

**DELAWARE FORM 2210**  
**Delaware Underpayment of Estimated Taxes**  
**INSTRUCTIONS**

**PURPOSE OF THE FORM**

Use Form DE2210 to compute your penalty for underpaying your estimated taxes. If you choose to compute your penalty using this form and a penalty due is calculated OR if you use Part 3 – Annualized Installment Method:

- Check the “Form DE2210 Attached” box on the front of your Delaware personal income tax return and
- Attach your completed Form DE 2210 to your return.

Do not submit a Federal Form 2210 instead of a Delaware Form DE2210. Do not submit computer worksheets in lieu of the Form DE2210.

**Use of Form**

You may choose to use the Short Method (Part 2) of this form if you made equal estimated payments on or before the dates they were due or made no estimated tax payments. You may choose to use the Annualized Method (Part 3) of this form if your income was earned unevenly throughout the year. Resident filers using Filing Status 4 should combine (net) the amounts in both columns of their tax return before transferring figures to the (create one combined form DE2210 for both spouses).

**Who Must Pay the Underpayment Penalty:**

In general, you will owe the penalty for 2019 if you did not pay at least the smaller of:

1. 90% of the Tax Balance shown on Line 16 of the 2019 Delaware Resident Tax Return (Line 47 on the Non-Resident Form); or
2. 100% of the Tax Balance shown on Line 16 of your 2018 return (Line 47 on the Non-Resident Return). Note: If you are not a Farmer or fisherman and your Adjusted Gross Income (AGI) on your 2018 return is in excess of \$150,000 (\$75,000 if married Filing Separate Returns, Filing Status 3), you must use 110% of the 2018 Tax Balance.

The penalty is figured separately for each installment due date. Therefore, you may owe the penalty for an earlier due date even if you paid enough tax to make up the underpayment (even if you are due a refund when you file your return).

**Exceptions to the Penalty:**

You will not have to pay the penalty if either:

1. You had no Delaware tax liability in the previous year (Line 16 on the 2018 Resident return or Line 47 on the Non-Resident form); or
2. The tax liability minus non-refundable credits (Line 16 on the 2018 Resident return or Line 47 on the Non-Resident form) minus refundable credits (Line 21 on the 2018 Resident return or Line 52 on the 2018 Non-Resident return) is less than \$800; or
3. You were a Part-Year resident during 2019; or
4. You derived at least 2/3 of your Gross Income from farming or fishing, and paid the total estimated tax due by January 15, 2020, or filed your return by March 1, 2020 AND paid the total tax due at that time.

**Waiver of the Penalty:**

Once the penalty has been assessed you may request a waiver of the penalty by writing to: Tax Conferee Delaware Division of Revenue  
P O Box 8714 Wilmington, DE 19899-8714

**Reasons for requesting a waiver are:**

1. The underpayment was due to a casualty, disaster, or other unusual circumstance (explain the circumstance); or
2. In 2018 or 2019 you retired after age 62 or became disabled.

If one of these reasons applies to you, DO NOT check the 2210 indicator box and DO NOT submit the form. You will be given a chance to request a waiver after the penalty has been assessed.

**SPECIFIC INSTRUCTIONS**

The DE2210 is divided into 5 parts as follows:

1. The Required Annual Payment
2. The Short Method
3. Annualized Income Installment Method
4. Computation of the Over/Underpayment
5. Computation of the Penalty

**1. The Required Annual Payment.**

Use this part to figure the amount of your required annual payment.

Note: line numbers in parentheses refer to lines on the Non-Resident Form.

- A. Enter 90% of Line 16 (Line 47) from your 2019 Delaware Return.
- B. Enter 100% of the Tax Balance on Line 16 of your 2018 Delaware return (Line 47 of 2018) (110% if your 2018 Delaware AGI is more than \$150,000 or \$75,000 if filing status is 3).
- C. Enter the smaller of Line A or B. This is your required annual payment, which should have been made in 4 equal payments.
- D. Enter the total amount of Delaware tax withheld, S Corporation payments made on your behalf, and approved Refundable Business Credits.
- E. Subtract Line D from Line C. Note: if this amount is \$800 or less, stop here. You do not owe the penalty.

**2. The Short Method.**

Once you have figured the required annual payment, you may use the Short Method ONLY if:

- a. You made no estimated payments; or
- b. You paid estimated tax in 4 equal amounts on or before the due dates (April 30, June 15th, September 17th, and January 15th).

You may not use the Short Method if you made any of the payments late. You may not use the Short Method if any capital gain tax payments were made on your behalf.

**Line by Line instructions:**

- F. Enter the total of your estimated tax payments.
- G. Enter the total amount of Delaware tax withheld, S Corp payments made on your behalf, and approved Refundable Business Credits.
- H. Add lines F and G.
- I. Total Underpayment for the year (Subtract Line H from Line C). If zero or less stop here. You do not owe the penalty.
- J. Multiply Line I by 0.12.
- K. If the amount on Line I was paid on or after April 30, 2020 enter zero (0). If it was paid before April 30, 2020, count the number of days from the date you paid the amount on Line I to April 30, 2020 multiply the number of days by 0.0005 and then multiply that number by the amount on Line I. Enter the results on Line K.
- L. Subtract Line K from Line J. This is your penalty for underpayment of estimated taxes. Add this amount to the other penalties and interest due on Line 25 of the Resident return and Line 56 of the Non-Resident return.

**3. The Annualized Installment Method.**

This method should be used by individuals whose income is earned in an uneven fashion throughout the year. Examples would be receiving large capital gains or bonuses late in the year.

To use this form, enter the income and deductions applicable to each period as follows:

Column 1 enter the income/deductions for the period 01/01/2019 through 03/31/2019.

Column 2 enter the income/deductions for the period 01/01/2019 through 05/31/2019.

Column 3 enter the income/deductions for the period 01/01/2019 through 08/31/2019.

Column 4 enter the income/deductions for the period 01/01/2019 through 12/31/2019.

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**Line by Line Instructions:**

**(Line numbers in parenthesis refer to the Non-Resident Return).**

1. Non-Resident indicator. If you are a Non-Resident or Part-year Resident using the Non-Resident tax form, put an "X" in this box. Part-year Residents using the Non-Resident return should follow the instructions for Non-Residents.
2. Enter your Delaware AGI from Line 1 (Line 37) of your 2019 Delaware return for the period indicated. Example: in the third column enter your AGI for the period January 1, 2019 through August 31, 2019.
3. This line has been pre-filled.
4. Multiply Line 2 by Line 3 for each column (this is your annualized income for each period).
5. Enter your Delaware itemized deductions for each period. If you did not itemize your deductions, enter zero (0) and skip to Line 8.
6. This Line has been pre-filled.
7. Multiply Line 5 by Line 6 for each column.
8. Enter the Delaware standard deduction and additional standard deduction (if applicable) amounts. Note: the same number should be entered in each column.
9. Delaware Deductions. If you itemized deductions, enter the amounts from Line 7 in each column. If you used the Delaware standard deduction, enter the amount from Line 8 in each column.
10. Delaware Taxable Income. Subtract Line 9 from Line 4.
11. Tax. Using the tax table or tax schedule, figure the tax on the amount on Line 10 for each column.
12. Tax on Lump Sum. See the instructions for tax on lump sum distributions (Line 7) in the Resident Instruction Booklet (Page 6).
13. This is your total tax. Add Lines 11 and 12.
14. Non-Residents only. Multiply Line 13 time the Proration Percentage from the center of Line 42 of your tax return.
15. Enter the total personal credit amount. Include any personal credits for being 60 or over (if applicable).
16. Non-Residents only. Multiply Line 15 by the proration percentage from the center of Line 42 of your tax return.
17. Other non-refundable credits. Add Lines 10, 11, 12, 13 & 14 of the Resident (or Lines 44 & 45 of Non-Resident) tax return and enter here.
18. Residents, add Line 15 and Line 17 and subtract the total from Line 13. Non-residents and part year residents, add Line 16 to Line 17 and subtract the total from Line 14.
19. Multiplier. This number has been pre-filled.
20. Multiply Line 18 by the amount on Line 19 for each column.  
**NOTE:** From this point on, complete Lines 21 through Line 27 down each column before going to the next column.
21. Leave the first column blank. Enter the sum of all previous Lines 27 for the remaining columns (in column 3 you are adding Line 27, Column 1 plus Line 27, Column 2).
22. Subtract Line 21 from Line 20. If 0 or less, enter 0.
23. Enter 1/4<sup>th</sup> of your Required Annual Payment from Part 1, Line C.
24. Blank for the first column. For all other columns enter the amount from Line 26 of the previous column.
25. Add Line 23 and Line 24.
26. Subtract Line 22 from Line 25. If zero or less, enter zero (0).
27. Enter the Smaller of Line 22 or 25 here and on Line 28.

**4. Computing the over/under payment**

In this section you will compute the amount of your over/under payment for each period.

28. Enter the amount from Part 3, Line 27.

29. Enter the amount of Estimated and Capital Gain Tax Payments made on your behalf FOR EACH PERIOD ONLY. In Column 1, enter the payments for the period January 1st through April 30th. In the second column enter the payments made for the period May 1<sup>st</sup> through June 15th. In the third column enter the payments made for the period June 16 through September 17<sup>th</sup>. In the fourth column enter the payments made for the period September 18<sup>th</sup> through January 15<sup>th</sup>.
30. FOR EACH PERIOD ONLY. Enter the amount of Delaware withholding, S Corporation payments and Refundable Business Credits.
31. Add Lines 29 and 30.  
**NOTE:** Complete Lines 32 through Line 38 down each column before going to the next column.
32. Blank for Column 1. Enter previous Line 38 amount for all other columns (i.e. Column 2 equals Line 38 Column 1, Column 3 equals Line 38 Column 2, etc.).
33. Leave Column 1 blank. For all other columns, add Line 31 and Line 32.
34. Leave Column 1 blank. For all other columns, add amounts from Line 36 and 37 of the previous Column (i.e. Column 2 equals Line 36 Column 1 plus Line 37 Column 1, etc.).
35. For Column 1, only enter the amount from Line 31. For other columns, subtract Line 34 from Line 33. If zero (0) or less, enter zero (0).
36. Leave Column 1 blank. For all other column, if Line 35=0, then subtract Line 33 from Line 34. Otherwise, enter zero(0).
37. Underpayment. If Line 28 is equal to or larger than Line 35, subtract Line 35 from Line 28 and go to Line 32 of the next column. Otherwise, go to Line 38.
38. Overpayment. If Line 35 is larger than Line 28, subtract Line 27 from Line 35. Then go to Line 32 of the next column.

**5. Computing the Penalty.**

Figure the penalty by applying the appropriate rate against each underpayment shown on Line 37 for as long as an underpayment remains. Adjust this amount as payments were made.

39. This lists the dates the payments on Line 37 are due.
40. Compute the number of days between the due date on Line 39 and the date the amount on Line 37 is paid or April 30, 2019 whichever is earlier. Stop the computation when the total underpayment for the year has been paid or April 30, 2019 (whichever is earlier). Repeat the computation for each column. (NOTE: If the amount due is not paid with one payment, the penalty for the period should be figured on a separate sheet and the total entered on this Line. For example, if Line 37 column 1 shows an underpayment of \$300, and \$200 was paid on June 17<sup>th</sup>, and \$200 was paid on September 16<sup>th</sup>, the penalty would be figured for 48 days on \$300, and 93 days on \$100. The remaining \$100 of the payment made in September is available to be applied to a June 17<sup>th</sup> underpayment, if necessary.)
41. Multiply Line 40 by 0.0005.
42. Multiply Line 41 by Line 37. This is the penalty for the period. Repeat the computation for each column.
43. Add the columns together to determine the total penalty.

Enter the amount of the penalty you computed by either the Short Method or the Annualized Method on Line 25 of the Resident Return or Line 56 of the Non-Resident return.

Please remember to check the Form DE2210 Attached box section and submit a copy of this form with your return. Checking the box without submitting a form will unnecessarily delay the processing of your return.