

TIGARD MUNICIPAL CODE

Chapter 3.50 NON-PROFIT CORPORATION LOW-INCOME HOUSING.

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3.50.010 Definitions.

A. "Governing body" means the City of Tigard City Council.

B. "Low-income" means income at or below 60 percent of the area median income as determined by the State Housing Council based on information from the United States Department of Housing and Urban Development. (Ord. 96-34)

3.50.020 Nonprofit Corporation Low Income Housing; Exemption; Criteria.

A. Property that meets all of the following criteria shall be exempt from taxation as provided in this section.

1. The property is owned or being purchased by a corporation that is exempt from income taxes under section 501(c) (3) or (4) of the Internal Revenue Code as amended before December 1, 1984.

2. Upon liquidation, the assets of the corporation are required to be applied first in payment of all outstanding obligations, and the balance remaining, in cash and in kind, to be

distributed to corporations exempt from taxation and operated exclusively for religious, charitable, scientific, literary or educational purposes or to the State of Oregon.

3. The property is occupied by low income persons.

4. The property or portion of the property receiving the exemption, is actually and exclusively used for the purposes described in section 501(c) (3) or (4) of the Internal Revenue Code as amended before December 1, 1984.

5. The exemption has been approved as provided in section 3.50.050.

B. For the purposes of subsection (1) of this section, a corporation that has only a leasehold interest in property is deemed to be a purchaser of that property if:

1. The corporation is obligated under the terms of the lease to pay the ad valorem taxes on the real and personal property used in this activity on that property; or

2. The rent payable by the corporation has been established to reflect the savings resulting from the exemption from taxation.

C. A partnership shall be treated the same as a corporation to which this section applies if the corporation is:

1. A general partner of the partnership; and

2. Responsible for the day to day operation of the property that is the subject of the exemption. (Ord. 96-34)

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3.50.040 Application For Exemption.

A. To qualify for the exemption provided by 3.50.020, the corporation shall file an application for exemption with the governing body for each assessment year the corporation wants the exemption. The application shall be filed on or before March 1 of the assessment year for which the exemption is applied for, except that when the property designated is acquired after March 1 and before July 1, the claim for that year shall be filed within 30 days after the date of acquisition. The application shall include the following information:

1. A description of the property for which the exemption is requested;
2. A description of the charitable purpose of the project and whether all or a portion of the property is being used for that purpose;
3. A certification of income levels of low income occupants;
4. A description of how the tax exemption will benefit project residents; and
5. A declaration that the corporation has been granted an exemption from income taxes under 26 U.S.C. section 501(c) (3) or (4) as amended before December 1, 1984.

B. The applicant shall verify the information in the application by oath or affirmation. (Ord. 96-34)

3.50.050 Determination Of Eligibility For Exemption; Notice To County Assessor.

A. Within 30 days of the filing of an application under 3.50.040, the governing body shall determine whether the applicant qualifies for the exemption under 3.50.020. If the governing

body determines the applicant qualifies, the governing body shall certify to the assessor of the county where the real property is located that all or a portion of the property shall be exempt from taxation under the levy of the certifying governing body.

B. Upon receipt of certification under subsection (1) of this section, the county assessor shall exempt the property from taxation to the extent certified by the governing body. (Ord. 96-34)■