APPLICATION FOR REAL AND PERSONAL PROPERY TAX EXEMPTION

For Lease, Sublease, or Lease-purchased Property Owned by a Taxable Owner and Leased to an Exempt Public Body, Institution, or Organization, other than the State of Oregon or the U.S. Government
[Oregon Revised Statute (ORS) 307.112]

- The lessee, sublessee, or lease-purchaser of the property must file this form with the **county assessor** on or before April 1.
- See Oregon Revised Statute 307.112 and Oregon Administrative Rule 150-307.112 on the back of this form for more information.
- This form is available online at: www.oregon.gov/DOR/PTD/docs/310.087.pdf.

Name of Organization			FOR ASSESSOR'S USE ONLY	
			Date Received	Account No.
Mailing Address	Telephone Number ( )		☐ Approved ☐ Denied By _____	Late Filing Fee $
City	State	ZIP Code		
E-mail			Exemption applies to tax year 20 _____ – _____	Lease Expiration Date

I am claiming a property tax exemption under the following Oregon Revised Statute (mark **one** box):

- ☐ 307.090 Public body (other than state of Oregon or the U.S. government)
- ☐ 307.130 Literary, benevolent, charitable, scientific institutions, volunteer fire departments*
- ☐ 307.136 Fraternal organizations*
- ☐ 307.140 Religious organizations*
- ☐ 307.145 Child care facilities, schools, student housing*
- ☐ 307.147 Senior services centers*
- ☐ 307.580 Industry apprenticeship or training trust*

***You must attach current copies of your organization's Articles of Incorporation, By-Laws, and a federal letter recognizing you as a section 501(c) organization.**

PROPERTY DESCRIPTION

Account Number (as shown on owner's property tax statement)	Name of Property Owner

Physical Address (street address, city)

You must attach a list of all real and personal property you are claiming for exemption. Attach a copy of the lease, sublease, or lease- purchase agreement. Include detailed and complete descriptions of all property claimed and costs.

PROPERTY USE

To qualify for this exemption, the lessee, sublessee, or entity in possession of the property must be using the property for their exempt purposes. Property not used for qualified purposes before July 1 is taxable.

Describe the purpose of this organization:

Describe how you will use the property, e.g., church services, offices, classrooms, student housing, etc.:

Does the property include a parking area? ☐ Yes ☐ No What is the fee for using the parking area? $

Is any portion of the property you lease used by others? ☐ Yes ☐ No If yes, what is the square footage of the area used by others _____

If yes, explain and identify the area that is used by others. _____

LEASE or SUBLEASE

Your lease or sublease must be for a period of at least one year. A month-to-month tenancy or general rental agreement will not qualify for this exemption. The actual rent charged must be less than market rent in an amount that is at least equal to what the property tax would be if the property were taxable. The tax savings resulting from the exemption must be clearly evident and documentary proof that the savings is being passed on to the lessee, sublessee, or lease-purchaser must be submitted at the time of filing this application. A new application must be filed by the due date if a new lease, sublease, or lease-purchase agreement or extension or modification to the existing lease, sublease, or lease-purchase agreement is made.

Is property under: ☐ Lease ☐ Sublease ☐ Lease-purchase Type of lease: ☐ Modified Gross ☐ Net ☐ Triple-Net

Beginning date: _____ Expiration date: _____ Square footage of area leased, subleased, or lease-purchased: _____

You must attach a current signed copy of your lease, sublease, or lease-purchase agreement.

LATE FEE

If this form is filed after April 1, a late filing fee must accompany the form. The late filing fee is either $200 or one-tenth of 1 percent of the real market value of the property, whichever is greater; **OR** $200 if the claimant can demonstrate good and sufficient cause for not filing timely, is a first-time filer or is a public entity described in ORS 307.090. A late fee is attached: ☐ Yes ☐ No

DECLARATION

I declare under the penalties for false swearing [ORS 305.990(4)] that I have examined this document (and attachments) and to the best of my knowledge they are true, correct, and complete.

MUST BE SIGNED BY THE PRESIDENT, PROPER OFFICER, HEAD OFFICIAL, OR AUTHORIZED DELEGATE OF THE ORGANIZATION

Name (please print or type)	Title	Telephone Number	Signature	Date
		( )	X	

OREGON REVISED STATUTE (ORS) AND OREGON ADMINISTRATIVE RULE (OAR)

ORS 307.112 Property held under lease or lease-purchase by institution, organization or public body other than state.

(1) Real or personal property of a taxable owner held under lease, sublease or lease-purchase agreement by an institution, organization or public body, other than the State of Oregon, granted exemption or the right to claim exemption for any of its property under ORS 307.090, 307.130, 307.136, 307.140, 307.145 or 307.147, is exempt from taxation if:

(a) The property is used by the lessee or, if the lessee is not in possession of the property, the entity in possession of the property in the manner, if any, required by law for the exemption of property owned, leased, subleased or being purchased by it; and

(b) It is expressly agreed within the lease, sublease or lease-purchase agreement that the rent payable by the institution, organization or public body has been established to reflect the savings below market rent resulting from the exemption from taxation.

(2) To obtain the exemption under this section, the lessee or, if the lessee is not in possession of the property, the entity in possession of the property must file a claim for exemption with the county assessor, verified by the oath or affirmation of the president or other proper officer of the institution or organization, or head official of the public body or legally authorized delegate, showing:

(a) A complete description of the property for which exemption is claimed.

(b) If applicable, all facts relating to the use of the property by the lessee or, if the lessee is not in possession of the property, all facts relating to the use of the property by the entity in possession of the property.

(c) A true copy of the lease, sublease or lease-purchase agreement covering the property for which exemption is claimed.

(d) Any other information required by the claim form.

(3) If the assessor is not satisfied that the rent stated in the lease, sublease or lease-purchase agreement has been established to reflect the savings below market rent resulting from the tax exemption, before the exemption may be granted the lessor must provide documentary proof, as specified by rule of the Department of Revenue, that the rent has been established to reflect the savings below market rent resulting from the tax exemption.

(4)(a) The claim must be filed on or before April 1, preceding the tax year for which the exemption is claimed, except:

(A) If the lease, sublease or lease-purchase agreement is entered into after March 1 but not later than June 30, the claim must be filed within 30 days after the date the lease, sublease or lease-purchase agreement is entered into if exemption is claimed for that year; or

(B) If a late filing fee is paid in the manner provided in ORS 307.162 (2), as applicable and notwithstanding the limitation of scope in ORS 307.162(1), the claim may be filed on or before December 31 of the tax year for which exemption is first claimed.

(b) The exemption first applies for the tax year beginning July 1 of the year for which the claim is filed. The exemption continues as long as the use of the property remains unchanged and during the period of the lease, sublease or lease-purchase agreement. If the use changes, a new claim must be filed as provided in this section. If the use changes due to sublease of the property or any portion of the property from the tax exempt entity described in subsection (1) of this section to another tax exempt entity, the entity in possession of the property must file a new claim for exemption as provided in this section. If the lease, sublease or lease-purchase agreement expires before July 1 of any year, the exemption terminates as of January 1 of the same calendar year.

OAR 150-307.112 Property Held Under Lease

(1) A new claim shall be filed with the county assessor, as required under ORS 307.112(4), when a new lease, new lease-purchase agreement, extension of current lease, extension of current lease-purchase agreement or any modification to the existing lease or lease-purchase agreement is made.

(2) The new claim shall meet all the requirements of ORS 307.112.

(3) Late filing as provided in ORS 307.162(2) is permitted.

(4) The State of Oregon and the United States government are not permitted to file a claim for exemption under ORS 307.112.

(5) The assessor must be satisfied that the amount of rent charged is below market rent. "Market rent" is defined as the rental income a property would most probably command in the open market and includes an element for property taxes.

(6) To reflect the savings below market rent, the actual rent must be less than market rent in an amount that is at least equal to what the property tax would be if the property were taxable.

(7) Sufficient documentary proof must be submitted at the time of application.

(8) Acceptable documentary proof to show the property tax savings is passed on to the lessee may include but is not limited to the following comparisons:

(a) Current rental rate for any portion of that property occupied by nonexempt tenants;

(b) Historic rental rate data of that property;

(c) Rental rate used in a real market value appraisal for that property;

(d) Rent study of comparable or similar properties.

(9) The savings must be clearly evident. Insufficient proof or failure to show the rent is below market rent as described above is grounds for denial of the exemption.

(10) A statement that the "lessee is responsible for the taxes" is not sufficient proof of a tax savings.

(11) When used in reference to real property or tangible personal property, a lease is a contract of at least one year by which the owner of a property grants the rights of possession, use, and enjoyment of the property to another for a specified period of time in exchange for payment.

(12) Month-to-month tenancy or a general rental agreement is not considered the same as a lease for purposes of an exemption