

2017 City of Detroit Income Tax Withholding Guide

NOTE: Effective with the 2017 tax year, the Michigan Department of Treasury will administer the City of Detroit Income Tax Withholding. Taxpayers will use new forms, and submit returns and payments to new addresses. Read these guidelines for additional information. Questions about 2016 City of Detroit Income Tax Withholding returns and payments should be directed to the City of Detroit at 313-224-3315.

Who Must Withhold?

Every employer that has a location in the City of Detroit, or is doing business in the City of Detroit, even if it has no location in the City of Detroit, is required to withhold income tax from its employees. An employer is any individual, partnership, association, corporation, non-profit organization, governmental body or unit or agency, or any other entity that employs one or more persons on a salary, bonus, wage, commission or other basis whether or not the employer is in a business.

For example:

- A construction firm from Ohio doing work in the City of Detroit is required to withhold income tax from its employees.
- An employer that has locations both in and out of the City of Detroit must withhold income tax from all employees working in the City of Detroit, and from all City of Detroit resident employees working in or out of the City of Detroit.
- A non-profit organization in the City of Detroit is required to withhold income tax from its employees (although it is not engaging in business activity in the usual sense).
- Employers that are not required to withhold City of Detroit income tax may register and withhold for the convenience of their City of Detroit resident employees. Convenience withholders must comply with the registration and filing requirements outlined in these instructions.

NOTE: Employers withholding City income tax are required to file the *City of Detroit Income Tax Withholding Monthly/Quarterly Return* (Form 5325) either monthly (\$1,200 or more withheld per year) or quarterly (\$1,199 or less withheld per year) **AND** the *City of Detroit Income Tax Withholding Annual Reconciliation* (Form 5321).

From Whom to Withhold

An employer must withhold on compensation paid to the following employees:

- All residents of the City of Detroit whether or not they work inside the City of Detroit; and
- All nonresidents of the City of Detroit who have the City of Detroit as their predominant place of employment (see below).

An employee is anyone from whom an employer withholds either federal income tax or social security tax.

Compensation Subject to Withholding

City of Detroit income tax must be withheld from:

- All compensation (salaries, wages, commissions, severance pay, bonuses, etc.) of a City of Detroit resident for services rendered or work performed regardless of whether such services or work are performed in or out of the city; and
- All compensation of a nonresident for services rendered or work performed in the City of Detroit where the City of Detroit is the predominant place of employment.

Vacation, holiday, sick, severance and bonus pay to nonresidents who perform part but not all of their work or services in the City of Detroit are taxable in the same ratio as their normal activities.

Example: A nonresident employee who is subject to withholding on 60% of their earnings, because 60% of their work is performed in the City of Detroit, is also subject to withholding on 60% of their vacation, holiday, sick pay, severance pay, bonus pay or wage payments during periods of sickness.

Payments Not Subject To Withholding

Withholding does not apply to:

- Wages paid to domestic help;
- Fees paid to independent contractors who are not employees;
- Payment to a nonresident employee for work or services performed in the City of Detroit, if the predominant place of employment is not the City of Detroit;
- Payment to a nonresident employee for work or services rendered outside of Detroit;
- Pensions and annuities, worker's compensation and similar benefits;
- Amounts paid for sickness, personal injury or disability (so called excludable sick pay) to the same extent that these amounts are exempt from federal income tax, but the employer must withhold from such payments if federal tax is withheld;
- Amounts paid to an employee as reimbursement for expenses incurred in performing services.

An individual with income described in the first three bullets above is not subject to withholding on such income. The individual is nevertheless required to file an annual return and report such income if the individual is a City of Detroit resident, or is a nonresident earning such income in the City of Detroit.

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City Of Detroit Withholding Tax Guide:

The Michigan CPA. ,1973-07 Michigan CPA. ,1973 **Journal of the Common Council of the City of Detroit** ,1885 Multistate Sales Tax Guide ,1992 **State Taxation of Employees in Interstate Commerce** United States. Congress. Senate. Commerce,1964 **Official Michigan Tax Guide** ,1997 **Study of Food Marketing** United States. Congress. Senate. Committee on Commerce,1964 **State Income Taxes** ,1992 **Soldier's Tax Guide** Robert Davis Ross,1944 A Selection of ... Internal Revenue Service Tax Information Publications ,1990 **Books and Pamphlets, Including Serials and Contributions to Periodicals** Library of Congress. Copyright Office,1968 *Standard Federal Tax Reporter* Commerce Clearing House,2008 Includes legislation U S Tax Court and other court decisions and U S Treasury decisions **Public Utilities Fortnightly** ,1945 **Western City** ,1944 **The National Public Accountant** ,1972 Catalog of Copyright Entries. Part 1. [B] Group 2. Pamphlets, Etc. New Series Library of Congress. Copyright Office,1943 **Catalogue of Title-entries of Books and Other Articles Entered in the Office of the Librarian of Congress, at Washington, Under the Copyright Law ... Wherein the Copyright Has Been Completed by the Deposit of Two Copies in the Office** Library of Congress. Copyright Office,1943 Catalog of Copyright Entries. Third Series Library of Congress. Copyright Office,1955 *Accountants' Index* American Institute of Certified Public Accountants,1963 Annual Report of the State Treasurer Michigan. Dept. of Treasury,Michigan. Treasury Dept,1971

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