

Low Income Housing Exemption

Filing Requirements

STEP 1: Complete AND submit Request for Operator of Low Income Housing Exemption Form

Your application will be denied if this form is not filled out in its entirety and submitted with your request for exemption.

STEP 2: Complete AND submit Business Tax Renewal Declaration

Your application will be denied if this form is not filled out in its entirety and submitted with your request for exemption.

Required:

- Provide the total **gross** receipts AND include the fair market value (rent) attributed to the onsite manager's unit.
- Calculate the tax at \$13.95/\$1,000.00 on all over income units and the fair market value (rent) attributed to the onsite manager's unit. If there are no over income units and a manager does not inhabit a unit on site, write, "Exempt" on the Tax Due line.
- Include \$1.00 for SB 1186 (Disability Access Law).
- Fill out the Total Amount Due line with either the tax due or the word "Exempt," as appropriate.
- Sign, date, and provide a valid contact/telephone number.

STEP 3: Submit BOE 267-A: Claim for Welfare Exemption AND BOE 267-L: Claim for Welfare Exemption Supplemental Affidavit

These forms, for the current fiscal year, must be submitted in its entirety, inclusive of all supporting documents and the following:

- All pages of the BOE 267 – A: Claim for Welfare Exemption (annual Filing)
- All pages of the BOE 267 – L1: Welfare Exemption Supplemental Affidavit, Low Income Housing Property of Limited Partnership
- List of Qualified Households (schedule B)

STEP 4: Submit copy of Rent Roll

Submit the rent roll for the preceding month/year ending December 31.

Rent Roll must include:

- The unit number
- Rent per month
- Unit number inhabited by the onsite manager

STEP 5: Submit copy of annual financial statement

Provide a copy of the FULL income statement for the prior year ending December 31.

STEP 6: Submit copy of Federal Income Tax Return

Provide a FULL copy of IRS Form 1065: US Return of Partnership Income (majority of all filers) or IRS Form 1120: US Corporation Income Tax Return for the prior year.

Exemption requests submitted without the federal income tax return will be in pending status and will result in an incomplete submission and denied exemption if the above mentioned returns are not received by November 1st of the renewing year.

Additionally, an invoice for the appropriate business taxes with applicable penalties and interest, from the date the business tax return was due, will be issued and incurred by the taxpayer

Download Request for Operator of Low Income Housing Exemption Form

OMC 5.04.630 - Exemption for owners of low income housing tax-credit financed affordable housing developments

Exemption for nonprofit corporation, association, etc.

How to Submit Your Request?

Due to the volume of documents involved, we request that you submit your Request for Exemption and the supporting documents electronically to audit@oaklandnet.com. Any payment documents (check or money order) should be mailed separately to the address below with a copy of the renewal declaration for reference. If paying by credit card, please provide your credit card information on the renewal declaration and include with your Request for Exemption packet. Check or money orders should be mailed to the address below:

City of Oakland
Revenue Division – Low Income Housing Exemption
150 Frank H. Ogawa Plaza, Suite 5342
Oakland, CA 94612

FAQs

Q: Who is eligible to file for the Low Income Housing Exemption?

A: Per Oakland Municipal Code (OMC) 5.04.630 – “Exemption for nonprofit corporation, association, etc. Exemption for owners of low income housing tax-credit financed affordable housing developments.” The owner of an affordable housing project that has received federal and/or state low income housing tax credits in connection with the affordable housing ownership, is exempt from the payment of business taxes pursuant this Chapter in connection with such affordable housing project; provided that the property is owned and operated by a partnership in which the managing partner is an eligible nonprofit corporation or limited liability company and provided that the property qualifies for the property tax exemption pursuant to Section 214(g) of the California Revenue and Taxation Code.

Q: How do I file for the Low Income Housing Exemption?

A: The property owner must submit an application and statement to the Business Tax Section setting forth evidence establishing its qualifications for this exemption, including a copy of the Section 214(g) exemption, in form and substance satisfactory to the Business Tax Section. Please see the specific requirements for the Low Income Housing Exemption.

Q: How often does one need to reapply to continue the Low Income Housing Exemption?

A: The property owner shall file ANNUAL statements setting forth such information necessary to determine continued eligibility for the exemption.

Q: When do I file the Low Income Housing Exemption?

A: File the Low Income Housing Exemption concurrently with your annual Business Tax Renewal Declaration to receive exemption from the business tax.

Q: When is the filing deadline for the Low Income Housing Exemption?

A: Annual filing of the request for exemption must be submitted by March 1st of the renewing year.

Q: Does the Low Income Housing Exemption also exempt the Rent Adjustment Program (RAP) Fee?

A: The Low Income Housing Exemption is only an exemption from the Business Tax

Q: Who can I contact if I have additional questions?

A: Please contact customer service at (510) 238-6767 for any additional questions.

NOTE: Accounts will be subject to audit to confirm the validity for the claim of exemption. Penalties and interest will apply from the date of delinquency if it is determined that the exemptions are not valid, thus resulting in a tax liability.