

Income/Franchise:

Ohio Appellate Court Affirms Dismissal of Local Tax Suit Involving Pandemic-Based Telecommuting

Case No. C-210349, Ohio Ct. App., First Dist. (2/7/22). The Ohio Court of Appeals, First Appellate District (Court) affirmed a Hamilton County Court of Common Pleas ruling, which had dismissed a lawsuit challenging the validity of Ohio legislation enacted in 2020 [see H.B. 197 (2020) for details on this new law] that generally treats employees who report to a temporary worksite (including those working from home) during the COVID-19 pandemic emergency period as working at their principal place of work for Ohio municipal income tax withholding purposes. In doing so, the Court referenced a similar ruling from the Tenth District Ohio Court of Appeals last year [see Case No. 21AP-193, Ohio Ct. App., Tenth Dist. (11/30/21) and *State Tax Matters*, Issue 2020-48, for more details on this other ruling], and held that the legislation does *not* violate the Due Process Clause. The underlying suit challenged the Ohio General Assembly's authority to legislatively limit, coordinate and regulate municipal taxing authorities in their respective treatment of employees working remotely under COVID-19 pandemic-related exigent circumstances. Please contact us with any questions.

URL: <https://www.supremecourt.ohio.gov/rod/docs/pdf/1/2022/2022-Ohio-340.pdf>

URL: <https://www.legislature.ohio.gov/legislation/legislation-documents?id=GA133-HB-197>

URL: <https://www.supremecourt.ohio.gov/rod/docs/pdf/10/2021/2021-Ohio-4196.pdf>

URL: https://dhub.blob.core.windows.net/dhub/Newsletters/Tax/2021/STM/211203_3.html

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