

**2019 BENTON HARBOR
INDIVIDUAL INCOME TAX
FORMS AND INSTRUCTIONS**
For use by individual residents,
part-year residents and nonresidents

Form BH-1040

ALL PERSONS HAVING BENTON HARBOR TAXABLE INCOME IN 2019 MUST FILE A RETURN

TAX RETURNS ARE DUE APRIL 30, 2019

**MAILING
ADDRESSES**

Refund, credit forward and no tax due returns: Benton Harbor City Income Tax, PO Box 597, Benton Harbor, MI 49023
Tax due returns: Benton Harbor City Income Tax, PO Box 597, Benton Harbor, MI 49023
Amended Returns: Benton Harbor City Income Tax, PO Box 597, Benton Harbor, MI 49023
Prior-year returns: Benton Harbor City Income Tax, PO Box 597, Benton Harbor, MI 49023

**TAX RATES
AND
EXEMPTIONS**

Resident: 1%
Nonresident: 0.5%
Exemption value: \$750

**PAYMENT
OF TAX DUE**

Tax due of one dollar (\$1.00) or more must be paid with your return. **NOTE: If you are paying \$100.00 or more with your 2018 return, you may need to make estimated income tax payments for 2019. See page 2 of instructions.**
Make check or money order payable to: **CITY OF BENTON HARBOR**
Mail tax due return and payment to: Benton Harbor City Income Tax, PO Box 597, Benton Harbor, MI 49023

**FILING
YOUR RETURN**

We accept paper Go to the Benton Harbor website, <https://bhcity.us/income-taxes-forms/>, for information and forms.
Tax returns are due April 30, 2019.

CONTACT US

For assistance find us online at <https://bhcity.us> or call (269) 927-8457.
The Benton Harbor Income Tax Office is located at City Hall, 200 E Wall Street, Benton Harbor, Michigan.
Mail all tax correspondence to: Benton Harbor City Income Tax, PO Box 597, Benton Harbor, MI 49023.

Failure to attach documentation or attaching incorrect or incomplete documentation will delay processing of the return or result in corrections being made to the return.

EFFECTIVE DATE OF INCOME TAX ORDINANCE

The effective date of Benton Harbor's income tax ordinance is January 1, 2018.

WHO MUST FILE A RETURN

If you had Benton Harbor taxable income greater than the total of your personal and dependency exemptions, you must file a tax return — even if you did not file a federal tax return. See Exemptions Schedule for more information on your allowable exemptions. **You are required to file a tax return and pay tax even if your employer did not withhold Benton Harbor tax from your paycheck.** You will be required to make estimated income tax payments if you work for an employer not withholding Benton Harbor tax from your 2019 wages.

ESTIMATED TAX PAYMENTS

When your total income tax is greater than the amount of tax withheld plus other credits by \$100 or more, you may be required to make quarterly estimated tax payments. File Form BH-1040ES (available on the website) by April 30 of the tax year and pay at least one-fourth (¼) of the estimated tax. The remaining estimated tax is due in three equal payments on June 30 and September 30 of the tax year and January 31 of the following year. Adjust the remaining quarterly payments if your income increases or decreases during the year.

Failure to make required estimated tax payments or underpayment of estimated tax will result in assessment of penalty and interest.

If you have made estimated tax payments and do not owe more tax for the year, you still must file a tax return.

DUE DATE AND EXTENSIONS

Returns are due on or before April 30, 2019. If a due date falls on a weekend or holiday, the due date becomes the next business day.

The due date of the annual income tax return may be extended for a period not to exceed six months. To apply for an extension, provide a copy of the federal extension form. Application for an extension must be made and the tentative tax due must be paid (MCL 141.664). Filing an extension with payment is not a substitute for making estimated tax payments. **An extension does not extend the time for paying the tax due.**

When an extension form is filed and the balance due is paid, it may be assumed that the extension is automatically granted unless otherwise notified. Interest and penalty is charged on taxes paid late even if an extension of time to file is granted. Penalty may be waived by the Income Tax Administrator if the tax paid by the original due date is not understated by more than 5% of tax or the taxpayer is able to show that the failure to pay on time was due to reasonable cause.

AMENDED RETURNS

File amended returns using the BH-1040. Clearly mark **AMENDED** at the top of the return. If a change on your federal return affects Benton Harbor taxable income, you must file an amended return within 90 days of the change and pay the tax due. An adjustment must be made for tax paid or refunds received from the original return. Write in the tax paid or refunds received to the left of the box on page 2, Payments and Credits schedule, line 4; Include the tax paid and subtract refunds from the original return when totaling amended return payments and credits. All schedules supporting the changes should accompany the filing. Every change must be explained. Mail amended returns to: Benton Harbor City Income Tax, PO Box 597, Benton Harbor, MI 49023.

CHARGES FOR LATE PAYMENTS

All taxes remaining unpaid after the due date are subject interest at the rate of 1% above the adjusted prime rate on an annual basis and to penalty at a rate of 1% per month, not to exceed a total penalty of 25% of the tax. The minimum charge for interest and penalty is \$2.00.

DISCLAIMER

These instructions are interpretations of the Benton Harbor Income Tax Ordinance, MCLA 141.601 et seq. The City of Benton Harbor Ordinance will prevail in any disagreement between these instructions and the Ordinance.

COMPLETING YOUR RETURN

NAME, ADDRESS, SOCIAL SECURITY NUMBER

- **Always write your social security number(s) on the return.** Your social security number must agree with the SSN on the Form(s) W-2 attached to your return.
- Enter your name and, if a joint return, your spouse's name.
- If the taxpayer or spouse is deceased: attach a copy of federal Form 1310 or of the death certificate; mark (X) the box under the social security numbers indicating the taxpayer and/or spouse is deceased; if Form 1310 is attached, mark (X) box indicating the form is attached; write "deceased" in the signature area on page 2; and enter the date of death in the box on the right side of the signature line.
- Enter your **current** residence (domicile) address on the present home address line. If using a PO Box for mailing purposes, enter the PO Box number on address line 2. If using an in care of address that is not your legal residence (domicile), you must report your residence (domicile) address in the Address Schedule on page 2.

RESIDENCY STATUS

Indicate your residency status by marking (X) the proper box.

Resident – a person whose domicile (principle residence) was in the City of Benton Harbor all year. File as a resident if you were a resident the entire year.

Nonresident – a person whose domicile (principle residence) was outside the City of Benton Harbor all year. File as a nonresident if you were a nonresident the entire year.

Part-Year Resident – a person who changed their domicile (primary residence) during the year from one inside Benton Harbor to one outside Benton Harbor or vice versa. If you were a resident for only part of 2018, use form BH-1040TC to calculate the tax and attach it to the BH-1040.

Check Residency. See the Benton Harbor Income Tax Street listing to check if an address is located in the city: <https://bhcity.us/income-taxes-forms/>.

Married with Different Residency Status. If you were married in 2018 and had a different residency status from that of your spouse, file separate returns or file a part-year resident return using Form BH-1040TC to compute the tax.

FILING STATUS

Indicate filing status by marking (X) the proper box. If married filing separately, enter spouse's Social Security number in the spouse's SSN box and enter the spouse's full name in the filing status box.

INCOME EXEMPT FROM CITY TAX

Benton Harbor does not tax the following types of income:

1. Social security, pensions and annuities (including disability pensions), Individual Retirement Account (IRA) distributions received after reaching age 59½.
2. Proceeds of insurance where the taxpayer paid policy premiums. (Payments from a health and accident policy paid by an employer are taxed the same as under the Internal Revenue Code).
3. Welfare relief, unemployment compensation and supplemental unemployment benefits.
4. Interest from obligations of the United States, the states or subordinate units of government of the states and gains or losses on the sales of obligations of the United States.
5. Military pay of members of the armed forces of the United States, including Reserve and National Guard pay.
6. Michigan Lottery prizes won on or before December 30, 1988. (Michigan lottery prizes won after December 30, 1988 are taxable.)
7. Sub-chapter S corporation distributions.
8. City, state and federal refunds.

ITEMS NOT DEDUCTIBLE ON THE BENTON HARBOR RETURN

Benton Harbor does **not** allow deductions for items such as taxes, interest, medical expenses, charitable contributions, casualty and theft losses, etc. In addition, the following federal adjustments are not deductible: educator expenses; certain business expenses of reservists, performing artists, and fee-basis government officials; health savings account deduction; deductible part of self-employment tax; self-employed health insurance deduction; penalty for early withdrawal of savings; student loan interest deduction; tuition and fees; and domestic production activities deduction.

FORM BH-1040, PAGE 1, INSTRUCTIONS

TOTAL INCOME AND TAX COMPUTATION

Round all figures to the nearest dollar and report whole dollar amounts.

Lines 1 – 16, Columns A & B – Federal Data and Exclusions

In column A enter data from federal return for each line. In column B enter exclusions and adjustments to federal data.

NOTE: Schedules, attachments and other documentation that support tax withheld, exclusions, adjustments or deductions must be provided. Failure to attach or attaching incomplete supporting information will delay processing of your return or result in tax withheld, exclusions, adjustments or deductions being disallowed.

Lines 1 - 16, Column C – Figure Taxable Income

Subtract column B from column A and enter difference in column C. Support figures with schedules.

Line 17 – Total Additions

Add lines 2 through 16.

Line 18 – Total Income

Add lines 1 through 16.

Line 19 – Total Deductions

Enter the total deductions from line 7 of Deductions Schedule, page 2.

Line 20 – Total Income after Deductions

Subtract line 19 from line 18.

Line 21 – Exemptions

Enter the total number of exemptions (page 2, Exemptions Schedule, line 1h) on line 21a, multiply line 21a by \$750.00 and enter the product on line 21b.

Line 22 – Total Income Subject to Tax

Subtract line 21b from line 20. If result is less than zero, enter zero.

Line 23 – Tax

Multiply line 22 by the appropriate tax rate to compute tax liability, and enter it on line 23b. (The resident tax rate is 1%. The nonresident rate is 0.5%.) If you were a part-year resident using Form BH-1040TC to compute your tax, mark (X) line 23a, and attach Form BH-1040TC to your return.

Line 24 – Payments and Credits

Line 24a – Benton Harbor Tax Withheld by Employers.

The Benton Harbor tax withheld by each of your employers is to be reported on page 2 on the Excludible Wages and City Tax Withheld Schedule. Total Benton Harbor tax withheld, line 11 of this schedule, is reported on line 24a. The Form W-2 (Wage and Tax Statement) you received from each employer shows the tax withheld in box 19 and the locality name in box 20.

You must attach a copy of each Form W-2 showing the amount of BENTON HARBOR tax withheld and the locality name as Benton Harbor (or an equivalent indicating the tax was withheld for Benton Harbor). Credit for Benton Harbor tax withheld will not be allowed without a supporting Form W-2.

Line 24b – Other Tax Payments

Enter the total of the following: estimated tax paid, credit forward from past tax year, tax paid with an extension, tax paid on your behalf by a partnership and any credit for tax paid by a tax option corporation.

A Benton Harbor resident reporting and paying income tax on flow through income from a tax option corporation (S corporation) may claim a credit for their proportionate share of income tax paid by the tax option corporation to Benton Harbor or another city. This credit may not exceed the amount of income tax that the corporation would pay if the income was taxable in Benton Harbor. Attach documentation of tax paid.

Line 24c – Tax Credit for Tax Paid to Another City (Residents only)

Enter on line 24c the credit for income taxes paid to another city. If you had income subject to tax in another city while you were a **resident of Benton Harbor**, you may claim this credit. The credit IS NOT NECESSARILY the tax paid to the other city. This credit must be based on income taxable by both cities, and the credit may not exceed the tax that a nonresident of Benton Harbor would pay on the same income. Base the credit on the amount actually paid to another city, not the amount withheld. **You must attach a copy of the income tax return filed with the other city to receive this credit.**

Line 24d – Total Payments and Credits

Add lines 24a through 24c. Enter the total on line 24d.

Line 25 – Interest and Penalty for Failure to Make Estimated Tax Payments; Underpayment of Estimated tax; or Late Payment of Tax

Nonpayment or underpayment of estimated income tax and late payment of tax is subject to interest and penalty. You may calculate the amounts and enter interest on line 25a, penalty on 25b, and the total interest and penalty on line 25c or the city may calculate and assess it. Calculate estimated tax interest and penalty using Form BH-2210.

TAX DUE OR REFUND

Line 26 – Tax Due and Payment of Tax

If the tax on line 23b plus the interest and penalty on line 25c exceeds the total Payments and Credits on line 24d, enter the difference, the tax due, on line 26, otherwise leave blank. The tax due must be paid with the return when filed. The due date for the return is April 30, 2019.

Pay by Check or Money Order. Make the check or money order payable to the CITY OF BENTON HARBOR, place the check or money order in front of page 1 of the tax form and mail the return with the payment to: Benton Harbor City Income Tax, PO Box 597, Benton Harbor, MI 49023. Do not send cash for your tax payment. The tax is due at the time of filing the return.

Line 27 – Overpayment

If the total payments and credits on line 24d exceed the tax on line 23b plus the interest and penalty on line 25c, enter the difference, the overpayment, on line 27, otherwise leave blank. Use lines 28 through 31 to indicate what you want done with the overpayment. You must file the return even if there is no tax due, no overpayment or only a small overpayment.

Line 28 – Donation to Benton Harbor

Enter the portion of your overpayment on line 28 that you wish to donate to the City of Benton Harbor.

Line 29 – Credit Forward

Enter on line 29 the amount of overpayment to credit to the next year.

Line 30 – Refund

Enter on Line 30 the amount of the overpayment to be refunded.

Please allow 60 DAYS before calling about a refund. You may choose to receive the refund as a paper check or a direct bank deposit.

Refund Check. If you want your refund issued as a paper check, do not complete line 31 and a check will be issued for the amount on line 30.

Direct Deposit Refund. To have your refund deposited directly into your bank account, complete line 31. On line 31a, mark (X) the box "Refund (direct deposit)" and enter the bank routing number on line 31c; the bank account number on line 31d; and the account type on line 31e.

FORM BH-1040, PAGE 2 INSTRUCTIONS

EXEMPTIONS SCHEDULE

Complete the Exemptions Schedule to report and claim the number of personal and dependency exemptions allowed. **You may claim an exemption even if someone else claims you as a dependent on their return.**

Lines 1a - 1c – You and Spouse. Enter your date of birth and mark (X) the exemption boxes that apply to you. If filing jointly, complete line 1b for spouse. If you are age sixty-five or older or you are blind, you get an additional exemption. Mark (X) the boxes that apply, and enter on line 1e the total number of exemption boxes marked.

Lines 1d – Dependents. Determine dependents using the same rules as on the federal return. If you cannot claim a dependent on the federal return, you cannot claim them on a Benton Harbor return. Enter the names of your dependent children that live with you, then the names of other dependents and their relationship to you. Provide dependents' Social Security numbers and dates of birth. Enter totals on 1f and 1g.

Lines 1e - 1h – Total Exemptions. Add the amounts on 1e, 1f and 1g; enter the total on line 1h; and also enter the total on page 1, line 21a.

EXCLUDED WAGES AND TAX WITHHELD SCHEDULE

Complete columns A through F for each employer or other source of wages. In Column A enter T for taxpayer's or S for spouse's employer. In column B enter the social security number from the employer's Form

W-2, box a. In column C enter the employer's ID number from the employer's Form W-2, box b. If there are no excludible wages from an employer enter a zero (0) in Column D otherwise enter the excluded wages as reported on the Wages and Excludible Wages Schedule (Attachment 2). Complete columns E and F to report Benton Harbor income tax withheld by the employer or other source of wages. If no Benton Harbor tax was withheld, leave columns E and F blank.

The Wages and Excludible Wages Schedule (Attachment 2) must also be completed. The total wages reported on The Wages and Excludible Wages Schedule must equal the wages reported on page 1, line 1, column A and the total excluded wages on this schedule must equal the amount in the Excluded Wages and Tax withheld Schedule column d, line 11.

DEDUCTIONS SCHEDULE

You may deduct amounts that directly relate to income that is taxable by Benton Harbor, prorating where necessary. Allowable deductions include the following line number items:

Line 1 – Individual Retirement Account (IRA) Contributions

Contributions to an IRA are deductible to the same extent deductible under the Internal Revenue Code. **Attach page 1 of federal return and evidence of contribution**, which includes, but is not limited to, one of the following: a copy of receipt for IRA contribution, a copy of federal Form 5498, a copy of a cancelled check that clearly indicates it is for an IRA contribution. ROTH IRA contributions are **not** deductible.

Line 2 – Self-Employed SEP, SIMPLE and Qualified Plans

Self-employed SEP, SIMPLE and qualified retirement plan deductions may be entered on page 2, Deductions schedule, line 2.

Line 3 – Employee Business Expenses

Employee business expenses are deductible only when incurred in the performance of service for an employer and only to the extent not reimbursed by the employer. Meal expenses are not subject to the reductions and limitations of the Internal Revenue Code. Under the Benton Harbor Income Tax Ordinance meals must be incurred while away from home overnight on business.

BUSINESS EXPENSES ARE LIMITED TO THE FOLLOWING:

- A. Expenses of transportation, but not to and from work.
- B. Expenses of travel, meals and lodging while away from home overnight on business for an employer.
- C. Expenses incurred as an "outside salesperson" away from the employer's place of business. This does not include driver-salesperson whose primary duty is service and delivery.
- D. Expenses reimbursed by employer from an expense account or other arrangement if included in gross earnings.

NOTE: Business expenses claimed on line 4 of federal Form 2106 are not allowed unless taxpayer qualifies as an outside salesperson.

Complete the Employee Business Expense Deduction worksheet, Form BH-2106, to support the claimed Employee Business Expense deduction.

Line 4 – Moving Expenses

Moving expenses for moving into the Benton Harbor area are deductible to the same extent deductible under the Internal Revenue Code. Moving must be related to starting work in a new location. **Attach a copy of Moving Expense Deduction Worksheet, Form BC-3903, to support the claimed moving expense deduction.**

Line 5 – Alimony Paid

Separate maintenance payments, alimony, and principal sums payable in installments (to the extent includable in the spouse's or former spouse's adjusted gross income under the federal Internal Revenue Code) and deducted on the federal return are deductible. Child support is not deductible. **Attach a copy of federal return, page 1.**

NOTE: The above deductions are limited to the amount claimed on your federal return, except meals. The deductions are limited by the extent they apply to income taxable under the Benton Harbor Income Tax Ordinance. Part-year residents must allocate deductions the same way they allocate related income.

Line 6 – Renaissance Zone

The Renaissance Zone deduction may be claimed by: a qualified resident domiciled in a Renaissance Zone; an individual with income from rental real estate located in a Renaissance Zone; and an individual proprietor or a partner in a partnership that has business

activity within a Renaissance Zone. Individuals who qualify for the deduction **must attach Schedule RZ of BH-1040** to their return to claim the deduction.

Residents are not qualified to claim the deduction until they have been domiciled in a Renaissance Zone for 183 consecutive days. Individuals are not qualified to claim the Renaissance Zone deduction if they are delinquent for any Michigan or Benton Harbor taxes. A Benton Harbor income tax return must be filed to qualify and claim this deduction.

Line 7 – Total Deductions

Add lines 1 through 6. Enter the total on line 7 and on page 1, line 19.

ADDRESS SCHEDULE

Every taxpayer must complete the Address schedule. Complete the schedule by listing the addresses of the other principal residences (domiciles) occupied during 2018. Mark whether the address was for the taxpayer (T), spouse (S) or both (B) and enter the beginning and ending dates of residence at each.

THIRD-PARTY DESIGNEE

To authorize another person to discuss the tax return information with the Income Tax Department, mark (X) the "Yes" box and enter the person's name, phone number and any five digits as their personal identification number (PIN). To designate the tax preparer, enter "Preparer."

SIGN THE RETURN

You must sign and date the return. If filing a joint return, both spouses must sign and date the return. If someone else prepared the return, they must sign it and provide their address and telephone number.

PART-YEAR RESIDENTS

If you had income taxable as a resident and as a nonresident during the year, you must file as a part-year resident. Part-year residents compute the amount of their tax on Schedule TC. Complete the form using the instructions on the Schedule TC and the resident and nonresident Instructions.

Income is allocated according to the residency status for each item of income. Use the Wages and Excludible Wages Schedule (Attachment 2) to report wages from all employers. If taxpayer or spouse worked both in and outside of Benton Harbor for any employer when a nonresident during the year, use the Part-year Resident Wage allocation instructions for residents and nonresidents as a guide to allocate wages. Use the Excluded Wages and Tax Withheld Schedule on page 2 to report excluded wages and Benton Harbor tax withheld.

Schedule TC is available on the city website: <https://bhcity.us/income-taxes-forms/>, or call (269) 927-8457 to have a form mailed to you.

Sch. TC, Line 20a – Losses transferred between columns C and D

If Schedule TC, line 20a, column C reports a resident loss and line 20a of column D reports income, or vice versa, an adjustment may be made to offset the loss against income in the other residence status.

If line 20a, column C reports a resident loss, enter the amount of the loss on line 20b, column C, as a positive amount and in column D as a negative amount. This adjustment is limited to the amount of income in line 20a, column D.

If line 20a, column D reports a nonresident loss, enter the amount of the loss on line 20b, column D as a positive amount and in column C enter one-half of the nonresident loss in column C as a negative amount. The column D amount of this adjustment is limited to twice the amount of income on line 20a, column C.

If line 20c, column C or column D is a negative amount, it is the net operating loss allowed to be carried forward in its status as a resident or nonresident. A resident loss is allowed to be claimed as a net operating loss deduction against future income in either resident or nonresident status. A nonresident net operating loss is allowed to be claimed as a net operating loss deduction against future nonresident income, or against future resident income at one-half of the amount of the nonresident net operating loss.

RESIDENTS

Line 1 – Wages, Salaries, Tips, Etc.

The front page of the federal tax return must be attached to all resident tax returns. All W-2 forms showing wages and Benton Harbor tax withheld must be attached to page 1 of the return.

Complete the Wages and Excludible Wages Schedule to report all wages and excludible wages. The total wages from line 22 of this schedule should equal the wages reported on Form BH-1040, page 1, line 1, column A, and the wages reported on your federal tax return, Form 1040, Form 1040A or Form 1040EZ.

A resident is taxed on **ALL** earnings, including salary, bonus, separation, and incentive payments, tips, commissions and other compensation for services rendered—**no matter where earned**. Example: Taxpayer lives in the City of Benton Harbor but works in Benton Harbor and receives a paycheck from the home office in New York City: 100% of this compensation is taxable.

If your employer did not withhold Benton Harbor tax from your paycheck, you are still required to file and pay tax on those wages at the resident tax rate. *You will also be required to make estimated tax payments if your employer does not withhold Benton Harbor tax for you in 2019.*

Report on line 1, column B, the total excluded wages. All nontaxable wages must be documented on the Wages and Excludible Wages Schedule **and** listed by employer on the Excluded Wages and Tax Withheld Schedule on page 2. A resident's wages are generally not excludible. An example of excludible (nontaxable) resident wages is military pay.

Line 2 – Interest

Interest is taxable the same as on the federal return except for interest from U.S. Bonds, Treasury Bills and notes which may be excluded. Report the amount of taxable interest income from federal 1040, on line 2, column A. Report on line 2, column B, excludible interest from: U.S. Bonds and Treasury Bills and notes. Document excluded interest on the Excludible Interest Income schedule.

Line 3 – Dividends

Dividends are taxable the same as on the federal return except for dividends from U.S. Bonds, Treasury Bills and notes which may be excluded. Report on line 3, column A, the total amount of dividend income from the federal return. Report on line 3, column B, excludible: dividends from: U.S. Bonds, Treasury Bills and notes. Document all excludible dividends on the Excludible Dividend Income schedule.

Line 4 – Taxable Refunds, Credits or Offsets

NOT TAXABLE. Exclude all. No explanation needed.

Line 5 – Alimony Received

Alimony received is taxable. Report on line 5, columns A and C, the amount of alimony received as reported on the federal return.

Line 6 – Business Income

All self-employment income is taxable regardless of where the business is located. Report on line 6, columns A and C, the total business income from the federal return. **Attach a complete copy of federal Schedule C.** Federal rules concerning passive losses are applicable to losses deducted on a Benton Harbor return.

Line 7 – Capital Gain or (Loss)

The Uniform City Income Tax Ordinance follows the Internal Revenue Code regarding capital gains. All capital gains realized while a resident are taxable regardless of where the property is located, with the following exceptions:

1. Capital gains on sales of obligations of the United States and subordinate units of government.
2. The portion of the capital gain or loss on property purchased prior to the inception of the Benton Harbor income tax ordinance that is attributed to the time before inception ordinance.
3. Capital loss carryovers that originated prior to the taxpayer becoming a resident of Benton Harbor are not deductible.

Capital losses are allowed to the same extent they are allowed under the Internal Revenue Code and limited to \$3,000 per year. Unused net capital losses may be carried over to future tax years. The capital loss carryover for Benton Harbor may be different than the carryover for federal income tax purposes.

Deferred capital gain income from installment sales and like-kind exchanges are taxable in the same year reported on the taxpayer's federal income tax return.

Flow through income or loss from an S corporation reported on federal Sch. D is taxable. **Attach copies of federal Sch. K-1 (Form 1120S).**

Residents reporting capital gains or losses **must attach a copy of federal Schedule D.**

Excluded capital gains must be explained by completing and attaching the Exclusions and Adjustments to Capital Gains or (Losses) schedule.

Line 8 – Other Gains or (Losses)

Other gains or losses are taxable to the extent that they are taxable on the federal 1040. Other gains and losses realized while a resident are taxable regardless of where the property is located, except the portion of the gain or loss on property purchased prior to the inception of the Benton Harbor Income Tax Ordinance.

Deferred other gains from installment sales and like-kind exchanges are taxable in the year recognized on the federal income tax return. Deferred gains **must be supported by attaching a copy of federal Form 6252 and/or Form 8824.**

Residents reporting other gains and losses **must attach a copy of federal Form 4797.**

Flow through income or loss from an S corporation reported on federal Form 4797 of a resident is taxable. **Attach copies of federal Schedule K-1 (Form 1120S).**

Use the Exclusions and Adjustments to Other Gains or (Losses) schedule to compute exclusions and adjustments to other gains and losses reported on your federal income tax return.

Line 9 – IRA Distributions

In column A enter the IRA distributions reported on federal Form 1040 or Form 1040A. Premature IRA distributions (Form 1099-R, box 7, distribution code 1) and IRA distributions made to a decedent's beneficiary other than the decedent's spouse (Form 1099-R, box 7, distribution code 4) are **taxable**.

Exclude in column B, IRA distributions qualifying as retirement benefits: IRA distributions received after age 59½ or described by Section 72(t)(2)(A)(iv) of the IRC and all other excludible IRA distributions. The Exclusions and Adjustments to IRA Distributions schedule is used to document excluded IRA distributions.

The conversion of a traditional IRA to a ROTH IRA is taxable to a resident (Form 1099-R, box 7, Distribution Code, G) unless the individual making the conversion is 59 ½ years old or older at the time of the conversion distribution.

Line 10 – Taxable Pension Distributions

Enter on line 10, column A, pension and annuities reported on federal Form 1040 or Form 1040A. Excluded pension and retirement benefits are reported on line 10, column B and explained on the Exclusions and Adjustments to Pension Distributions schedule.

Pension and retirement benefits from the following are **not** taxable:

1. Pension plans that define eligibility for retirement and set contribution and benefit amounts in advance;
2. Qualified retirement plans for the self-employed; Benefits from any of the previous plans received on account of disability or as a surviving spouse if the decedent qualified for the exclusion at the time of death;
3. Distributions from a 401(k) or 403(b) plan attributable to employer contributions or attributable to employee contributions to the extent they result in matching contributions by the employer;
4. Benefits paid to an individual from a retirement annuity policy that has been annuitized and paid over the life of the individual.

Pension and retirement benefits from the following **are** taxable:

1. Premature pension plan distributions (those received prior to qualifying for retirement);
2. Amounts received from deferred compensation plans that let the employee set the amount to be put aside and do not set retirement age or requirements for years of service. These plans include, but are not limited to, plans under IRC Sections 401(k), 457 and 403(b):

- Amounts received before the recipient could retire under the plan provisions, including amounts paid on separation, withdrawal or discontinuance of the plan;
 - Amounts received as early retirement incentives, unless the incentives were paid from a pension trust;
3. Benefits paid from a retirement annuity policy other than annuitized benefits paid over the life of the individual are taxable to the same extent taxable under the Internal Revenue Code.
 4. Excess contributions plus earnings or excess deferrals and/or earnings taxable in current tax year (Form 1099-R, box 7, code 8). Note, Form 1099-R, box 7, code P, reports excess contributions plus earnings or excess deferrals and/or earnings taxable in the prior tax year and probably requires the filing of an amended return for the prior tax year.

Report taxable pension and retirement income on line 10, column C.

Line 11 – Rental Real Estate, Royalties, S Corporations, Partnerships, Royalties, Estates, Trust, Etc.

Income reported on federal Schedule E is taxable to a resident except for S corporation flow through income and royalty income upon which Michigan severance tax was paid. Report Schedule E income on line 11, column A. Exclude S-corporation flow through income and royalty income upon which Michigan severance tax was paid in column B and explain the exclusion on the Exclusions and Adjustments to Rental Real Estate, Royalties, S Corporations, Partnerships, Royalties, Estates, Trust, Etc. worksheet.

Line 12 – Subchapter S Corporation Distributions

The Benton Harbor Income Tax Ordinance does not tax distributions from an S-corporation.

Line 13 – Farm Income or (Loss)

Profit or loss from the operation of a farm is taxable as reported on the federal return regardless of where the farm is located. There are no exclusions. **Attach a complete copy of federal Schedule F.**

Line 14 – Unemployment Compensation

NOT TAXABLE. Exclude all. No explanation needed.

Line 15 – Social Security Benefits

NOT TAXABLE. Exclude all. No explanation needed.

Line 16 – Other Income

Other income reported on the resident's federal return is taxable except for income from recoveries related to federal itemized deductions from prior tax years. Report on this line a net operating loss carryover from the previous tax year. Report exclusions and adjustments on p. 2, using the Exclusions and Adjustments to Other Income schedule.

Line 17 – Reserved – Not used

Line 18 – Total Income

Add lines 1 through 16 of each column and enter amounts on line 18.

Line 19 – Deductions

Enter amount from Deductions schedule, page 2, line 7.

NONRESIDENTS

NONRESIDENT INCOME SUBJECT TO TAX:

1. Compensation for work done or services performed in Benton Harbor, which includes, but is not limited to, the following: salaries, wages, bonuses, commissions, fees, tips, incentive payments, severance pay, vacation pay and sick pay.
2. Net profits from the operation of an unincorporated business, profession or other activity attributable to business activity conducted in Benton Harbor, whether or not such business is located in Benton Harbor. This includes business interest income from business activity in Benton Harbor.
3. Gains or losses from the sale or exchange of real or tangible personal property located in Benton Harbor.
4. Net profits from the rental of real or tangible personal property located in Benton Harbor.
5. Premature distributions from an Individual Retirement Account (IRA) where a deduction was claimed on a current year's Benton Harbor income tax return.
6. Premature distributions from a pension plan attributable to work performed in Benton Harbor.
7. Deferred compensation earned in Benton Harbor.

Line 1 – Wages, Salaries, Tips, Etc.

All wages of a nonresident are to be reported on the Wages and Excludible Wages Schedule. The total wages from line 15 of this schedule is the amount reported on Form BH-1040, page 1, line 1, column A. The total wages should be the same as the wages reported on your federal tax return (Form 1040, Form 1040A or Form 1040EZ). **All W-2 forms showing income earned in Benton Harbor and/or tax withheld for Benton Harbor must be attached to the return.**

Report on page 1, line 1, column B, the total excluded wages from Line 16 of the Wages, Excludible Wages and City Tax Withheld schedule.

All excluded wages must be documented on the Wages and Excludible Wages Schedule and listed, by employer, on the Excluded Wages and Tax Withheld Schedule on Form BH-1040, page 2. On the Wages and Excludible Wages schedule, line 7, list the address of the work station where you performed the work for the employer and on line 19, enter the reason the wages are excludible.

Do not use box 18 of W-2 form to report taxable wages or to allocate wages, use all wages reported on your federal return as the allocation basis. A separate wage allocation must be completed for each employer. Wages are normally allocated using the actual number of days or hours worked in and outside of Benton Harbor during the tax year for an employer. Vacation time, sick time and holidays are not included in total days worked in arriving at the wage allocation percentage. Vacation pay, holiday pay, sick pay, bonuses, severance pay, etc. are taxable to same extent as normal earnings.

100% Earned in Benton Harbor. All wages, salaries, tips, sick pay, bonuses, deferred compensation, severance pay, and other compensation (Form W-2, boxes 1 and 8) is taxable to nonresidents who worked 100% of the time in Benton Harbor.

Wage Allocation. Nonresidents who performed only part of their services for an employer in the Benton Harbor must allocate their wages. Use the Nonresident and Part-Year Resident Wage Allocation section of the Wages and Excludible Wages Schedule.

Wage Allocations on Commissions, Etc. A nonresident salesperson paid on a commission basis or other results achieved should allocate wages based on commissions received or other results achieved attributable to efforts expended in Benton Harbor. A nonresident insurance salesperson paid sales commissions and renewal commissions should allocate compensation on the following basis: Allocate commissions from life, health, accident and vehicle (auto) insurance based on the location (residence) of the purchaser. Allocate commissions from group insurance based on the location of the group. Allocate commissions from fire and casualty insurance based on the location of the risk insured.

Line 2 – Interest
Non-business interest income of a nonresident is not taxable. Exclude all non-business interest income. No explanation needed.
Interest income that is business income from business activity in Benton Harbor is taxable and must be reported. Attach a schedule showing source and computation of taxable and nontaxable interest income.

Line 3 – Dividends
NOT TAXABLE. Exclude all dividend income. No explanation needed.

Line 4 – Taxable Refunds, Credits or Offsets
NOT TAXABLE. Exclude all. No explanation needed.

Line 5 – Alimony Received
NOT TAXABLE. Exclude all. No explanation needed.

Line 6 – Profit or (Loss) from a Business, Etc.
Profit or loss from the operation of a business or profession is taxable to the extent it results from work done, services rendered or other business activities conducted in Benton Harbor. Report on page 1, line 6, column A, business income reported taxable on your federal return.

The Exclusions and Adjustments to Business Income schedule is used to exclude business income. The total excluded business income from line 5 of this schedule is also entered on page 1, line 6, column B. If a business operates both in and outside of Benton Harbor, the taxable profit or loss is determined using the three factor Business Allocation Formula.

Where no work is done, services rendered or other business activity is conducted in Benton Harbor, the profit or loss is entirely excluded.

Complete the Exclusions and Adjustments to Business Income schedule to exclude profit or loss from the operation of a business.

A Benton Harbor net operating loss carryover from the previous tax year is reported on page 1, line 16, column C. See instructions for line 16.

Line 7 – Capital Gains or (Losses)

Capital gains or losses of a nonresident are included in taxable income to the extent the gains or losses are from property located in Benton Harbor. Capital losses from property located in Benton Harbor are allowed to the same extent they are allowed under the Internal Revenue Code. Unused capital losses may be carried over to future tax years. The capital loss carryover for Benton Harbor may be different than the carryover for federal income tax purposes.

Deferred capital gain income from installment sales and like-kind exchange of property located in Benton Harbor are taxable in the year recognized on the taxpayer's federal income tax return.

Flow through income or loss from an S corporation reported on a nonresident's federal Schedule D is excluded on the Exclusions and Adjustments to Capital Gains or (Losses) schedule **Attach copies of federal Schedule K-1 (Form 1120S).**

Use the Exclusions and Adjustments to Capital Gains or (Losses) schedule to compute exclusions and adjustments to capital gains. **NOTE:** A common error on a nonresident return is failure to complete the Exclusions and Adjustments schedule to exclude the capital loss carryover reported on the taxpayer's federal income tax return.

Line 8 – Other Gains or (Losses)

A nonresident's other gains and losses are included in taxable income to the extent the gains or losses are from property located in Benton Harbor. Deferred other gains and losses from installment sales and like-kind exchanges of property located in Benton Harbor are taxable in the year recognized on the taxpayer's federal income tax return. Deferred other gains must be supported by attaching a copy of federal Form 6252 and/or Form 8824.

Flow through income or loss from an S corporation reported on federal Form 4797 is excluded on the Exclusions and Adjustments to Other Gains and (Losses) schedule. **Attach copies of federal Schedule K-1 (Form 1120S).**

Nonresidents reporting other gains and losses **must attach a copy of federal Form 4797.** Use the Exclusions and Adjustments to Other Gains and Losses schedule to compute exclusions and adjustments to other gains and losses reported on the federal income tax return. On line 4 of the schedule enter the total excluded other gains or losses and also enter this total on page 1, line 8, column B.

Line 9 – IRA Distributions

That portion of a premature IRA distribution that was deducted from Benton Harbor taxable income in the current or a prior tax year (reported on Form 1099-R, box 7, distribution code 1) are taxable to a nonresident. IRA distributions received after age 59 ½ or described by Section 72(t)(2)(A)(iv) of the IRC are not taxable.

Line 10 – Taxable Pension Distributions

Premature pension plan distributions (those received by a nonresident prior to qualifying for retirement) are taxable to the same extent the normal wages from the employer are taxable.

A nonresident remaining employed by the particular employer in Benton Harbor may not exclude amounts received from deferred compensation plans that let the employee set the amount to be put aside and do not set retirement age or requirements for years of service. These plans include, but are not limited to, plans under Sections 401(k), 457 and 403(b) of the Internal Revenue Code (IRC): Amounts received before the recipient could retire under the plan provisions, including amounts paid on separation, withdrawal or discontinuance of the plan. Amounts received as early retirement incentives, unless the incentives were paid from a pension trust.

Form 1099-R, box 7, code 8, Excess contributions or excess deferrals taxable in current tax year are taxable to a nonresident to the same extent and on the same basis as the normal earnings from the specific employer

are taxable. Note: Form 1099-R, box 7, code P, reports excess contributions or excess deferrals taxable in the prior tax year and may require a nonresident to file an amended return for the prior tax year.

See Line 10 under "Residents" for additional information on nontaxable pension and retirement benefits.

Excludible pension distributions are listed on the Exclusions and Adjustments to Pension Income schedule. Enter the total excluded

pension distributions on the last line of the schedule and also enter the amount on page 1, line 10, column B.

Line 11 – Rental Real Estate, Royalties, Partnerships, S Corporations, Estates, Trusts, Etc.

All income reported on the federal Schedule E that comes from business activity in Benton Harbor or property located in Benton Harbor is taxable to a nonresident except for flow through income from an S corporation and income received from an estate or trust.

Explain all exclusions on the Exclusions and Adjustments to Income from Rental Real Estate, Royalties, Partnerships, S Corporations, Trusts, Etc. worksheet. On line 6 of this schedule enter the total exclusions and adjustments; enter also on page 1, line 11, column C.

Line 12 – Subchapter S Corporation Distributions

This line is not used on a nonresident return.

Line 13 – Farm Income or (Loss)

A nonresident's profit or loss from a farm is included in Benton Harbor income to the extent the profit or loss results from work done, services rendered or other activities conducted in Benton Harbor. The portion of the profit or loss reported on the Benton Harbor return is determined by use of the three factor Farm Allocation Percentage formula. Where no work is done, services rendered or other business activity is conducted in Benton Harbor, the entire farm profit or loss is excluded, using the Exclusions and Adjustments to Farm Income schedule.

Sales of crops at a farmer's market or produce stand in Benton Harbor is business activity, and subjects the farm to Benton Harbor income tax.

Line 14 – Unemployment Compensation

NOT TAXABLE. Exclude all. No explanation needed.

Line 15 – Social Security Benefits

NOT TAXABLE. Exclude all. No explanation needed.

Line 16 – Other Income

Other income is taxable if it is from work performed or other activities conducted in Benton Harbor. Use the Exclusions and Adjustments to Other Income schedule to document exclusions and adjustments. Report on this line a Benton Harbor-related net operating loss carryover from the previous tax year.

Line 17 – Reserved – Not used

Line 18 – Total Income

Add lines 1 through 16 of each column and enter amounts on line 18.

Line 19 – Total Deductions

Enter amount from Deductions schedule, page 2, line 7. A nonresident's deductions are limited by the extent they relate to income taxable under the Benton Harbor Income Tax Ordinance. Nonresidents must allocate deductions the same way related income is allocated. See Deductions schedule (page 2 instructions) for a list of allowable deductions.