

Business Tax Administrative Rule 200.9523-1A

200.9523-1A – Doing Business for an Estate (LIC-2.014)

An estate is a tax reporting entity under **City of Portland Business License** and **Multnomah County Business Income Tax lawsCodes**. Both **lawsCodes** recognize that an estate is a temporary entity created the day after the death of an individual for the purpose of the valuation and distribution of the individual's assets. The estate shall be viewed in a manner similar to an individual for purposes of determining whether an estate is doing business in Portland and Multnomah County.

Example 1: Upon Sam Hill's death, **Sam'shis** assets passed into an estate until final distribution to **Sam'shis** heirs. **SamMr. Hill's** estate consists of three residential rental units along with a portfolio of stocks and bonds **Samhe** held for investment that was not connected with a trade or business. These assets generate income to the estate in the form of rents, dividends and interest. Since this combination of activities is exempt **from the Multnomah County Business Income Tax** for an individual, the estate is not **doing business in the City and County, and is not** required to **pay the Multnomah County be licensed or file a Business Income Tax report**. If gross receipts from rents are less than the gross receipts threshold for the year, the estate is not required to pay the City of Portland Business License Tax. **(This example is applicable for 2011 and prior tax years. See note below for tax years after 2011.)**

Example 2: Donna Martin owned a commercial building, three residential rentals and a portfolio of stocks and bonds. **DonnaMs. Martin** was licensed for **Donna'sher** rental activities (commercial and residential). Upon **DonnaMs. Martin's** death, the estate must also **obtain a file a return** and pay **the City of Portland Bbusiness License Tax** and **pay the Multnomah County Bbusiness Income Ttax**. Since the rental activities are not exempt activities for an individual, they are not exempt for the estate. All income items from the business activities are used in both the determination of net income and the apportionment calculation. **as directed in Administrative Rule ARB-LIC-4.01 (originally adopted as Revenue Bureau Administrative Rule 400.93-1)**

Note: Beginning with tax year 2012, the City of Portland Business License Law will no longer grant an exemption to individuals whose only business activity is renting or leasing less than ten (10) residential real property dwelling units.

Note: Applies to tax years beginning on or after 1/1/2023.

XX-XX-2023

Thomas Lannom

Date

Director, Revenue Division

Adopted XX-XX-2023