional Income Tax Agency (RITA). We continue to get return filings and payments for Worthington. All Worthington returns and payments should be sent to RITA.

YEAR 2003 INTEREST RATE

For 2003, the interest rate used by the Cities of Columbus and the Villages of Brice, Canal Winchester, Harrisburg and Marble Cliff is 6% per annum. The annual rate used by all other municipalities in our collection group continues to be 18%.

EXTENSION OF FILING DATES

Extensions of up to six months for filing forms IR-22, IR-25 and BR-25 and one month for filing form IT-13 (Annual Reconciliation of Tax Withheld) may be obtained on or before the original due date of the return being extended. The postmark date will be used to indicate compliance with this extension policy. Copies of federal extension forms or client extension lists from practitioners will be accepted. All extension requests must contain the taxpayer's name, address, FID/SSN and the length of the extension period requested. City tax forms IR-21 and BR-21 (Declaration of Estimated Tax) and IT-11 (Quarterly Return of Tax Withheld) may not be extended.

AUDIT ALERT

Please be aware of the following items that are most frequently questioned or changed upon audit. Care in reporting these items will greatly reduce questions and changes to your return.

- All returns are reviewed to ensure that income is reported properly to the city in which it was earned and, if applicable on an individual return, the taxpayer's resident city.
- Withholding returns are reviewed to ensure that the proper payment frequency is being followed.
- Business returns are reviewed to ensure that Schedule Y allocation and Schedule X taxable/non-taxable figures are correct.
- Individual returns are reviewed to ensure that all deductions (2106, etc.) are taken from the proper city to which tax was paid. Employer certifications are required on Form IR-22 for refunds of withholding tax to individuals (for days worked out by nonresidents, etc.).

S-CORPS & LLCs

All corporations, regardless of how they are treated for federal tax purposes, are taxed by Columbus and the other cities in our group as entities on the taxable net profits of the corporation before distributing any shares or dividends to shareholders. For tax years beginning after 12/31/2000, a Columbus or Brice resident individual who is a shareholder in an S-Corp will be taxed on his/her share of the S-Corp's net profits that are not subject to payment by the corporation as discussed above. The resident shareholder shall be given full credit for all city tax paid on the S-Corp's net profits by the corporation. Depending upon the outcome of Senate Bill 180 in the Ohio Legislature, the tax on distributive S-Corp shares may become a ballot issue in November of 2003. A limited liability company should file as either a corporation, partnership or individual (single member) in accordance with its federal filing requirement. Qualified Subchapter S subsidiary corporations (Q-Subs) are taxed to the parent (same treatment as Federal).

WITHHOLDING INFORMATION

All employers are encouraged to check the amount of tax withheld at the end of each calendar quarter and year to ensure that tax is being remitted on the proper quarterly, monthly or semimonthly payment schedule. If total taxes withheld in the prior calendar year were \$12,000 or more or in any month in the preceding quarter exceeded \$1,000, semimonthly payments are required. If total taxes withheld in the prior calendar year were less than \$12,000 but more than \$3,599 or in any month in the preceding quarter exceeded \$300, monthly payments are required. Quarterly payments are required from all employers not required to make semi-monthly or monthly payments. Penalty (50% of the tax liability for Columbus, Brice, Harrisburg and Marble Cliff; 10% for all others in our collection group) and interest 6% for the Cities of Columbus, Brice, Harrisburg and Marble Cliff or 18% for all others in our collection group) will be charged on all late payments. Employers using a payroll service retain the legal responsibility for payment of the tax and filing of returns and the liability for all late payment or late filing charges. Employers are also encouraged to use the current pre-encoded payment coupons (form IT-15) and quarterly returns (form IT-11) provided by the Division prior to each quarter to remit payments and file returns. Use of these forms will greatly ensure that payments and returns are processed to the proper quarter. A quarterly return (form IT-11) is required to be filed in the month following each calendar quarter by all employers having an active account regardless of the employer's payment frequency and whether or not wages were paid or taxes withheld during the quarter. *Employers and payroll services should use one form to report the city tax withheld to all cities during the same period.*

If an employer withholds tax from an employee at a rate in excess of the proper tax rate, a refund will be issued to the employer upon presentation of a refund claim form (form IT-6W) obtainable from the Income Tax Division. Employers must also submit an amended IT-11 form for the quarter or quarters affected and a corrected W-2 form for the employee in question.

Income which is considered subject to city tax and withholding by the Income Tax Division includes but may not be limited to the following:

Gross wages, salaries, commissions and other compensation to include:

1. Bonuses.
2. Compensation paid in property or the use thereof at fair market value to the same extent as taxable for Federal tax purposes and so indicated on the Form W-2.
3. Contributions made by or on behalf of employees to a cafeteria plan.
4. Contributions made by or on behalf of employees to a qualified deferral plan (401K and the like) - taxed at year earned, deferral not permitted.
5. Contributions made by or on behalf of employees to a tax deferred annuity or stock purchase plan (includes any plan where employee has the option to defer).
6. Distributions from non-qualified deferred compensation plans (SERPs etc.)
7. Cost of group term life insurance over \$50,000.
8. Directors' fees.
9. Disability pay if received as a benefit of employment (includes third party plan).
10. Employee contributions to cost of fringe benefits.
11. Excess employee discounts.
12. Golden parachute payments.
13. Income from guaranteed annual wage contracts.
14. Income from jury duty.
15. Income from wage continuation plans (includes retirement incentive plans and buyouts).
16. Income received as a result of a covenant or agreement not to compete.
17. Interest on below market loans.
18. Moving expense reimbursements (follow Federal rules but nonreimbursed expenses are not deductible).
19. Preretirement distributions from retirement plans (except previously taxed income from deferred plans).
20. Prizes, awards and gifts - if connected with employment.
21. Profit sharing.
22. Royalties (unless derived from registered copyrights, patents or trademarks).
23. Severance pay.
24. Sick and/or vacation pay.
25. Stipends - if work required (vow of poverty not recognized).
26. Stock bonus incentive plans.
27. Stock options - taxed when exercised on amount indicated on W-2 form (market price less option price).
28. Strike benefits paid by employer.
29. Supplemental unemployment pay paid by employer.
30. Taxes paid by employer on employee's behalf.
31. Tips.
32. Union steward fees.
33. Distributive shares from S-corporations - Columbus and Brice residents only.

2003 DUE DATES

Due dates for filing city tax returns and remitting payments in 2003 are as follows:

2002 INCOME TAX RETURNS

	<u>FORM</u>	<u>DUE WITH PAYMENT</u>
Calendar Year Taxpayers (Individuals)	IR-22 or IR-25	April 15, 2003
Calendar Year Taxpayers (Businesses)	BR-25	April 15, 2003
Fiscal Year Taxpayers (Individuals)	IR-22 or IR-25	15th day of 4th month following end of fiscal year
Fiscal Year Taxpayers (Businesses)	BR-25	15th day of 4th month following end of fiscal year

2003 ESTIMATED TAX

	<u>FORM</u>	<u>DUE WITH PAYMENT</u>
Declaration of Estimated Tax	IR-21 or IR-22	April 15, 2003 - Individuals and Businesses
2nd Quarter	IR-18	July 31, 2003 - Individuals June 15, 2003 - Businesses
3rd Quarter	IR-18	October 31, 2003 - Individuals September 15, 2003 - Businesses
4th Quarter	IR-18	January 31, 2004 - Individuals December 15, 2003 - Businesses

2003 EMPLOYER'S WITHHOLDING RETURNS

<u>QUARTER</u>	<u>PERIOD</u>	<u>FORM</u>	<u>DUE DATE</u>
1st Quarter	January, February and March	IT-11	April 30, 2003
2nd Quarter	April, May and June	IT-11	July 31, 2003
3rd Quarter	July, August and September	IT-11	October 31, 2003
4th Quarter	October, November and December	IT-11	January 31, 2004
YEAR END	Reconciliation of W-2s	IT-13	January 31, 2004

2003 EMPLOYER'S DEPOSITS OF TAX WITHHELD

<u>MONTHLY TAX LIABILITY</u>	<u>FORM</u>	<u>DUE ON:</u>
\$1.00 - \$300.00 (quarterly payments required)	IT-11	Last day of the month following the end of the calendar quarter
\$301.00 - \$1,000.00 (monthly payments required)	IT-15	15th day of the following month
\$1,001.00 or greater (semimonthly payments required)	IT-15	5 banking days after the 15th and the last day of the month

FILING NOTES

- The city in which a taxpayer lives or works may not be the same city that appears in his/her home or work address. The same zip code may contain two or more cities, villages or unincorporated areas. If you need to confirm the city in which a taxpayer lives or works, call our office at (614) 645-7370.
- A husband and wife, in any taxable year, may elect to file separate or joint returns, regardless of Federal filing election. If filing jointly and you have received a pre-encoded return, you should use the account number shown thereon when filing returns and declarations and making estimated payments. There is no mathematical tax advantage for a husband and wife to file separate City returns.
- All cities except Harrisburg and Lithopolis give full credit for tax documented as correctly paid to the city or cities in which income was earned. Harrisburg and Lithopolis only give credit for tax paid on income earned in Harrisburg and Lithopolis, respectively.
- If city tax on all income is completely and correctly withheld, taxpayers are not required to file individual income tax returns (does not apply to Harrisburg and Lithopolis residents). Taxpayers who receive a pre-encoded return, must file that return with supporting documentation to have their account inactivated.
- To receive a deduction for employee business expenses, a taxpayer must be **required** to file **Form 2106** for Federal tax purposes.
- Columbus city tax is not imposed upon employer paid health insurance premiums for 2% stockholder employees of an S-Corporation.
- Partnerships are required to pay, on behalf of partners, tax on all net profits determined to have been earned in Columbus or Grove City. If a partnership's net profits or losses earned within a taxing jurisdiction are distributed among partners in a non-proportional manner (i.e. a net loss of \$10,000 is distributed as a \$20,000 gain to partner A and a \$30,000 loss to partner B), the partnership must pay the tax on all gain distributions (\$400 tax due for partner A) before any loss distributions can be used (by partner B) to offset other unincorporated business gains.
- Figures shown on the individual and business tax returns as well as the declaration of estimated tax may be rounded to the nearest whole dollar. Prior payments should be reported in the exact amount actually paid. No amount on any form should be rounded up or down in excess of the nearest dollar amount.

The Columbus Income Tax Division administers the municipal income tax for Columbus, Brice, Canal Winchester, Grove City, Groveport, Harrisburg, Lithopolis, Marble Cliff and Obetz.

INCOME TAX DIVISION
50 W. Gay Street, 4th Floor
Columbus, Ohio 43215-9037

ADDRESS SERVICE REQUESTED

BULK RATE
U.S. POSTAGE PAID
COLUMBUS, OH
PERMIT NO. 126

2003 City Income Tax Newsletter