

# INSTRUCTIONS FOR FILING FORM 531, LOCAL EARNED INCOME TAX (EIT) RETURN

## GENERAL INSTRUCTIONS

**FILING DEADLINE** – This return must be completed and filed by all persons subject to the tax on or before April 15 of the succeeding year (unless the 15<sup>th</sup> is a Saturday or Sunday, then file the next business day), regardless of whether or not tax is due. A federal and/or state granted extension to file does not automatically give you an extension to file your local tax return. To receive a 6 month extension of time to file, you must file an ESTIMATED return with our bureau by the original due date. Boldly mark "ESTIMATED FILING - 6 MONTH EXTENSION REQUESTED" on the face of your return. You must pay in full, on or before the original due date, the amount reasonably estimated to be your local tax due.

**WHO MUST FILE** - Any resident of a "MEMBER MUNICIPALITY AND/OR SCHOOL DISTRICT" whether for all or part of the tax year, who has taxable net profits and/or earnings even if no tax is due. Failure to file a return may subject you to a \$500 fine as well as be responsible for paying additional costs of collection.

**ROUNDING OFF TO WHOLE DOLLARS** – Round off cents to the nearest whole dollar. When rounding, drop amounts under 50 cents and increase amounts from 50 to 99 cents to the next dollar. For example, \$1.39 becomes \$1.00 and \$2.50 becomes \$3.00. When you add two or more amounts to calculate the amount to enter on a line, include cents when adding the amounts and only round off the total.

**IF YOU HAD NO TAXABLE EARNINGS** enter zero (0) in Line 1 and list the reason (e.g., retired, disability, housewife, active military duty, etc.), sign the form and return it to us. This will eliminate needless correspondence.

**WHERE TO FILE** – Remit to the address printed on the tax return. If you are filing multiple returns with our Bureau, file them all at the same CTCB office. You may also file online at [www.captax.com](http://www.captax.com).

**EFFECTIVE DATES FOR THIS TAX** - January 1 through December 31 of the year listed on the return (or portion thereof for a prorated return), or any fiscal tax year so designated by the taxpayer.

**TAXABLE INCOME ITEMS + ACTIVE MILITARY INSIDE PA** - Taxable items include - Wages, salaries, commissions, bonuses, tips, fees, net profits, severance pay, reserve unit, National Guard and other military active duty pay earned inside PA, premature retirement or other payment plan distributions for reasons other than death or disability not rolled over into another federally qualified retirement plan to the extent they do not represent a return of an employee's previously taxed contribution. Cafeteria plan contributions are non-taxable to the extent they are not taxed for federal income tax purposes and they would be exempt from Pa. income taxation if paid by the employer. Employee contributions to 401(k), 403(b), 457 and other types of deferred payment programs remain taxable items. Incentive payments (e.g., income from employee stock options and phantom stock plans), reimbursement of non-deductible expenses, a fair salary commensurate with the service provided by an S-Corp shareholder to the corporation, fellowships (when compensation for services) remain taxable.

**TAXABLE RETIREMENT/SAVINGS PLAN DISTRIBUTIONS** - CTCB follows the PA Department of Revenue's Personal Income Tax Regulations regarding the taxability of distributions from employee deferred payment programs such as pensions (retirement plans), profit sharing, ESOP, SEP, 401(k), 403(b) and 457 plans. If a distribution of this type is taxable at the state level, a portion of it may be taxable at the local level. A distribution of such a plan can be made up of three components: 1) the employee's previously taxed contributions, 2) the employer's untaxed contributions, and 3) income generated by the plan's assets. The Commonwealth of Pennsylvania and CTCB tax item numbers 2 & 3 (employer contributions and income). However, if the plan is unfunded any distribution is an employer's contribution and it is entirely taxable. The taxpayer must provide a statement from the plan administrator or trustee of the account showing what portion, if any, of the distribution is attributable to the employer's contribution and income generated by the plan's assets. This is the portion that is taxable for earned income tax purposes and must be listed on Line 4 of your return.

**NON-TAXABLE ITEMS** - Interest, dividends, worker's compensation, subchapter "S" income (except a fair salary commensurate with the services provided by an S-Corp shareholder to the corporation), passive schedule income, cafeteria plan contributions to the extent they are not taxed for federal income tax purposes and they would be exempt from Pa. income taxation if paid by the employer, social security benefits, pensions, annuities, and retirement pay received after retirement from employment and upon reaching a specific age or years of service or upon death or disability, IRA benefits other than premature distributions, disability benefits, third party sick pay, capital gains, death benefits, life insurance proceeds, gifts or bequests, public assistance, unemployment compensation, outside PA active military service pay or bonuses (does not include reserve unit and National Guard inactive duty pay which is taxable), income from trusts, rental income (unless the operation is a business), clergy housing allowance, and personal use of employer's owned or leased property.

**ORDER OF ATTACHING W-2s AND FORMS/SCHEDULES TO RETURN** - Place all W-2s and forms/schedules behind the return facing front. Edge all attachments to the upper, left-hand corner of the form and paperclip them together. **DO NOT STAPLE THE DOCUMENTS TOGETHER!**

**BE SURE TO SIGN THE BUREAU'S COPY OF YOUR RETURN** on its lower left hand side. If both spouses are filing on a single form, both spouses must sign the return. Any filing received without the proper signature(s) will not be considered filed.



**IF YOU MOVED** from the beginning of the tax year to present, please supply the information requested on Schedule P, which is provided on the reverse of the BUREAU'S COPY of the return. If you lived in different municipalities, falling under different tax collector jurisdictions during the year, you must prorate your earnings accordingly and file with the appropriate tax collectors. Also, if you moved during this tax year between different school districts in our jurisdiction where the tax rates are different, you will need to file separate returns with us for each residence where there are different tax rates. Such "multiple" returns must be filed at the same CTCB office.

**IF YOU RECEIVED MORE THAN ONE SET OF TAX RETURNS**, please return both tax returns to us. Write your correct social security number on each return and mark each return "RECEIVED 2 RETURNS".

**IF YOU ARE SELF-EMPLOYED OR YOUR EMPLOYER DOES NOT WITHHOLD EITHER ANY OR THE CORRECT AMOUNT OF TAX, OR IF YOU EARNED MORE THEN 12,000 UNTAXED DOLLARS**, you are be required to pay the tax quarterly to our bureau on FORM 521. If you do not receive FORM 521 by April 1st, please request it from our bureau. Failure to comply will subject you to interest, penalty and possibly a fine and costs of collection.

**LOCAL FILING COMPARED TO PA PERSONAL INCOME TAX RETURN** - CTCB participates in a program with the Pennsylvania Department of Revenue to match compensation and net profit/loss as reported on the local return against the same items reported on the state return. If, by audit, tax items are changed by either the IRS or State Income Tax Bureau that have a bearing on your local tax return, you must file an amended local return to reflect such changes. If you have subchapter "S" corporation income, please enter the distribution on line 9 of the return and attach a copy of your federal Schedule K-1 (Form 1120S) to your local return. The reporting of this is for information purposes only – you will not be taxed on these amounts. This information will prevent us from sending you a "discrepancy" letter when your local and state income does not match due to this tax item.

**NOTIFICATION OF AVAILABILITY OF DISCLOSURE STATEMENT FOR LOCAL TAXPAYER BILL OF RIGHTS** - You are entitled to receive a written explanation of your rights with regard to the audit, appeal, enforcement, refund and collection of local taxes by calling Capital Tax Collection Bureau's Harrisburg Division at (717) 234-3217 during the hours of 8 a.m. - 4 p.m., Monday through Thursday and 8:30 a.m. - 4 p.m., Friday.

**MILITARY SPOUSE RESIDENCY RELIEF ACT** – "If the service member is a nonresident serving inside the Commonwealth of Pennsylvania and his/her spouse realizes income in PA, that income is not taxable to PA, as long as the spouse is considered a resident of another state. If the spouse receives income which is subject to employer withholding tax, he/she should request a refund of that withholding from the jurisdiction where they work. A copy of the W-2, the spouse's military orders showing they were ordered to service in PA, and a copy of their resident state's driver's license must be included with the request for refund."

## LINE BY LINE INSTRUCTIONS

**LINE 1.** Enter W-2 wages earned while a resident of one or more "MEMBER MUNICIPALITIES AND/OR SCHOOL DISTRICTS". One copy of all W-2s should be submitted with your return. W-2 income should be prorated to where taxpayer lived when the income was earned. If you moved into or out of our taxing jurisdiction during the tax year, please complete Schedule P, which is found on the back of the BUREAU'S COPY of the return. Report the prorated figure on this line.

If the employer completed your W-2 Form correctly, you should use the "Local Wages" shown in Box 18 of the W-2 form. Many times, the employer reports an incorrect amount in this box. If the local wage box does not include your 401(k) or 403(b) contributions, non-cash fringe benefits, bonuses or other incentive payments, reimbursed moving expenses or unaccounted for or excess business expense reimbursements, they should be added to arrive at your correct local wages.

If the wages shown in the local wage box are lower than the wages shown in the federal, social security, or state wage boxes, the highest amount will be used for local wages unless the W-2, or information you provide explains the difference as not being taxable for local purposes. If you have different amounts showing in the various wage boxes on your W-2, ask your employer what makes up these differences and contact our office with this information to determine which amount you should use.

**LINE 2.** (Note: Report any excess reimbursement of employee business expenses on Line 4.) This Bureau generally follows the Pennsylvania Individual Income Tax regulations and guidelines for allowable employee business expense deductions. Expenses claimed must be explained in detail giving as a minimum the information requested on appropriate Pennsylvania State UE Schedule. Copies of these supporting schedules are sufficient and recommended. **EMPLOYEE BUSINESS EXPENSES TAKEN WITHOUT PROPER SUPPORTING DOCUMENTATION WILL BE SYSTEMATICALLY DENIED WITHOUT NOTIFICATION TO THE TAXPAYER.**

Examples of expenses which can be deducted are union dues, professional dues and license fees required as a condition of employment, actual expenses for meals + entertainment, cost and upkeep of work clothing provided they are not suitable for everyday use and they are required as a condition of employment, cost of small tools required but not provided by employer, non-commuting business transportation, away from home overnight expense, and office-in-home, and education expenses as allowed for Pennsylvania Individual Income Tax purposes. Moving expenses are deductible only when moving into CTCB's jurisdiction and only if you have the same employer before and after your move. Moving expenses incurred in moving out of CTCB's jurisdiction or in association with a new employer are not deductible. Likewise, moving expense allowances are taxable only if advanced for a move into CTCB's jurisdiction.

Examples of expenses which cannot be deducted are Federal Per Diems, travel to and from work unless to a temporary (less than 1 year) and distant (more than 50 miles one way) work site, travel from union hall to work assignments, child care, medical expenses, charitable contributions, taxes, interest, subscriptions to publications, dues to professional or fraternal societies, Chambers of Commerce, or recreational club memberships, and insurance, IRA, annuity and pension plan payments. For additional information on employee business expenses, see the "Allowable Business Expense" section of the PA 40 instruction booklet.

**LINE 3.** Subtract Line 2 from Line 1 to arrive at taxable W-2 earnings.

**LINE 4.** Enter the total of other taxable earned income. Use this line to report tips not included in W-2 wages, excess reimbursements of employee business expenses, executor and trustee fees (only if not in the business of being an executor and/or trustee), taxable premature distributions from retirement plans, reimbursement of non-deductible expenses, a fair salary commensurate with the services provided by an S-Corp shareholder to the corporation where a reasonable W-2 is not issued, and any other taxable earnings not reported elsewhere on the return. It would be helpful if you included with your filing a copy of any 1099 Forms that relate to amounts reported on Line 4. Corporate director fees must be reported on a Schedule C (Profit or Loss from Business) and reported on line 6 (net profit) or line 7 (net loss).

**LINE 5.** Enter the total of Lines 3 and 4, which is your total taxable earned income.

**LINE 6.** Enter the total of any net profits you incurred from your business, profession and/or farm. Use and submit copies of your federal & Pa. state schedule K-1 (1065), C or F only if taxpayer is actively engaged in the business. You must include Schedules C or F, we do not accept the PA SCHEDULE C-F. Do not include loss from tax shelters, passive limited partnerships, or hobbies. "Pass-through" income from an S-Corporation is NOT taxable and loss is not deductible. The taxable portion of a partnership for earned income tax purposes is usually the net earnings from self-employment less any Section 179 expense (within Pa. guidelines). If a personal retirement plan (Keogh or IRA) has been used as an expense it must be added to net profit/loss for the earned income tax reporting.

Income derived from Limited Liability Companies (LLCs), Limited Liability Partnerships (LLPs), and Restricted Professional Companies (RPCs) is taxable provided that the participant is actively engaged in the operation (not a passive or investment type involvement). Taxpayers who are members of these types of entities should file a copy of their Pa. state Schedule K-1 (Form 1065) for each such entity.

A taxpayer's rental income/loss does not apply to local filing unless the operation is a business (i.e., properly not filed on a schedule E, and subject to business privilege/mercantile taxes). The leasing of tangible property is the operation of a business only if:

1. You offer the use of your property on a commercial basis to others in marketplace and at least one of the following applies:
  - The average period of customer use is 30 days or less; or
  - Your property is customarily made available for use only during defined business hours; or
  - In addition to the property you also provide significant services to your lessee (Providing housekeeping service, room service, valet parking, decorating assistance, delivery services, transportation services and concierge services can be significant services. Providing heat, lighting, electric service elevators, cleaning public access and exit areas, collecting trash, and maintaining the property in a usable rentable condition are not usually significant services.); or
  - The leasing activity is incidental to a real estate sales business; and
2. You offer the use of your property intending to realize a profit; and
3. The leasing of your property is a regular and continuous activity.

**LINE 7.** Enter net **loss(es)** from business, profession or farm. For general instructions concerning business, profession, or farms, see Line 6 instructions.

**LINE 8.** Subtract Line 7 from Line 6. (If less than zero, enter zero)

**LINE 9.** Please enter net subchapter S corporation pass-thru profits and losses as reported on your PA-40 return. This is for informational purposes only.

**LINE 10.** Add Lines 5 and 8. This is your total taxable earned income and net profits.

**LINE 11.** This is pre-printed based on the municipality in which you are currently domiciled.

**LINE 12.** Multiply Line 10 by Line 11. This is your tax liability.

**LINE 13.** Enter the total (or prorated portion if partial year resident) of all local tax withheld found in Box 19 of your W-2s. Do not include local income tax withheld and/or paid to the City of Philadelphia or another State's political subdivisions. Do not include tax withheld for LST, SUI or unemployment. If employer is located in a distressed area and withheld additional tax for the reason you cannot take credit for the additional withholding on the local tax form. Call our office for questions on distressed areas.

**LINE 14.** Enter the total of all quarterly tax payments for the filing tax year only. Also add in any overpayment from the previous tax year that was credited to this filing tax year.

**LINE 15.** If you were legally liable for and paid taxes on net profits and/or compensation to Philadelphia or any state other than Pennsylvania, and the same net profits and/or compensation is also taxable on your local CTCB resident return, you may be entitled to take a credit (against your local tax liability) for all or a portion of the taxes paid elsewhere. Please contact one of our offices and request a Local Schedule G which provides specific instructions and a worksheet to determine whether you are entitled to any such credit. Enter wages and/or net profits while a resident of the Harrisburg Keystone Opportunity Zone (KOZ). If requesting a KOZ credit you must submit a copy of the DCED letter certifying your residence in this KOZ for this tax year.

**LINE 16.** Enter the total of Lines 13, 14 and 15. This is the total of your withholdings, credits and direct payments to be applied against your tax liability.



**LINE 17.** If Line 12 is larger than Line 16, subtract Line 16 from Line 12 and enter the result. In all other cases enter zero (0). If Line 17 is less than \$1.00, you need not make any payment. However, you still must file a return. **Note that failing to file a timely return may result in additional costs of collection.**

**LINE 18.** If for any reason the tax is not paid when due, interest at the rate of 6% per annum, and an additional penalty of 1/2 of 1% for each month or fraction thereof during which the tax remains unpaid shall be added and collected. If you are unsure of the amount of interest and penalty, if any, that applies to you, contact our office for assistance.

**LINE 19.** If for any reason your return is filed after the due date you may be subject to additional costs of collection.

**LINE 20.** Enter the total of Lines 17, 18 and 19. This is your total balance due. This balance due must be paid in full when filing your return. Make checks payable to "CTCB" (Capital Tax Collection Bureau). Place your social security number(s) on your check along with notation "Form 531 (and the tax filing year)".

**LINE 21.** If Line 16 is larger than Line 12, subtract Line 12 from Line 16 and enter the result. This is the amount of your overpayment. Overpayments of \$1.00 and under will not be refunded. Also, credits to next year's tax and/or credits to the spouse's balance due must each be a more than \$1.00. Be sure to designate what you want done with your overpayment by placing it in one or more of Lines 22, 23, or 24. Any undesignated overpayments will be refunded.

**LINE 22.** Enter the portion of your Line 21 overpayment that you wish to be refunded. Amounts under \$1.00 will only be refunded upon special written request. You may now have your refund directly deposited. We can only refund into a bank account that is solely or jointly owned by the taxpayer receiving the refund. If you choose to have your refund directly deposited, enter taxpayer, spouse or both in the block(s) under direct deposit information to indicate which taxpayer is requesting direct deposit of their refund. Check either the checking or savings block to indicate which account you would like us to direct deposit into. Enter the routing number from your check. The routing number must be nine (9) digits and is enclosed by these symbols "!" (e.g., !031000503!). The first two digits must be 01 through 12 or 21 through 32. Then enter your account number. The account number can be up to 17 characters (both numbers and letters). Include hyphens but omit spaces and special symbols. Enter the number from left to right and leave any unused boxes blank. Be sure **not** to include the check number. If you enter something wrong, and the direct deposit is rejected, you will be mailed a check.

**Note:** The routing and account numbers may be in different places on your check

**LINE 23.** Enter the portion of your Line 21 overpayment (more than \$1.00) that you wish to be credited to your next year's return.

**LINE 24.** Enter the portion of your Line 21 overpayment (more than \$1.00) that you wish to be credited to your spouse's balance due (for this tax year only). Enter this amount in your column of the form only. Do not enter anything on your spouse's column on the form, but be sure to reduce your spouse's total balance due by this amount before making payment of any remaining balance due.

### **LOCAL EIT (SCHEDULE P) – PARTIAL YEAR RESIDENT PRO-RATION WORKSHEET**

**Instructions:** Use one Schedule P per taxpayer. Partial year residents must file a return with each tax office of the area you resided in during the year. Unless the employer provided separate W-2 forms for each area of residence, you are required to prorate earnings, net profits, unreimbursed business expenses, and tax withholdings based on the number of months (or days) you lived in each area and the number of months (or days) you worked for each employer. You must also prorate any other taxable income and your business net profit(s)/loss(es). Complete the worksheet to determine your prorated taxable income for each location and/or different tax rate. When calculating your pro-ration percentages (%), be sure to only use like days as found in the rows (W-2 Wages, Other Income, Net Profit & Net Loss) and the columns (Location/Rate). Number of Months: Count as a full month any partial month that you moved into prior to the 16<sup>th</sup> of the month, and any partial month that you moved out of after the 15<sup>th</sup> of the month. Use this same logic in calculating months worked for each employer. This rule is generally permitted, however, if the other tax office you're required to file with does not accept this method, or if tax rates differ in the areas you lived, you may be required to use a pro-ration method to the date versus to the month. We will advise you and adjust your return if this is the case.

**Special Note:** At the VERY MINIMUM you should complete all the applicable shaded sections on the Schedule P. If you have problems completing sections that require calculations, file your total annual figures on the 531 final return and we will do the pro-ration based on the information provided in the shaded blocks. Otherwise, complete all necessary sections (shaded & unshaded). Call CTCB with questions.