

# Instructions for Form 5297

## City of Detroit Corporate Income Tax return

---

### Filing Requirements

---

Every corporation “doing business” in the city, whether or not it has an office or place of business in the city, is required to file an annual *City of Detroit Corporation Income Tax Return* (Form 5297). Attach a copy of federal Form 1120, 1120S, or other corporate return form along with Schedule K and all ancillary schedules filed with the IRS to Form 5297.

Every corporation with an annual corporate income tax liability of more than \$250 must make quarterly tax payments.

Corporations cannot elect to file and be taxed as partnerships. A tax option corporation (S corporation, REIT, etc.) is treated as a corporation.

The City of Detroit Corporate Income Tax Ordinance specifically exempts financial institutions and insurance companies from taxation. “Financial institutions” are defined as state and national banks, trust companies, building and loan associations, savings and loan associations, credit unions, safety and collateral deposit companies, and any other association, joint stock company or corporation at least 90% of whose assets consist of intangible personal property and at least 90% of whose gross income consists of dividends, interest or other charges resulting from the use of money or credit.

All City of Detroit’s income tax forms are available on the State of Michigan Web site, [www.michigan.gov/citytax](http://www.michigan.gov/citytax).

---

### Amending

---

If a taxpayer needs to correct a return filed previously, use a new Form 5297 to file an amended return. Be sure to check the amended return box at the top of page 1 of Form 5297 and complete line 9 and lines 44 through 46. An amended income tax form is required to be filed with any adjustments resulting from an IRS audit.

See line 9 instructions for additional information.

---

### Renaissance Zone Deduction

---

A qualified corporation located and “doing business” in a Detroit Renaissance Zone may be eligible to claim the Renaissance Zone Deduction. This deduction allows the corporation to deduct the portion of its income earned in a Renaissance Zone from income subject to City of Detroit income tax. A taxpayer is not qualified to claim the deduction if the corporation is delinquent for any Michigan or local taxes. A City of Detroit income tax return must be filed to claim this deduction. *City of Detroit Corporate Renaissance Zone Schedule* (Form 5298) is required to be attached to the corporation return when claiming the Renaissance Zone deduction.

A taxpayer claiming the City of Detroit Corporate Renaissance Zone Schedule will file form 5298 to compute the deduction. City of Detroit Corporate Renaissance Zone Schedule, form 5298 is designed to handle all calculations relative to the deduction.

The calculation is complicated by the fact that the deduction is reduced in each of the last 4 years of the zones existence and the fact that the reduction factors are based on a calendar year. See the instructions for Schedule Form 5298 for additional information.

---

### Tax Rate

---

The City of Detroit Corporate Income Tax rate for 2021 is 2.0%.

---

### Filing Date

---

Taxpayers on a calendar year are required to file by April 15, 2022. Those on a fiscal year must file by the 15th day of the fourth month following the end of the fiscal year. Returns shall be for the same calendar year, fiscal year or other accounting period as the taxpayer uses for federal income tax purposes.

---

### Completing City of Detroit Forms

---

The information from paper City of Detroit Corporate Income Tax returns is captured using an Intelligent Character Recognition process. If completing a paper return, avoid unnecessary delays caused by manual processing by following the guidelines below so the return is processed quickly and accurately.

- **Use black or blue ink.** Do not use pencil, red ink, or felt tip pens. Do not highlight information.
- **Print using capital letters** (UPPER CASE). Capital letters are easier to recognize.
- **Print numbers like this:** 0123456789. Do not put a slash through the zero (Ø) or seven (7).
- **Fill check boxes with an [X].** Do not use a check mark [✓].
- **Leave lines/boxes blank** if they do not apply or if the amount is zero, unless otherwise instructed. (See instructions for lines 16, 17 and 18.)
- **Stay within the lines** when entering information in boxes.
- **Report losses and negative amounts with a negative sign in front of the number (do not use parentheses).** For example, a loss in the amount of \$22,459 should be reported as -22,459.
- **Percentages should be carried out four digits to the right of the decimal point.** Do not round percentages. For example, 24.154266 percent becomes 24.1542 percent. When converting a percentage to a decimal number, carry numbers out six digits to the right of the decimal point. For example, 24.154266 percent becomes 0.241542.
- **Report all amounts in whole dollars.** Round down amounts of 49 cents or less. Round up amounts of 50 cents or more. If cents are entered on the form, they will be treated as whole dollar amounts.

---

## Request for Extension

---

If additional time is needed to file the City of Detroit annual income tax return, request a city extension by filing an *Application for Extension of Time to File City Corporate Income Tax Return* (Form 5301). Treasury may extend the time for filing up to six months. When an extension is requested, the tentative tax must be paid. **An extension of time to file is not an extension of time to pay.**

---

## Remittance

---

The payment due from line 51 must be paid when filing the return. Make check or money order payable to: State of Michigan — Detroit. Print taxpayer FEIN, tax year and “Detroit Corporate Tax” on the front of the check. Do not staple the check to the return.

Mail all returns to:

Michigan Department of Treasury  
PO Box 30811  
Lansing MI 48909

---

## Effective Date of Tax

---

The City of Detroit income tax became effective July 1, 1962. Corporations are required to pay tax each year on that part of its net income attributable to business activity conducted in Detroit, commencing with its first year ending after July 1, 1962.

---

## Accounting

---

The taxpayer may request, or the administrator may require, use of the separate accounting method. If such method is requested, the administrator may require a detailed statement to determine whether the net profits attributable to the City will be apportioned with reasonable accuracy (Ordinance Section 19). Corporations must attach a letter from administrator approving the separate accounting method.

Generally, a corporation that is unitary in nature (i.e., has central management, purchasing, warehousing, advertising, etc.) cannot use separate accounting. Taxpayers allocating on any basis other than separate accounting shall include all interest, dividends and other non-operating income to arrive at the total income subject to the allocation percentage.

Taxpayers using separate accounting shall include in income subject to tax a proportionate share of dividends, interest and other non-operating income of the total corporation. This type of income is apportioned to City of Detroit activity on the same basis as general administrative and overhead costs are apportioned.

---

## Line-by-Line Instructions

---

Lines not listed are explained on the form.

**Line 2:** If not a calendar-year taxpayer, enter the beginning and ending dates (MM-DD-YYYY) that correspond to the taxable period included in this return.

*Tax year* means the calendar year, or the fiscal year ending during the calendar year, on which the tax base of a taxpayer is computed. If a return is made for a part of a year, tax year

means the period for which the return is made. Generally, a taxpayer's tax year is for the same period as is covered by its federal income tax return.

**Line 4:** Enter the taxpayer's FEIN. Be sure to use the same account number on all forms. Also, the taxpayer's FEIN from line 4 must be repeated at the top of page 2.

**Line 5:** Enter the complete address, including the two-digit abbreviation for the country code.

A complete list of country codes is available online at [michigan.gov/citytax](http://michigan.gov/citytax). Commonly used country codes are listed below:

United States	US
Canada	CA
Mexico	MX

**NOTE:** Any correspondence regarding the return filed and/or refund will be sent to the address provided on this form. The taxpayer's primary address in Treasury files, identified as the legal address and used for all purposes other than refund and correspondence on a specific corporate income tax return, will not change unless the taxpayer files a *Notice of Change or Discontinuance* (Form 163) with Treasury.

**FOREIGN FILERS:** Complete the address fields as follows:

**Address:** Enter the postal address for this taxpayer.

**City:** Enter the city name for this taxpayer. **DO NOT** include the country name in this field.

**State:** Enter the two-letter state or province abbreviation. If there is no applicable two-letter abbreviation, leave this field blank.

**ZIP/Postal Code:** Enter the ZIP Code or Postal Code.

**Country Code:** Enter the two-letter country code.

**Line 6:** Enter the entity's six-digit North American Industry Classification System (NAICS) code as reported on the federal return. For a complete list of six-digit NAICS codes, see the U.S. Census Bureau Web site at [www.census.gov/eos/www/naics/](http://www.census.gov/eos/www/naics/), or enter the same NAICS code used when filing the entity's federal Form 1120, Schedule K.

**Line 9:** Using the table below, select the two-digit code that best represents the reason for amending the return.

01	Increasing tax liability.
02	Decreasing tax liability. <b>(If amending due to decreasing tax liability, include an explanation.)</b>
03	Incorrect information/figures reported on original return.
04	Original return was missing information/incomplete.
10	Other.

If selecting “Other,” include an explanation.

**Line 13:** Enter the two-digit code that best represents the reason for discontinuance from the table below.

01	Business has closed.
02	Business was sold/merged with other entity.

03	Business no longer operates in the City of Detroit.
10	Other.

If selecting "Other," include an explanation with this return.

**NOTE:** Completing this line will discontinue a City Corporate Income Tax only. To discontinue any Michigan tax, file a *Notice of Change or Discontinuance* (Form 163) or go to Michigan Treasury Online.

### Income Apportionment

**SPECIAL INSTRUCTIONS for lines 16, 17 and 18:** If the amount to report on any of these lines is zero, enter the numeric zero (0). **DO NOT** write "none."

**Line 16a:** Enter the average net book value of real and tangible personal property located in the city limits of Detroit. The average net book value of real and tangible personal property may be determined by adding the net book values at the beginning of the year and the net book values at the end of the year and dividing the sum by two.

**Line 16b:** Enter the gross annual rent multiplied by 8 for rented real property located in the city limits of Detroit. Gross annual rent refers to real property only, rented or leased during the taxable period, and should include the actual sums of money or other consideration paid, directly or indirectly, by the taxpayer for the use or possession of such property.

**Line 16d:** Enter the total compensation paid to all employees during the year for work or services performed within the City of Detroit.

**Line 16e:** Enter the amount of total gross revenue derived from sales made or services rendered in the City of Detroit during the year.

**Line 17a:** Enter the average net book value of real and tangible personal property owned by the business regardless of location. See the instructions for line 16a to determine average net book value.

**Line 17b:** Enter the gross annual rent multiplied by 8 for all rented real property regardless of location. See the instructions for line 16b for more information on gross annual rent.

**Line 17d:** Enter the total compensation paid to all employees during the year.

**Line 17e:** Enter the amount of total gross revenue derived from all sales made or services rendered during the year.

**Line 18e:** If a factor does not exist, divide the sum of the percentages by the number of factors actually used. In determining the business apportionment percentage, a factor shall be excluded from the computation only when such factor does not exist anywhere insofar as the taxpayer's business operation is concerned and thus lines 17c, 17d, or 17e are \$0.

**Line 19:** Enter profit (or loss) from your Federal Corporation Income Tax Return. Attach a copy of the Federal Form 1120 or 1120S, Schedule K and all ancillary schedules filed with the IRS to support line 19. If zero enter zero. If negative, enter as a negative.

**Subchapter S Corporations:** Complete Worksheet A below.

WORKSHEET A		
1. Ordinary income (loss) from trade or business (per federal 1120S) .....		00
2. Income (loss) per Schedule K, federal 1120S, lines 2 through 10.....		00
3. Total income (loss). Add line 1 and line 2.....		00
4. Deductions per Schedule K, federal 1120S .....		00
5. Taxable income before net operating loss deduction and special deductions. Subtract line 4 from line 3, and carry to Form 5297, line 19.....		00

**Lines 20 through 32:** Enter all amounts as a positive number.

**Line 20:** Nondeductible portion of loss is determined by either (1) computing the difference between the total gain or loss for the property as reported for federal income tax purposes and the City of Detroit taxable portion of the loss computed by substituting the fair market value of the property on July 1, 1962, (the June 30, 1962, closing price for traded securities) for the basis in determining gain or loss; or (2) by multiplying the loss for the entire holding period, as computed for federal income tax purposes, by a fraction, the numerator being the number of months the property was held prior to July 1, 1962 and denominator being the total number of months the property was held.

**Capital losses from U.S. Government obligations included in income reported on line 19 are not deductible. Remove these losses by including them in the amount reported on line 20.**

**Line 21:** Enter all expenses (including interest expense) incurred in connection with income not subject to city income tax.

**Line 22:** Enter Detroit city income tax paid or accrued during the tax year and deducted to arrive at federal taxable income.

**Line 23:** Enter the losses from entities filing as partnerships included in taxable income reported on line 19 or other items to be added back.

**Line 26:** Enter the amount of interest income from obligations of the United States, the states or subordinate units of government of the state that is included in taxable income reported on page 1, line 19.

**Line 27:** If you reported dividend income, enter on this line the amount of the dividend-received deduction allowed by the federal Internal Revenue Code for dividends received.

**Line 28:** Taxpayers may deduct income, war profits and excess profits taxes imposed by foreign countries or possessions of the United States, allocable to income included in taxable net income, any part of which would be allowable as a deduction in determining federal taxable income under the applicable provisions of the federal Internal Revenue Code. If a foreign

tax credit, rather than a foreign tax deduction, was claimed on your federal return form 1120, Schedule C, line 15 enter the portion of the foreign tax credit which was grossed up and included in your City of Detroit return as dividends received.

**Line 29:** Enter the “foreign taxes paid or accrued” portion of the foreign tax credit claimed on the federal return, not in excess of the federal limitations. The balance of your foreign tax credit is not deductible.

**Line 30:** Enter the nontaxable portion of a gain from the sale or exchange of property acquired prior to July 1, 1962. The portion of the gain occurring prior to the inception of the Ordinance, July 1, 1962, is not taxable. See the instructions for line 20 on options for determining the portion of the gain that occurred prior to July 1, 1962.

**Capital gains from U.S. Government obligations included in income reported on Federal Form 1120, page 1, line 8, are not taxable. Remove these gains by including them in the amount reported on line 30.**

**Line 31:** Enter income from other sources including schedules (i.e. entities filing as partnerships, Federal Form 1065, Schedule K).

Include on this line, any income from partnerships that has been claimed and paid on the *City of Detroit Income Tax Partnership Return*, Form 5458. Include proof of payment or other supporting documentation”

**Line 35:** Net operating loss carried forward are to be reported on this line. There is no provision for carrying back losses to prior two years. Carryover losses are to be allocated to Detroit at the percentage of business conducted in Detroit in the year in which the loss was sustained. If all business was not conducted in Detroit in the year in which the loss was sustained, use the business allocation percentage formula to arrive at the deductible portion of the loss. Attach a schedule showing your computation for the amount reported on this line.

**Line 37:** Enter total on line 8, Form 5298, for the Renaissance Zone Deduction.

**Line 48:** If Line 39 is greater than \$250 and the sum of lines 40 and 41 is less than 70% of line 39, complete Form 5324 and enter any penalty and interest due.

**Line 49:** Penalty accrues monthly at 1 percent of the tax due and unpaid, and increases by an additional 1 percent per month, or fraction thereof until the tax is paid (e.g., penalty on a \$500 tax due will be \$30 if the tax is unpaid for six months). The maximum penalty is 25%.

**Line 50:** If applicable, the interest rate is 1 percent above the adjusted prime rate and is adjusted on January 1 and July 1 of each year. Interest is charged from the original due date of the return to the date the balance of the tax is paid.

**NOTE:** The interest rate is adjusted by Treasury on January 1 and July 1 of each year to 1 percent above the adjusted prime rate, and is posted as a Revenue Administrative Bulletin (RAB). For updated interest rates, go online to [michigan.gov/taxes](http://michigan.gov/taxes) and select “Reports and Legal” in the banner near the top of the page. The applicable RAB is titled “Interest Rate.”

**Line 52:** If the amount of the tax overpayment, less any penalty and interest due on line 48, 49 and 50 is less than zero, enter the difference (as a positive number) on line 51. If the amount is greater than zero, enter on this line.

**NOTE:** If an overpayment exists, a taxpayer may elect a refund of all or a portion of the amount and/or designate all or a portion of the overpayment to be used as an estimate for the next tax year. Complete lines 53 and 54 as applicable.