

GENERAL INSTRUCTIONS

Purpose of Form

Use this schedule if a PA S corporation or partnership has nonresident members or is located in a Keystone Opportunity Zone (KOZ) and derives business income from sources within and outside Pennsylvania, and/or if the entity's accounts and records do not clearly reflect its activity from within Pennsylvania. If one or more of the partners is a C corporation, the partnership must also complete PA-20S/PA-65 Schedule H-Corp and submit a copy to each corporate partner.

If an entity receives a federal Schedule K-1 from another pass through entity, DO NOT USE THIS SCHEDULE TO APPORTION PA SOURCE INCOME FROM THE ENTITY. Report the information on PA-20S/PA-65 Information Return, Part I, Line 1b and Part II, Lines 2b and 2f.

The PA-20S/PA-65 Schedule H applies to both PA S corporations and partnerships, including limited liability companies filing as S corporations and partnerships.

Allocating Income

A PA S corporation or partnership must allocate net income (loss) from the operation of its business, profession or farm according to the following rules:

1. Operation Wholly Within Pennsylvania

If the operation of the business is wholly within Pennsylvania, the entity allocates income (loss) exclusively to Pennsylvania. The operation of a business is wholly within Pennsylvania if, during the entire taxable year:

- a. The entity or its representative, maintained or operated within Pennsylvania an office, shop, store, warehouse, factory, agency or commercial establishment where it systematically and regularly conducted or managed such business; and
- b. The entity or its representative, did not maintain and operate outside Pennsylvania any office, shop, store, warehouse, factory, agency or commercial establishment where it systematically and regularly conducted or managed such business.

For purposes of this rule, do not take into account any establishment maintained or operated by a representative of a PA S corporation or partnership if the representative acted as an independent contractor.

2. Operation Wholly Outside Pennsylvania

If the operation of the business is wholly outside Pennsylvania, the entity cannot allocate to Pennsylvania any item of income (loss), cost, or expense that it derives or incurs. The operation of a business is wholly outside Pennsylvania if, during the taxable year:

- a. The entity does not conduct in Pennsylvania any acts or transactions in the ordinary course of operating its business; or
- b. The entity only conducts in Pennsylvania acts or transactions in the ordinary course of operating its business that, with a fair measure of permanency or continuity, are either or both of the following:

- i. The solicitation of orders or sales sent outside Pennsylvania for approval or rejection and, if approved, are filled by shipment or delivery of goods or services from a point outside Pennsylvania; or
- ii. The solicitation of orders in Pennsylvania by the entity or entity representative to a prospective customer, and such customer sells entity's product to its customers via solicitation as described in paragraph 2 b. i.

For purposes of the above, an entity is not engaged in business activities within Pennsylvania during a taxable year merely by reason of sales of tangible personal property in Pennsylvania or the solicitation of orders for sales of tangible personal property in Pennsylvania on behalf of the entity by one or more independent contractors that maintain an office in Pennsylvania solely for making sales or soliciting orders for sales.

3. Operation Partly Within Pennsylvania

When an entity operates a business that is neither wholly within nor wholly outside Pennsylvania under the above definitions, it allocates by separate accounting if:

- a. The business operations within Pennsylvania and the business operations outside Pennsylvania constitute independent profit centers, meaning there are no transfers of finished or partly finished goods, raw materials, supplies, services, or operational assets interspersed; each center is free to buy outside; and because of geographical location, no center is in direct competition with another; and
- b. The entity keeps its books so revenues, costs, and expenses attributable to Pennsylvania operations can be properly disclosed.

Otherwise, the entity must complete a PA-20S/PA-65 Schedule H.

Submit a statement that lists all places both within and outside Pennsylvania where the PA S corporation or partnership conducts business activity or farming. Include the street address, city, state, and the type of business, profession or farm.

Table 1 – Property Factor (Real Estate and Tangible Property)

The property factor is a fraction. The numerator is the average value of real and tangible personal property employed in the business and located in Pennsylvania. The denominator is the average value of the real and tangible property employed in the business everywhere.

Calculating Property Factor

- The PA S corporation or partnership values owned property at its original cost.
- Real property includes property the entity rents and uses in the business.
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- The entity values rental property by multiplying the gross rents paid during the taxable year by 8.
- If the values of the Pennsylvania real or tangible personal property the entity employs in its business are zero at the beginning of any month during the taxable year, the entity determines its average value of property by averaging the values at the beginning and ending of the taxable year. Otherwise, the entity determines its average value of property by averaging the monthly values.
- Gross rents are the sum of money or other consideration paid directly or indirectly by the PA S corporation or partnership for its benefit for the use or possession of the property. Gross rents include:
 - The amount paid for the use or possession of real property or any part thereof, whether designated as a fixed sum of money or a percentage of sales, profits, or otherwise.
 - The amount paid as additional rent, or instead of rent, the amount the entity paid in interest, taxes, insurance, repairs, or other amounts under the terms of a lease or other arrangement.
 - The portion of the cost of any improvement to real estate made by or on behalf of the taxpayer, which reverts to the owner or the lessor upon termination of the lease or other arrangement based on the unexpired term of the lease commencing with the completion date of the improvement, or the life of improvement, if its life expectancy is less than the unexpired term of the lease. If the entity (or another erects on behalf of the entity) erects a building on leased land, the entity determines the value of the land by multiplying the gross rent by 8 and the value of the building in the same manner as if owned by the PA S corporation or partnership. The proportional cost of an improvement (other than the building on leased land) is generally equal to the amount of allowable amortization in calculating Pennsylvania net income, whether the lease does or does not contain an option of renewal.

Gross rents shall not include:

- Any portion of a payment or credit to the proprietor of the business or to a shareholder or partner in the PA S corporation or partnership conducting the business for the use of real property.
- Amounts payable for separate charges for water and electric service furnished by the lessor.
- Amounts payable for storage if no designated space under the control of the taxpayer as a tenant is rented for storage purposes.
- That portion of any rental payment that, at the discretion of the department, is applicable to property subleased by the taxpayer and not used by him or her in conducting business.

Table 2 – Payroll Factor (Wages, Salaries, Commissions, and Other Compensation)

The payroll factor is a fraction. The numerator is the total current employee wage and salary expense for the taxable year the PA S corporation or partnership incurs in connection with its business activity within Pennsylvania. The denominator is the total current employee wage and salary expense the entity incurs in connection with its business everywhere.

Determining Payroll Factor

The entity incurs employee wage and salary expense in connection with its business activity in Pennsylvania if one of the following applies:

- The employee performs personal services entirely within Pennsylvania;
- The employee performs personal services outside Pennsylvania that are incidental to the usual services the employee performs in Pennsylvania; or
- The employee performs some personal services in Pennsylvania, and at least one of the following applies:
 - The employee's base of operations is in Pennsylvania;
 - The place from which the employee receives direction or control is in Pennsylvania; and/or
 - The employee is a resident of Pennsylvania.

Base of operations refers to the place or fixed center from which the individual works. An individual's base of operations may be his/her business office, or a place at which the employee is to receive directions and instructions if the contract of employment so specifies. In the absence of more controlling factors, an individual's base of operations may be the place to which he/she has business mail, supplies, and equipment sent, or the place where he/she maintains business records.

Table 3 - Sales Factor (Sales)

The sales factor is a fraction. The numerator is total gross receipts derived from sales in Pennsylvania during the taxable year. The denominator is total gross receipts derived from all sales during the taxable year.

Calculating Sales Factor

For purposes of calculating the sales factor, only sales of stock-in-trade or inventory held primarily for sale to customers in the ordinary course of the business, sales of services to customers, and sales of operational assets shall be taken into account. A sale of stock-in-trade or inventory is in Pennsylvania if:

- The seller delivers or ships the property from outside Pennsylvania into Pennsylvania to any purchaser other than the federal government.
- The seller delivers or ships the property from Pennsylvania and the purchaser is the federal government.

- The seller delivers or ships the property from Pennsylvania to another state or country, and the other state or country has no jurisdiction to tax the net income of the business derived from such sales.
- The seller delivers or ships the property from a point within Pennsylvania to a purchaser in Pennsylvania. A sale of services is in Pennsylvania if the seller performs the services wholly within Pennsylvania.

A sale of services is in Pennsylvania if the seller performs a greater portion of the services in Pennsylvania than outside Pennsylvania, based on cost or performance. A sale of an operational asset in Pennsylvania is a sale of property within Pennsylvania.

Allocating Gain (Loss) from the Disposition of Tangible Property

Generally, the revenue, cost, expense, and liability that a PA S corporation or partnership derives from or incurs in the sale, exchange or disposition of real property or tangible personal property is entirely derived from or incurred in the state or country in which the property is physically located.

Special rules, however, apply with respect to the following:

- Stock-in-trade or other property of a kind the entity includes in its inventory at the close of the taxable year;
- Property the entity holds primarily for sale to customers in the ordinary course of its business operations; and
- Assets the entity employs in and serves as an operational function in the operation of the business.

The general rule for apportionment applies with respect to such assets if:

- The entity disposes of the assets pursuant to the sale, discontinuation, or abandonment of a business or segment thereof; or
- The entity does not reasonably expect the abnormal sale or disposition to recur in the near future.

Otherwise, the PA S corporation or partnership allocates the gain (loss) under the rules applicable to allocating income (loss). Refer to Table 3, Classified Gains (Losses) for PA-20S/PA-65 and Reporting Gains (Losses) for Pennsylvania personal income tax in the PA-20S/PA-65 general instructions.

The entity may not take into account any item of revenue, cost, expense, or liability allocable to a state or country other than Pennsylvania in calculating its income from Pennsylvania sources.

Gain (Loss) from the Disposition of Intangible Personal Property

Generally, the revenue, cost, expense and liability that the PA S corporation or partnership derives from or incurs in the sale, exchange or disposition of intangible personal property from the disposition of a going concern, is derived from or incurred in the state or country in which the entity has physical presence. The general rule for apportionment applies with respect to these assets if:

- The entity disposes of the asset pursuant to the sale, discontinuation, or abandonment of that business or segment thereof; or
- The entity does not reasonably expect the abnormal sale or disposition to recur in the near future.

Otherwise, the entity allocates gain (loss) under the rules applicable to allocating income (loss).

Interest Income

Generally, the PA S corporation or partnership allocates any item of interest, cost, expense or liability incurred in the production of interest.

However, special rules apply with respect to the following:

- Interest the PA S corporation or partnership derives from, and costs, expenses or liabilities the PA S corporation or partnership incurs in connection with, purchase money mortgages on real estate or land contracts;
- Interest the PA S corporation or partnership derives from -- and costs, expenses or liabilities the PA S corporation or partnership incurs in connection with -- assets it employs as working capital (generally current assets) in its business and from accounts and notes receivable from sales or products or services its sell in the ordinary course of business; and
- Interest incidental to the production or collection of rental or royalty income.

The PA S corporation or partnership apportions such items under the rules applicable to apportioning net profits (losses). Therefore, classify interest income associated with current assets as net profits from a business, profession or farm.

Dividend Income

Generally, the PA S corporation or partnership allocates any item of dividend, cost, expense or liability incurred in the production of dividends. The special rules for allocating interest income described above also apply to dividend income.

NOTE: Include interest and dividend income when it is reportable as net profits from the operation of a business. If interest and dividend income were reclassified for Pennsylvania personal income tax purposes on PA-20S/PA-65 Schedule M, then it would be reported on PA-20S/PA-65 Schedule H. If not reclassified, interest and dividend income are not reportable on PA-20S/PA-65 Schedule H.

Rental Income from Real Estate

Rent the PA S corporation or partnership derives from real estate that it does not employ in the operation of its business -- and costs, expenses, and liabilities the entity incurs in the production or collection of such rents -- are allocable to Pennsylvania only if the rental property is in Pennsylvania.

Rental Income from Tangible Personal Property Rents

The PA S corporation or partnership allocates the rent it derives from tangible personal property it does not employ in its business operation

and costs, expenses and liabilities that it incurs in the production or collection of such rents -- by multiplying the net rent by a fraction. The numerator is the number of days the property is physically in Pennsylvania during the rental period. The denominator is the number of days for all rental periods in the taxable year.

If the physical location of the property during the rental period is unknown, the entity allocates it to the state or country in which the property was located at the time the rent payer obtained possession.

Royalties from Real Property

Proceeds derived from non-operating interests in coal, oil, gas, or other minerals in place and costs, expenses, and liabilities incurred in the production of such receipts -- are allocable to Pennsylvania only if the property from which the operating interests are served is located in Pennsylvania.

Royalties from Patents and Copyrights

The PA S corporation or partnership allocates patent and copyright royalties not includable in the calculation of net profits from the operation of a business -- and the costs, expenses, and liabilities incurred in the production and collection of such royalties -- to Pennsylvania only if and to the extent that:

- The payer employed the patent in the production, fabrication, manufacturing, or other processing in Pennsylvania; or
- The payer produced the patented products in Pennsylvania; or
- The payer originates the printing or publication in Pennsylvania.

Allocating Income from Estates or Trusts

Estates or trusts must provide each beneficiary a PA-41 Schedule RK-1 and NRK-1 detailing the beneficiary's share of income, credits, and distributions during the taxable year. The PA-41 Schedules RK-1 and NRK-1 list each resident beneficiary's resident taxable income or nonresident taxable income, respectively. The nonresident taxable income represents the beneficiary's total net income or gain derived through the estate or trust that the beneficiary must allocate to Pennsylvania.

SPECIFIC TABLE INSTRUCTIONS

Net Business Income (Loss) Apportionment Formula

The entity must calculate a figure as required in 1C, 2C and 3C to apply to net business income (loss) to determine the amount from within Pennsylvania. The figure is an average of the sum of three factors shown below.

Submit a statement listing all places within and outside Pennsylvania where the entity operates its business.

NOTE: If the entity is a railroad, truck, bus, airline, pipeline, natural gas or water transportation company, do not complete Table 1, 2 or 3. Only complete the special apportionment (single-factor apportionment) calculation at the bottom of the schedule.

Table 1. Property Factor (Real Estate and Tangible Property)

Column A – Total Everywhere

Enter the average value of the real and tangible personal property owned or rented and used in business or farming, within and outside Pennsylvania.

Column B – Within Pennsylvania

Enter the average value of the real and tangible personal property owned or rented and used in business or farming within Pennsylvania. Refer to Table 1 on Page 1 and 2 on how to calculate average value.

Table 1. Line 1C – Property Factor

Divide Line 1B by Line 1A. Calculate to six decimal places. Enter the amount.

Table 2. Payroll Factor (Wages, Salaries, Commissions, and Other Compensation)

Column A – Total Everywhere

Enter the total compensation paid within and outside Pennsylvania during the taxable year.

Column B – Within Pennsylvania

Enter the total compensation paid within Pennsylvania during the entire taxable year. Refer to Table 1 on Page 1 and 2 on how to calculate average value.

Table 2. Line 2C – Payroll Factor

Divide Line 2B by Line 2A. Calculate to six decimal places. Enter the amount.

Table 3. Sales Factor (Sales)

Column A – Total Everywhere

Enter the total sales within and outside Pennsylvania during the entire taxable year.

Column B – Within Pennsylvania

Enter the total sales within Pennsylvania during the entire taxable year.

Table 3. Line 3C – Sales Factor

Divide Line 3B by Line 3A. Calculate to six decimal places. Enter the amount.

SPECIFIC LINE INSTRUCTIONS

Line 1. Real Estate and Tangible Property

Enter the amount from Table 1, Line 1C.

Line 2. Wages, Salaries, Commissions, and Other Compensation

Enter the amount from Table 2, Line 2C.

Line 3. Sales

Enter the amount from Table 3, Line 3C.

Line 4. Total

Add the amounts from Lines 1, 2, and 3.

PA-20S/PA-65 Schedule H
Apportioned Business Income (Loss)/
Calculation of PA Net Business Income (Loss)
Instructions
PA-20S/PA-65 Schedule H (12-09)



Line 5. Apportionment (express in a decimal)

Divide Line 4 by 3 if all three factors apply; by 2 if only two factors apply; or by 1 if only one factor applies. Calculate to six decimal places. Enter the amount. For example, if the entity entered amounts only for Property and Sales in Column A, then the entity divides the amount on Line 4 by 2.

Line 6. Total Net Income (Loss) from Business

Do not include income from other partnerships, estates, or trusts. Enter the amount from the PA-20S/PA-65 Schedule M, Part B, Section G, Line 2.

Line 7. Net Income (Loss) for Pennsylvania

Multiply the amount on Line 6 by the amount on Line 5. Enter the amount on Line 2e, Part II of the PA-20S/PA-65 Information Return.

Special Apportionment to be completed only by railroad, truck, bus, airline, pipeline or natural gas, or water transportation entities
Enter as (A) the total miles in Pennsylvania. Enter as (B) the total miles everywhere. Calculate to six decimals places and enter here and on Line 5.