

City of Portland Business License Tax
Multnomah County Business Income Tax
Form E-2023 Business Tax Return for Trusts & Estates Instructions

General Information

Important Reminders

Note. Please use form SP-2023 for conservatorships, living trusts, and other revocable trusts that report income and expenses on an individual Form 1040.

File and Pay Online and Manage your Business Tax Accounts at Pro.Portland.gov. The Revenue Division's taxpayer portal can be used to manage your business tax accounts. Portland Revenue Online (PRO) allows you to:

- Register your business
- Update your business account information
- File a Business Tax Return
- Make payments
- Upload supporting tax pages and documents
- View correspondence mailed to you
- Provide Third-Party Access to your preparer

For more information and to create your account, please visit [Pro.Portland.gov](https://pro.portland.gov).

Filing Deadline. The filing deadline for this return is April 15, 2024. Since the E-2023 relies on information reported on the federal and/or Oregon tax return, the due date for the E-2023 will be changed when there is a change to the federal or State of Oregon due dates.

Extensions. The Revenue Division does not generally allow an extension of time to pay the tax, even if the IRS allows an extension. The tax balance is due on the original return due date. The submission of an extension payment by the original return due date provides an automatic six-month filing extension. If there is not a tax balance due but you would like to file an extension, your federal or State of Oregon extension will serve as your Business Tax extension and a separate extension will not need to be submitted. When filing your return on the extended due date, check the "Extension Filed" box on the return. If no extension payment was made, please attach a copy of your federal or State of Oregon extension with your return.

Federal Tax Pages: Be sure to include the following federal tax pages (and statements) and Portland schedules with your Form E-2023 Business Tax Return:

- Federal Form 1041
- Schedule C and statements (if filed)
If more than one Schedule C, include all of them

- Schedule E and statements (if filed)
If more than one Schedule E, include all of them
- Schedule F and statements (if filed)
If more than one Schedule F, include all of them
- Schedule D and statements (if filed, including Form 4797, Form 6252, Form 8824, and Form 8949)
If more than one Schedule D, include all of them
- Schedule B and statements (if filed, and related to your business)
If more than one Schedule B, include all of them
- Schedule OR-ASC or OR-ASC-NP (if claiming Oregon modifications)
- HVT Schedule, if required (Portland form)
- Schedule R, if required (Portland form)

The Revenue Division has the authority to request additional tax pages or supporting documentation to verify the accuracy of the tax reported on the tax return.

See Business Tax Administrative Rule (BTAR) 200.23-1 *Doing Business for an Estate – for tax years beginning on or after 1/1/2023* and BTAR 200.95-2A *Doing Business for a Trust* for more information.

What's New?

Market Based Sourcing. For tax years beginning on or after January 1, 2023, the City of Portland and Multnomah County have adopted the Market Based Sourcing (MBS) and single sales factor apportionment methodology to conform with the State of Oregon's apportionment methodology. This change includes adoption of the state's nexus standards and the interstate application of federal Public Law 86-272.

Downtown Business Incentive Credit. If your business entered into a new lease, extended a current lease, or owned and occupied their own business space in Lower Albina, Lloyd District, Old Town/Chinatown, or Downtown Portland, your business may be eligible for the Downtown Business Incentive Credit. Visit our webpage at portland.gov/revenue/dbi for more information about the credit and how to determine if your business is eligible to apply for the credit.

Increase to Residential Rental Registration Fee. For tax years beginning on or after January 1, 2023, the Residential Rental Registration fee has increased to \$70 per unit.

Amended Returns

The Revenue Division does not have a separate form for amended tax returns. To amend your Business Tax Return, use the form for the tax year being amended and check the "Amended" box. If the address for the year you're amending has changed, use your current mailing address and check the "Mailing Address Change" box.

Fill in all amounts on your amended return, even if they are the same as originally filed. If you are amending to make a change to additions, subtractions, or credits, include detail of all items and amounts as well as any carryovers. Please include a statement explaining what changed from the original return.

If you change taxable income by filing an original or amended federal or Oregon income tax return, you must file an amended Business Tax Return within 60 days of when the original or amended federal or Oregon income tax return is filed. Include a copy of your original or amended federal or Oregon income tax return with your amended Business Tax Return and explain the adjustments made.

Do not amend your Business Tax Return if you amend the federal return to carry a net operating loss back to prior years. The Revenue Division only allows tax entities to carry net operating losses forward. Additionally, net operating losses for the City of Portland Business License Tax and/or Multnomah County Business Income Tax are only generated from the Business Tax Return, not from your IRS or Oregon income tax return.

On the prepayments line of your amended Business Tax Return, enter the net tax for each jurisdiction as reflected on the original return or as previously adjusted. Do not include any penalty or interest portions of payments already made.

Apportionment

In adopting Oregon's apportionment law, both jurisdictions use Oregon's single sales factor to apportion business income to or away from the jurisdictions. Sales are all gross receipts not allocated under ORS 314.615 to 314.645 that are received from transactions and activity in the regular course of business except as excluded by ORS 314.610(7), the related statutes, and related rules. Refer to Oregon's statutes and rules for guidance. Substitute city/Portland or county/Multnomah County for state/Oregon as needed.

With a few exceptions, income earned in Portland is also earned in Multnomah County. Income may be apportioned only if there is regular business activity both inside and outside these jurisdictions that allow another city and/or county to impose a similar tax.

Exempt Businesses

If your business is exempt from the City of Portland Business License Tax, as allowed under Portland City Code (PCC) 7.02.400 or the Multnomah County Business Income Tax, as allowed under Multnomah County Code (MCC) 12.400, you are still required to file a Business Tax Return by the due date of your return. Failure to do so may result in a Presumptive Fee bill and your account will remain in non-compliance status until the required documentation is received.

This exemption is from the business taxes only. Any other tax, surcharge, or fee may fall under separate exemption criteria, for which your business may still be liable.

Gross Receipts Exemption

Note: The following amounts are taken from the federal income tax return.

To claim a gross receipts exemption from the City of Portland Business License Tax and/or the Multnomah County Business Income Tax, the total gross receipts from all business activity must be under:

- \$50,000 for the City of Portland Business License Tax exemption, and
- \$100,000 for the Multnomah County Business Income Tax exemption.

To calculate the total gross receipts from all business activity, add the following lines together:

- **Schedule C.** Enter the sum of the positive numbers reported on lines 3 and 6 of the primary Schedule C. Include gross receipts from Schedule F if the taxfiler does not qualify for the farming exemption under Portland City Code 7.02.400 (H).
- **Additional Schedule C.** Enter the sum of the positive numbers reported on lines 3 and 6 of all other Schedule Cs included on Form 1040.
- **Schedule D.** Enter the sum of the positive numbers reported on lines 4 and 11 of the Schedule D and any other business capital gains.
- **Schedule E.** Enter the sum of the positive numbers reported on lines 23a and 23b of the Schedule E. If there are any residential rental properties in the City of Portland, make sure to complete and submit a **Schedule R** (with payment) with your exemption request.
- **Form 6252 and Schedule B.** Enter the sum of the number reported on line 26 of Form 6252 and any interest from installment sale income from business property reported on Schedule B.

If your total gross receipts from all business activity are \$50,000 or more, you do not qualify for the gross receipts exemption for the City of Portland Business License Tax.

If your total gross receipts from all business activity are \$100,000 or more, you do not qualify for the gross receipts exemption for the Multnomah County Business Income Tax.

Other Exemptions

If you are claiming an exemption other than the gross receipts exemption, you must attach a statement that explains which exemption you are claiming and provide support for that exemption (See Exemption Codes in the Appendix).

Penalty Calculation

You may be subject to penalties for underpaying your estimated tax, filing a late Business Tax Return, and/or paying your business tax liability after the original due date of the return.

Although the Revenue Division assesses a late penalty for both failing to file a Business Tax Return by the due date and failing to pay the tax by the original due date of the return, only one of these late penalties will be applied, even if there is a failure of both requirements. In these cases, only the late filing penalty is applied.

Underpayment Penalty

You may be subject to a penalty for underpaying your tax liability if, by the original due date of the return, timely payments are not made which are either:

- At least 90% of the total tax due on line 18 (Multnomah County) and line 26 (City of Portland), or
- 100% of the prior year's tax for each jurisdiction.

If you did not satisfy either requirement, you will be charged a 5% underpayment penalty on the unpaid amount, but not less than \$5 per jurisdiction.

Late Filing Penalty

If you do not file your Business Tax Return by the original due date, file an extension with the Revenue Division by the original due date, or include a copy of your federal or state extension with your Business Tax Return when you file by the extended due date, the following late filing penalties will apply:

- 5% of the amount of the total tax liability if the failure to file is for a period less than four months.

- An additional penalty of 20% of the total tax liability must be added if the Business Tax Return is four months or more past due.
- An additional penalty of 100% of the total tax liability of all tax years for any Business Tax Return which is delinquent for three or more consecutive years.

No late filing penalty is due if a timely extension is filed with the Revenue Division and a Business Tax Return is filed by the extended due date, or a copy of the federal or state extension is included with the Business Tax Return and the 'Extension Filed' box is checked.

Late Payment Penalty

Your 2023 business tax must be paid by April 15, 2024, even if you requested an extension to file your Business Tax Return. If you do not pay your tax by the original due date, the following late payment penalties will apply:

- 5% of the amount of the tax that was not paid by the original due date.
- An additional penalty of 20% of the unpaid tax must be added if the failure to pay is for a period of four months or more.
- An additional penalty of 100% of the unpaid tax liability of all tax years if the failure to pay is for three or more consecutive years.

Interest Calculation

Late Payment Interest

Interest is calculated at 10% per annum (.00833 multiplied by the number of months). Calculate your interest from the original due date to the 15th day of the month following the date of the payment.

Quarterly Underpayment Interest

Quarterly underpayment interest will be due if estimated payments were required and were underpaid. Calculate your quarterly underpayment interest at a rate of 10% per annum from the due date of each quarterly estimated payment to the original due date of the tax return to which the estimated payments apply.

The amount of underpayment is determined by comparing the 90% of the current total tax liability amount to quarterly estimated payments made prior to the original due date of the tax return.

There is no interest on underpayment of quarterly estimated payments if:

- The total tax liability of the prior tax year was less than \$1,000 for the jurisdiction;
- An amount equal to at least 90% of the total tax liability for the current tax year was paid in accordance with PCC 7.02.530 and/or MCC 12.530; or
- An amount equal to at least 100% of the prior year's total tax liability was paid in accordance with PCC 7.02.530 and/or MCC 12.530.

final return. If you have sold your business, indicate the name and address of the entity you sold your business to.

Amended Return Box. Check this box if you are amending your 2023 tax return. See the Amended Return instructions above for more information about amending your Business Tax Return.

Extension Filed Box. Check this box if you filed an extension to file your federal or state income taxes. Attach a copy of your federal or State of Oregon extension to your tax return.

Trusts & Estates Business Tax Return Filing Instructions

Rounding. Round cents to whole dollars on your return and schedules. To round, drop amounts under 50 cents and increase amounts from 50 to 99 cents to the next dollar. For example, \$1.39 becomes \$1 and \$2.50 becomes \$3. If two or more amounts must be added to figure the amount to enter on a line, include cents when adding the amounts and round off only the total.

General Return Information

Tax Year. Enter the beginning and ending dates for your tax year. For calendar year filers, this would be 01/01/2023 to 12/31/2023.

Account #. Enter your BZT account number (ten digits). This information can be found on letters the Revenue Division has mailed to you related to your business tax account. If you cannot find your account number, call the Revenue Division at (503) 823-5157.

FEIN. Enter the Federal Employer Identification Number (FEIN) of the trust or estate.

NAICS. Enter the NAICS (North American Industry Classification System) code for your business.

If you are a residential lessor limited to Federal Schedules E and D, enter a business code of 531110. Commercial lessors should enter a business code of 531120.

Name. Enter the legal name of the trust or estate.

Mailing Address. Always enter your current mailing address. If the address for the year you are filing has changed from last year, check the box indicating the change.

Initial Return Box. Check this box if this is your first return you are filing with us. Attach the Business Tax Registration Form, if not mailed to us previously.

Final Return Box. Check this box if you no longer conduct business in the City of Portland and/or Multnomah County and this is the final return you are filing with us. Attach an *Out of Business Notification Form* or an explanation for your

Part I – Gross Income

Line 1. Multnomah County gross income. Multnomah County gross income means “sales” as defined in Oregon statute and administrative rules, and includes income from all business activity within Multnomah County (see Apportionment instructions above).

Line 2. Total gross income from all Schedules B, C, D, E, and F in all locations. Total gross income means “sales” as defined in Oregon statute and administrative rules, and includes income from all business activity everywhere, as reported on your federal Form 1041.

Line 3. Multnomah County apportionment percentage. Line 1 divided by line 2. Round to 6 decimal places. This line cannot be more than 1.0.

Line 4. City of Portland gross income. Portland gross income means “sales” as defined in Oregon statute and administrative rules, and includes income from all business activity within the City of Portland (see Apportionment instructions above).

Line 5. Total gross income from all Schedules B, C, D, E, and F in all locations. Total gross income means “sales” as defined in Oregon statute and administrative rules, and includes income from all business activity everywhere, as reported on your federal Form 1041. Generally, this should be the same amount reported on line 2, but there are certain situations where this amount may be different.

Line 6. City of Portland apportionment percentage. Line 4 divided by line 5. Round to 6 decimal places. This line cannot be more than 1.0.

Exempt – Multnomah County. Check this box if you are claiming an exemption from the Multnomah County Business Income Tax and select a reason for the exemption. If your reason for being exempt is other than for gross receipts, attach a statement explaining which exemption you are claiming and provide support for that exemption (See Exemption Codes in the Appendix).

Exempt – City of Portland. Check this box if you are claiming an exemption from the City of Portland Business License Tax and select a reason for the exemption. If your

reason for being exempt is other than for gross receipts, attach a statement explaining which exemption you are claiming and provide support for that exemption (See Exemption Codes in the Appendix).

NOTE: If you have claimed an exemption from the Multnomah County and the City of Portland business taxes, you generally don't need to fill out the following parts of the return:

- Part II – Net Income
- Part III – Multnomah County Business Income Tax (if claiming an exemption from Multnomah County Business Income Tax)
- Part IV – City of Portland Business License Tax (If claiming an exemption from the City of Portland Business License Tax)

However, even if you are exempt from the City of Portland Business License Tax, you are still liable for any Heavy Vehicle Use Tax or Residential Rental Registration fees that may be due. If you are subject to either tax/fee, please complete line 28 (Heavy Vehicle Use Tax) and/or line 29 (Residential Rental Registration Fee) and attach the required schedule(s) with your Business Tax Return. Be sure to include any payment due for these taxes/fees, or you will be subject to late payment penalties and interest on the unpaid balance.

If you have made estimated prepayments and would like them refunded to you or credited to the next tax year, fill out the prepayment section(s) of the return to tell us how you would like your overpayment applied in Part V – Tax Due / Refund.

Part II – Net Income

Line 7. Net income or (loss) before distribution. Enter the net business income or loss from lines 3, 5 and 6 from the federal Form 1041. **Do not** include pass-through income.

Line 8. Taxes based on or measured by net income add-back. Add back any taxes based on or measured by net income, including the City of Portland Business License Tax, Multnomah County Business Income Tax, and Metro Business Income Tax, that have been deducted to arrive at the net income reported on line 7.

Line 9. Other additions and subtractions. Enter any business income or loss from federal Form 1041 lines 1, 2, 4, 7 and 8. Subtract any business expenses directly related to the business income. **Attach a schedule for business expenses.**

Line 10. Adjusted net income. Sum of lines 7 through 9.

Part III – Multnomah County Business Income Tax

Line 11. Multnomah County modifications. Enter any modifications to Multnomah County's adjusted net income here. This would generally apply only in rare circumstances. Non-business income may be income or a loss. Remove any non-business income or loss reported in adjusted net income (line 10). Removal of income will be a subtraction while removal of a loss will be an addition.

Line 12. Multnomah County subject net income. Sum of line 10 and line 11.

Line 13. Multnomah County apportioned net income. Line 12 multiplied by line 3.

Line 14. Add-back of non-business income allocated to Multnomah County. Return any non-business income or loss removed above on line 11 that should be allocated to Multnomah County.

Line 15. Total business income taxable to Multnomah County. Sum of line 13 and line 14.

Line 16. Net operating loss deduction. Enter your net operating loss (NOL) from previous years as a negative number here. NOLs are allowed only if reported on prior Business Tax Returns. This deduction cannot be greater than 75% of line 15. Any unused NOL may only be carried forward for five tax years.

Line 17. Income subject to tax. Sum of line 15 and line 16.

Line 18. Multnomah County Business Income Tax. Line 17 multiplied by the tax rate of 2%. The minimum amount of tax owed is \$100.

Part IV – City of Portland Business License Tax

Line 19. City of Portland modifications. Enter any modifications to City of Portland's adjusted net income here. This would generally apply only in rare circumstances. Non-business income may be income or a loss. Remove any non-business income or loss reported in adjusted net income (line 10). Removal of income will be a subtraction while removal of a loss will be an addition.

Line 20. City of Portland subject net income. Sum of line 10 and line 19.

Line 21. City of Portland apportioned net income. Line 20 multiplied by line 6.

Line 22. Add-back of non-business income allocated to City of Portland. Return any non-business income or loss removed above on line 19 that should be allocated to the City of Portland.

Line 23. Total business income taxable to City of Portland. Sum of line 21 and line 22.

Line 24. Net operating loss deduction. Enter your NOL from previous years as a negative number here. NOLs are allowed only if reported on prior Business Tax Returns. This deduction cannot be greater than 75% of line 23. Any unused NOL may only be carried forward for five tax years.

Line 25. Income subject to tax. Sum of line 23 and line 24.

Line 26. City of Portland Business License Tax. Line 25 multiplied by the tax rate of 2.6%. The minimum amount of tax owed is \$100.

Line 27. Downtown Business Incentive Credit. Claim 25% of your total calculated Downtown Business Incentive Credit on this return. The amount of claimed credit cannot exceed the amount of City of Portland Business License Tax on line 26.

Do not claim any credit if you did not apply and receive an approval letter from the Revenue Division.

Line 28. Heavy Vehicle Use Tax (HVT). If you are subject to Portland's Heavy Vehicle Use Tax, enter the amount from line 4 of the HVT Schedule here.

Line 29. Residential Rental Registration Fee. If you are subject to Portland's Residential Registration Fee, enter the amount due from the Schedule R here.

Line 30. Total of City of Portland taxes and fees. Sum of lines 26 through 29.

Part V – Tax Due / Refund

Line 31. Total business taxes and fees. Sum of line 18 and line 30.

Line 32. Late payment or late filing penalty. Enter the amount of any late payment of taxes or late filing penalty owed.

Line 33. Underpayment penalty. Enter the amount of any underpayment penalty owed.

Line 34. Interest. Enter any quarterly underpayment interest and/or interest due on taxes not paid by their due dates.

Line 35. Quarterly estimated payments and other prepayments. Enter the total amount of prepayments as a negative number here. This includes all quarterly estimated payments, extension payments, and any credits carried forward from prior years.

Line 36. Overpayment. If the sum of lines 31 through 35 is negative, this is the amount you have overpaid. If you have an overpayment, you may make an irrevocable choice to have the balance:

- Refunded to you, or
- Applied as an estimated tax payment to the next open tax year.

If no election is made, any overpayment will be refunded to you.

Line 37a. Refund. Enter the amount of the overpayment you would like refunded to you on this line. If you would like direct deposit of your refund, please file your Business Tax Return online at [Pro.Portland.gov](https://pro.portland.gov). If your return is filed on paper, you will receive your refund in the mail by check. This election is irrevocable.

Line 37b. Apply as an estimated tax payment. Enter the amount of the overpayment you would like to apply as an estimated payment to the next open tax year on this line. This election is irrevocable.

Line 38. Combined amount due with report. If the sum of lines 31 through 35 is positive, you have a balance due.

Make your check payable to 'City of Portland' and submit with your Business Tax Return. For fastest payment processing, pay online by logging into your PRO account at [Pro.Portland.gov](https://pro.portland.gov).

Part VI – Signature

Signature. An authorized representative of the business must sign and date the return and provide a contact email address and phone number. By signing the return, you acknowledge, under penalty of false swearing, that the information on the return is true, correct, and complete. By claiming the Downtown Business Incentive (DBI) Credit, you agree to a waiver of the statute of limitations for any year where the credit is claimed, per administrative rule. This waiver will only apply to the DBI Credit and will not apply to other tax assessments or refunds.

Preparer Signature. Anyone who prepares, advises, or assists in preparing business income tax returns in exchange for compensation of any kind must be licensed to prepare Oregon returns and must sign the return.

Mailing Instructions

Mail your completed return and all required supporting tax pages in the same envelope to:

Revenue Division
111 SW Columbia St. Suite 600
Portland, OR 97201-5840

Appendix

Exemption Codes

If you are claiming an exemption from the City of Portland Business License Tax and/or Multnomah County Business Income Tax, please use one of the following Exemption Codes listed below:

Code Explanation

1	No business activity in jurisdiction
2	Gross business income from all sources less than \$100,000 (Multnomah County Only)
3	Gross business income from all sources less than \$50,000 (City of Portland Only)
4	Only business is the operation of less than 10 residential rentals (Multnomah County Only)
5	Real estate brokers (City of Portland Only)
6	Insurance agent
7	PL 86-272
8	Non-profit under ORS 317.080
9	Trusts exempt from federal income tax under IRC § 501
10	Farm/Ag only (HVT still possible)
99	Other (explanation required, please attach)