



# Lender's Credit

Corporation name (as shown on Form 20)	Federal employer identification number (FEIN)	Business identification number (BIN)	Tax year
--	---	--------------------------------------	----------

Oregon allows tax credits to commercial lending institutions that make low interest loans for:

## Energy conservation measures (ORS 317.112)

*For loans to a residential fuel oil customer or a wood heating resident made after December 31, 1981.*

1. Enter the total interest that would have been charged on the qualifying loans at an interest rate equal to the rate charged on nonqualifying loans made at the time the qualifying loan was made..... 1. \_\_\_\_\_
2. If the director of the Department of Energy has set an upper limit, enter the total interest that would have been charged limiting the interest rate to the upper limit for loans made after the upper limit was established. If an upper limit has not been set, enter the amount from line 1 ..... 2. \_\_\_\_\_
3. Lesser of line 1 or line 2 ..... 3. \_\_\_\_\_
4. Total interest allowed to be charged on qualifying loans at 6.5 percent..... 4. \_\_\_\_\_
5. Credit available (line 3 minus line 4) ..... 5. \_\_\_\_\_
6. Carryover of unused credits from prior years (see instructions) ..... 6. \_\_\_\_\_
7. **Credit available** (line 5 plus line 6) ..... 7. \_\_\_\_\_

## Affordable housing (ORS 317.097)

*For loans to a project certified by the Oregon Housing and Community Services Department, or to a household participating in a community rehabilitation program made after December 31, 1989, and before January 1, 2020.*

1. Finance charge that would have been charged in current year at the annual rate for nonsubsidized loans under like terms and conditions at the time the loan was made ..... 1. \_\_\_\_\_
2. Finance charge (including interest on the loan, the loan fee, and interest on the loan fee) as charged ..... 2. \_\_\_\_\_
3. Line 1 minus line 2 ..... 3. \_\_\_\_\_
4. Limit on current year credit (4 percent of average unpaid balance of loan during the year)..... 4. \_\_\_\_\_
5. Credit available for current year (lesser of line 3 or line 4) ..... 5. \_\_\_\_\_
6. Carryover of unused credits from prior years (see instructions) ..... 6. \_\_\_\_\_
7. **Credit available** (line 5 plus line 6) ..... 7. \_\_\_\_\_

## Farmworker housing (ORS 317.147)

*For loans for construction or rehabilitation of farmworker housing in Oregon made on or after January 1, 1990.*

1. Interest actually received during the tax year (rate charged can't exceed 13.5 percent annual rate)..... 1. \_\_\_\_\_
2. **Credit available.** Multiply line 1 by 30 percent or 50 percent, depending on when the loan was made and the farmworker project was completed (see instructions)..... 2. \_\_\_\_\_

**Attach this form to your Oregon Corporation Tax Return (Form 20)**

# Instructions for Lender's Credit

## What types of lenders can claim these credits?

These credits can be claimed by any bank, mortgage banking company, trust company, savings bank, or savings and loan association that maintains an office in Oregon and makes a qualified low-interest loan.

## What types of loans qualify for the credit?

**Energy conservation measures** (loans made on or after January 1, 1982).

- The loan must be for the purchase and/or installation of items primarily designed to improve the efficiency of space heating and energy utilization of a dwelling. Please see Oregon Department of Energy (ODOE) Administrative Rule 330-060-0010 for qualifying items. The term "dwelling" includes mobile homes, floating homes, and apartments, but does not include recreational vehicles.
- The loan must be made to the owner of an oil- or wood-heated dwelling.
- The borrower must have obtained an energy audit conducted by a fuel oil dealer, investor-owned utility, publicly owned utility, or through ODOE.
- A credit is not allowable to the extent the loan exceeds the following for a single dwelling unit:
  - \$2,000 to a corporation operating a nonprofit home for the elderly described in ORS 307.375, or
  - \$5,000.

**Affordable housing** (loans made on or after January 1, 1990, and before January 1, 2020).

**For certifications issued before September 27, 2007, the following criteria apply:**

- The loan can be made to a qualified borrower to finance construction, rehabilitation, or development of housing. To qualify, the project must receive certification from the Oregon Housing and Community Services Department (HCSO) that:
  - It will be occupied by households earning less than 80 percent of the area median income, and
  - The full amount of savings from the reduced interest rate provided by the lending institution is or will be passed on to the tenants in the form of reduced housing payments, regardless of other subsidies provided to the housing project.
- The loan can be made to individuals who participate in a community rehabilitation program. To qualify, the borrower must own the dwelling and be certified by a local government or its designated agent as having an income level of less than 80 percent of the area median income.
- The loan can be made to refinance an existing loan that meets the requirements listed above.
- The credit can be claimed over the shorter of the term of the loan or the period approved by HCSO not to exceed 20 years.
- The lending institution can sell the loan to a qualified assignee and retain the credit.

For certifications issued on or after September 27, 2007, the following criteria apply:

- The loan can be made to a qualified borrower to finance construction, development, acquisition, or rehabilitation of housing. To qualify, the project must receive certification from the HCSO that:
  - It will be occupied by households earning less than 80 percent of the area median income, and
  - The full amount of savings from the reduced interest rate provided by the lending institution is or will be passed on to the tenants in the form of reduced housing payments, regardless of other subsidies provided to the housing project.
- The loan can be made to a qualified borrower to finance construction, development, acquisition, or acquisition and rehabilitation of a manufactured dwelling park. To qualify, the project must receive certification from the Oregon Housing and Community Services Department that the housing will be operated as a manufactured dwelling park for the time period that the credit will be allowed.
- The loan can be made to a qualified borrower to finance acquisition or acquisition and rehabilitation of housing consisting of a preservation project. To qualify, the project must receive certification from HCSO that:
  - It will be occupied by households earning less than 80 percent of the area median income, and
  - The housing has a rent assistance contract with the United States Department of Housing and Urban Development or the United States Department of Agriculture.
- The loan can be made to an individual who participates in a community rehabilitation program. To qualify, the borrower must own the dwelling and be certified by a local government or its designated agent as having an income level of less than 80 percent of the area median income.
- The loan can be made to refinance an existing loan that meets the requirements listed above.
- The credit can be claimed over the shorter of the term of the loan or the period approved by the Oregon Housing and Community Services Department not to exceed 20 years.
- The lending institution can sell the loan to a qualified assignee and retain the credit.

**Farmworker housing** (loans made on or after January 1, 1990).

- The loan must be for construction or rehabilitation of seasonal or year-round farmworker housing in Oregon. Construction includes acquisition of new or used pre-fabricated or manufactured housing.
- Beginning on or after January 1, 1996, farmworker housing constructed in an exclusive farm use zone is not eligible for the credit, except for rehabilitation of existing homes or for installation of manufactured housing. Also, the credit is not allowed where the owner or operator, or relatives of the owner or operator, reside in the housing.
- The credit is allowed if the farmworker housing, at the close of the tax year:
  - Is not in violation of any occupational safety or health law, rule, regulation, or standard. It must be inspected by the

Oregon Occupational Safety and Health Division before occupancy.

—If required, is registered with the Bureau of Labor and Industries.

—If required, is operated by a person who holds a valid endorsement as a farmworker camp operator.

- If the loan has a term longer than ten years, the credit shall be allowed only for the tax year in which the loan is made and the nine tax years immediately following.
- For farmworker housing projects completed on or after January 1, 2002, nonprofit lenders with no tax liability may sell the credit to other taxpayers. See OAR 150-317.147 for additional information.

### What interest rate can be charged on a qualified loan?

**Energy conservation measures.** The interest rate can't exceed 6.5 percent annually.

**Affordable housing.** The interest rate charged must be less than the market rate for a similar nonqualifying loan made at the same time under like terms and conditions as the qualifying loan.

**Farmworker housing.** The interest rate can't exceed 13.5 percent annually.

### How is the amount of credit computed?

**Energy conservation measures.** The credit is the difference between the interest charged at 6.5 percent on qualifying loans and the interest that would have been charged calculated as follows: For each qualifying loan, use the lesser of the interest rate set by ODOE prior to making the loan or the interest rate charged on nonqualifying loans made at the same time.

**Note:** For loans made after September 27, 1987, interest charged on any loan fee included in the body of the loan must be included in computing the credit.

**Affordable housing.** The credit is the difference between the finance charge (including the loan fee) for the loan and the market rate finance charge that would have been charged by the lender on similar nonqualifying loans made at the same time under like terms and conditions. The difference is limited to 4 percent of the average unpaid balance of the loan during the tax year for which the credit is claimed.

**Farmworker housing.** The credit is equal to 30 percent of interest income earned, if the loan was made in tax years beginning on or after January 1, 1996, and the farmworker housing project was completed before January 1, 2002. The credit is equal to 50 percent of the interest actually received, if the loan was made in tax years beginning before January 1, 1996, or if the farmworker housing project was completed on or after January 1, 2002.

### When can the credit be claimed?

**Energy conservation measures.** Taxable years beginning on or after January 1, 1982, for loans made on or after that date.

**Affordable housing.** Taxable years beginning on or after January 1, 1990, for loans made on or after January 1, 1990, and before January 1, 2020.

**Farmworker housing.** Taxable years beginning on or after January 1, 1990, for loans made on or after that date.

### What happens if the credit exceeds the tax?

**Credits.** For tax years beginning on or after January 1, 2001, a taxpayer claiming a credit against tax must claim the full amount of any credit that is allowed for the tax year, to the extent of the tax liability.

**Note:** Credits cannot be used to offset the minimum excise tax.

**Energy conservation measures.** Tax credits for loans made on or after September 29, 1991, are not refundable but are eligible for a 15-year carryforward.

**Affordable housing.** The excess credit allowed within the 4 percent limitation can be carried forward for up to five years. Unused credits from tax years starting before January 1, 1995, may be carried forward 15 years.

**Farmworker housing.** The credit is limited to your tax liability. The excess credit from one year can't be claimed in any other tax year.

### What evidence must the lender keep on file to verify the claimed credit?

**Energy conservation measures.** The lender must retain a copy of the loan application and a copy of the energy audit and space heat certification.

**Affordable housing.** The lender must retain a copy of the loan application and a copy of the certificate issued by HCSD, a local government entity, or its designated agent.

In addition, for all qualifying loans, the lender must prepare and retain a list of all loans made (by type) and show each borrower's name, address, and Social Security number or federal identification number (provided the borrower has signed an authorization to disclose this information) and the amount and date of the loan. If the borrower has not signed a disclosure authorization, then the loan number should be entered in lieu of name, address, and Social Security number or federal identification number.

**Farmworker housing.** The lender must retain a copy of the loan application and a copy of the certificate of compliance from the Oregon Occupational Safety and Health Division. For loans made in tax years beginning on or after January 1, 1996, the lender must include a copy of the certification from the borrower in the first year a lender's credit is claimed.

### Have questions? Need help?

E-mail.....[corp.help.dor@state.or.us](mailto:corp.help.dor@state.or.us)  
*This e-mail address is not secure and confidentiality cannot be ensured.*  
*General tax and policy questions only.*

**General tax information** ..... [www.oregon.gov/DOR](http://www.oregon.gov/DOR)  
Salem.....503-378-4988  
Toll-free from Oregon prefix..... 1-800-356-4222

#### Asistencia en español:

En Salem o fuera de Oregon.....503-378-4988  
Gratis de prefijo de Oregon ..... 1-800-356-4222

#### TTY (hearing or speech impaired; machine only):

Salem area or outside Oregon .....503-945-8617  
Toll-free from Oregon prefix..... 1-800-886-7204

**Americans with Disabilities Act (ADA):** Call one of the help numbers for information in alternative formats.