

City of Montgomery Individual Tax Form Instructions
Revised January 2019

The State of Ohio made significant changes to ORC718 with legislation known as House Bill 5 (HB5). As a result, municipalities throughout the State were required to pass new income tax ordinances to be in compliance with the new laws. Changes to municipal income tax went into effect with the 2016 tax year.

Notable changes: The new law has mandated that quarterly estimate payments reach a minimum of 90% of the declaration by December 15th, which equates to 22.5% due per quarter; however, the City statements will reflect 25% of the total declaration.

****CHANGE TO LATE FILING PENALTY:** Returns not timely filed will be charged a late filing penalty of **\$25.00 per month**, up to a maximum of \$150.00.

Remember!! The Tax Office offers assistance preparing Montgomery returns at no cost and no appointment is necessary. Contact the Tax Office at 513-792-8333 for information.

This form is to be used by individuals who receive income reported on Federal Forms W-2, W-2G, Form 4797, 1099-MISC, and/or Federal Schedules C, E, F or K-1. Individuals who file as Sole Proprietors of Single Member LLC's should also use this form.

IMPORTANT: Due to changes in the Federal tax forms for 2018, it is now necessary to submit the following forms in order for your tax return to be considered complete: **Copies of all W-2 forms, page 1 and 2 of the Federal 1040 form, and Schedule 1.** If applicable, please submit all supporting Federal Schedules for income shown on Lines 12, 17, 18 and 21 of the Federal Schedule 1 form. Please help us use your tax dollars wisely by including this information with your Montgomery tax form. Incomplete returns could be subject to late filing penalties.

CITY OF MONTGOMERY INDIVIDUAL TAX FORM INSTRUCTIONS

LINE 1: Enter the total qualifying wages from all W-2 forms. "Qualifying wages" generally includes amounts reported in the Medicare wage base (the amount in Box 5 of the W-2); and compensation of pre-1986 employees exempt from Medicare solely because of the Medicare grandfathering provision. Qualifying wages include, but are not limited to: Commissions, tips, settlements, 401-K contributions (Deferred Compensation), deferred annuity plans, stock options and third party sick pay.

****Attach all W-2 Forms, Pages 1 and 2 of the Federal form 1040, Federal Schedule 1, and Federal Schedules for income shown on Lines 12, 17, 18 and 21 of Federal Schedule 1, if applicable.**

LINE 2: All other taxable income. Other taxable income includes, but is not limited to: Federal Schedule 1, Line 21 income, 1099 Misc income not reported on Schedule C, lotteries and gambling winnings, director's fees, taxable HSA withdrawals and taxable scholarship distributions. Please provide documentation such as copies of Federal schedules or Forms 1099-Misc not already reported on Schedule C. (Jury Duty pay and Poll Workers' income, interest, dividends, capital gains, and/or pension/retirement income are not taxable). ****NOTE:** Business losses may not be used to offset this income.**

LINE 3: Less non-taxable income:

Part year residents: Deduct the amount of gross wages included on Line 1 that were earned outside of Montgomery during the period when you were not a resident. Income may be pro-rated for residents who move into or out of Montgomery during the current year. It is also necessary to pro-rate any credit claimed for other city tax withheld or paid. You may pro-rate your taxable income and credit by dividing the number of days lived in Montgomery by the total days in the year. Please provide documentation showing calculations.

Non residents working in and out of the City limits: Determine the tax liability by taking the total number of days worked in Montgomery divided by the total number of days worked during the year. Multiply the resulting

percentage by the total annual income from wages, including sick leave and vacation pay. Include a schedule of calculations and an itinerary of days worked outside Montgomery, listing the dates and the location of the work site. Where no record can be substantiated for number of days worked, the number 254 is to be used as the total number of days worked.

LINE 4: Total taxable qualifying income: Amounts on Line 1 and 2, minus deductions from Line 3.

LINE 5: Total Business income: Please note: The methodology for computing overall net profit or loss has changed effective January 1, 2016 as a result of changes made to Chapter 718 of the Ohio Revised Code. All income or loss from self-employment, rentals, partnerships, fees, ordinary gains and losses reported on Form 4797, and any other business activity must be netted together to arrive at an overall net profit or loss for the current year. If the netting results in an overall loss, the loss may be carried forward for a period not to exceed five (5) years. ****Business losses may not be used to offset W-2 wages or other compensation.****

Residents are subject to Montgomery tax on all business income no matter where earned. You may combine the profits and losses from all businesses reported on Schedules C, E, F, Form 4797 and K-1. Montgomery residents must report all profits or losses from rental property. The resident taxpayer may claim a credit for taxes paid to other localities. Attach copy of other city return for credit.

Schedule E – Flow-through Profits or Losses: The tax is levied on the partners, members or other owners of a flow-through entity, excluding S-Corporations. Montgomery does not tax S-Corp pass-through income. S-Corporations located within the Montgomery taxing jurisdiction are required to file a business return at the entity level. Residents of Montgomery are to report their distributive shares of income (or loss) that was not withheld on by the business. The resident taxpayer may claim a credit for taxes paid to other municipalities by the business. Non-residents of Montgomery must report profits or losses only from properties located within Montgomery.

****Note:** If rental property is located within the City of Montgomery, a current tenant listing must accompany this tax filing. A tenant listing includes name, address, move in/move out date, and phone number, if available.

To calculate total taxable business income from Schedules C, E, F, Form 4797 and K-1, please complete Worksheet A. Do not report Partnership or S-Corp income from businesses located within Montgomery on this worksheet as businesses operating in the city are required to file at the entity level and to remit the tax on behalf of all their partners. Enter the total from Column D, Line 8 of the worksheet on Line 5. NOTE: Losses sustained in tax years 2013 through 2016 may be applied to 2018 profit in their entirety. Per Ohio state law, only 50% of the losses from tax years 2017-2023 can be used to offset business income in a given year.

See following example:

	WORKSHEET A	B	C	D
	NET PROFIT / LOSS FROM BUSINESS	PROFIT	LOSS	TOTAL
1	Schedule C Income (Form 1040, Schedule 1, Line 12)	5,000	200	4,800
2	Schedule F Income (Form 1040, Schedule 1, Line 18)			
3	Schedule E Income from Rental Property (Form 1040, Schedule 1, Line 17)	1,000		1,000
4	Other Schedule E Income (Form 1040, Schedule 1, Line 17)		3,000	(3,000)
5	Ordinary Income or Loss (Form 1040, Schedule 1, Line 14) (attach Federal 4797)			
6	Total prior year losses carried forward and applied in current year 2013 _____ 2014 _____ 2015 _____ 2016 <u>\$1,000</u> TOTAL LOSSES		1,000	(1,000)
7	2017 Loss: (Amount of 2017 loss being used cannot exceed 50% of either the amount of the loss or the remaining 2018 income not offset by 2013-2016 losses) 2017 loss: \$2000		1,000	(1,000)
8	TOTALS	6,000	5,200	\$800
Enter total from Column D, Line 8 on Page 1, Line 5. Current year losses may be carried forward for five years.				

LINE 6: Total taxable income (Line 4 plus Line 5). **If Line 5 is a loss, enter only the amount on Line 4.

LINE 7: Montgomery tax: 1% of Line 6.

LINE 8a: Enter the amount of Montgomery tax withheld by employer(s). This amount is generally shown in Box 19 of the W-2 form; with the name of the locality in Box 20.

LINE 8b: Enter the total amount of paid estimated tax payments, including any amounts paid with extension.

LINE 8c: Tax withheld and paid to other cities will be found in Box 19 of the W-2 form, with the name of the locality in Box 20. Copies of W-2 forms showing this information must be included with your return in order to receive credit.

Enter the amount of taxes withheld for, and paid to another city, subject to the following limitations: Residents of Montgomery may claim a credit for taxes paid to another city, JEDD, or JEDZ up to 1% of those wages actually taxed on the W-2. The amount of credit taken against the obligation due to Montgomery shall only apply to that portion of the taxpayer's income reported to and taxed by the other municipality. Any excess credit may not be applied against other income that would otherwise be taxable to Montgomery. For example: The City of Cincinnati tax rate is 2.1%. 1% of the wages taxed by Cincinnati may be taken as credit. The 1.1% excess may not be used to offset other W-2 income, or any business or miscellaneous income.

Calculating credit: Tax withheld at a rate higher than 1% must be reduced to the 1% allowable by Montgomery. For example: The amount of tax withheld and paid to Cincinnati must be divided by 2.1 to determine the amount of allowable Montgomery credit. If a refund was issued from another city, please provide documentation, such as the city tax return or refund request. If a resident is only partially taxable to the municipality where employed, that portion of income which is not taxed by another municipality becomes taxable to the City of Montgomery at a rate of 1%. Montgomery allows credit for taxes paid to a JEDD or JEDZ (reduced to the 1% allowable); however, no credit is given for county taxes or school district taxes. Add any credits for tax paid on business income (from Worksheet B, the lessor of F1 or F2).

****Please note** – if a wage base is used other than Qualifying Wages (Box 5 of W-2), and/or it is not fully withheld at that municipality's tax rate, adjustments could be made to your return.

Use Worksheet B to calculate total credit for taxes paid to other municipalities on business income from Schedules C, E, F, Form 4797 and K-1. Add the lessor of Column F, Total F1 or Total F2 to the total W-2 credits and enter on Line 8c. See following example:

WORKSHEET B (for residents only) Credit for <u>business</u> earnings tax		List each municipality separately and add another page if needed. Attach copies of all other local tax returns for credit				
A		B	C	D	E	F
Municipality where taxes were paid:		Tax Rate	Profit	Local taxes paid	Maximum Credit Column C x 1%	Credit Allowed Lower of Column D or E
9	Cincinnati	2.1%	2,000	42.00	20.00	20.00
10	Blue Ash	1.25%	1,000	12.50	10.00	10.00
11	Loveland	1%	1,000	10.00	10.00	10.00
12	Total possible credit		4,000	64.50	40.00	F1 40.00
13	Maximum credit allowed: (Worksheet A, Column D total x 1%)					F2 8.00

Partners claiming credit for taxes withheld or otherwise paid to another municipality by a partnership must provide documentation to support this credit. Note: Credit for taxes paid to other municipalities on business income may not exceed 1% of the net business income reportable elsewhere.

LINE 8d: Enter any overpayment or credit that was carried over from a prior year.

LINE 8e: Total credits (Lines 8a through 8d)

LINE 9: Balance of tax due must accompany return. If paying by credit card, please include full card number, expiration date, and 3 or 4-digit code verification code. Payment is not required if amount due is less than \$10.00. No refund or credit will be given for amounts less than \$10.00.

Any balance greater than \$10.00 must be received on or before the due date of the return. Any tax remaining unpaid after the due date will be subject to penalty and interest charges as prescribed by the City of Montgomery Ordinance §44.1.10.

LINE 10: Overpayments will be applied to following year's estimate unless a refund is requested in writing. By law, all refunds and credits in excess of \$10.00 are reported to IRS, and a 1099-G will be issued.

LINE 11: Enter the amount of estimated taxable income for the next year. Multiply estimated income by 1%, and enter total estimated tax due for next year.

LINE 12a: Enter the estimated amount of Montgomery tax to be withheld by employer.

LINE 12b: Enter the estimated amount of allowable payments to another municipality, not to exceed 1% of that portion taxed.

LINE 13: Enter the net estimated tax due for next year (Line 11 less Line 12a and 12b.)

LINE 14a: Enter the amount of estimated tax due for first quarter (not less than 22.5% of Line 12).

LINE 14b: Enter any credit that was carried over from the prior year (from Line 10 above)

LINE 14c: Subtract Line 14b from 14a and enter the amount of the net first quarter payment. This is the first of four quarterly estimated tax payments and should be remitted with your Montgomery tax return, or no later than April 15 of the current year. Subsequent estimated payments are due on the 15th of June, September and January. Statements are based on your declaration, and will be sent prior to due date of each payment. The full amount of estimated tax may be paid with this filing or at any time throughout the year.

Note: *Due to changes mandated by the passage of Substitute House Bill 5 by the Ohio General Assembly, 90% of tax liability is due by January 15, or the 15th day of the 12th month following the beginning of the taxable year.* Taxpayers who do not meet these payment requirements could be subject to an underpayment penalty as provided by the Montgomery Income Tax Ordinance. Underpayment penalty will not apply if amount due is \$200.00 or less. The Declaration of Estimated Tax may be amended at any time throughout the year.

LINE 15: Enter and remit the total amount due (Line 9 plus Line 14c).

Extension Policy: An extension may be requested by any business or individual unable to complete their tax return by the deadline. Forms are available on our website on the Tax Office page. Beginning with tax year 2016, obtaining a federal extension will automatically extend your Montgomery due date to the approved federal date. However, the federal government does not share information with the City of Montgomery, so it is recommended that a Montgomery extension form be completed and submitted to the City. If you do not have a federal extension you must send a written extension request to the Montgomery tax office by the due date of the return. Only those extension requests received in duplicate with a self-addressed, postpaid envelope will have a copy returned.

Filing an extension does not grant an extension of time to pay.

Exemptions from filing: Any person who has not previously filed a return; is under 18 years of age and has no earned income; or any retired person who has previously filed a return establishing retired status with the City's Tax Office and who will continue to have no earned income.

Statute of Limitations Requirements: Refund requests must be made within three years from the date of your tax payment, the date the tax return was due, or within three months after the final determination of your federal income tax liability, whichever is later.

Sign and date your return. **In order to be considered a complete legal final return, you must include all W-2 forms, (showing amounts listed in Box 5, 18, 19 and 20, if applicable), page 1 and 2 of the Federal 1040 form, Federal Schedule 1, supporting schedules for income shown on Lines 12, 17, 18 and 21 of the Federal Schedule 1 form, and all other appropriate copies of federal forms and other documentation.**

Please include payment of any tax due. If you wish to pay by check, please make it payable to the **City of Montgomery**. The Tax Office accepts VISA, Mastercard, American Express and Discover cards. Credit card payments may be made by listing the card information on the tax form, or by calling the Tax Office at 513-792-8333.

Returns and payment should be mailed to:

City of Montgomery Income Tax Office
10101 Montgomery Road
Montgomery, OH 45242

****The City of Montgomery does not currently have the capability to accept electronically filed returns.**

Phone: 513-792-8333
Website: www.montgomeryohio.org

Tax Office fax: 513-891-2994
Email: cabner@montgomeryohio.org