Investors Information Guide & Puerto Rico Tax Incentive Laws



Puerto Rico Overview

Important Facts about Puerto Rico

Puerto Rico is the easternmost of the Greater Antilles and the fourth largest island in the Caribbean after Cuba, Hispaniola (which comprises the Dominican Republic and Haiti), and Jamaica. The Island is located at the crossroads between North and South America, at just 3.5 hours airtime from New York, 60 minutes from Caracas, and at only 4 days sailing from Atlantic ports in the US and ports in the Gulf of Mexico. The Puerto Rican territory includes other three small islands (Vieques, Culebra and Mona), as well as numerous islets and keys.

Puerto Rico has the best of both worlds. On one hand a spectacular island with over 300 miles of the most beautiful beaches in the Caribbean, coupled with a developed economy, a highly efficient, state-of-the-art infrastructure, finest medical facilities in the Caribbean, the Historic Old San Juan, the oldest settlement within the US dating back to the 16th century and its warm and friendly people that embraces all visitors.

IMPORTANT FACTS ABOUT PUERTO RICO

CLIMATE

Tropical marine, mild; little seasonal temperature variation

TEMPERATURES

Average of 74 F (23 C) in the winter, 81 F (27 C) in the summer

GEOGRAPHY - NOTE

Important location along the Mona Passage - a key shipping lane to the Panama Canal; San Juan is one of the biggest and best natural harbors in the Caribbean.

POPULATION

3,285,874 (2020 Census).

LANGUAGES

Spanish, English

COUNTRY NAME

Commonwealth of Puerto Rico

DEPENDENCY STATUS

Unincorporated, organized territory of the US with commonwealth status; policy relations between Puerto Rico and the US conducted under the jurisdiction of the Office of the President.

GOVERNMENT TYPE Commonwealth

CAPITAL

Name: San Juan

TIME DIFFERENCE:

UTC-4 (1 hour ahead of Washington, DC during Standard Time)

LEGAL SYSTEM

Based on Spanish civil code and within the US Federal system of justice

POSTAL SERVICE

Puerto Rico is part of the US postal system and has the same mail rates and services as provided on the US mainland. Post Offices in every city offer Express Mail next-day service to the US mainland and Puerto Rico. In addition, express services are offered by FedEx, UPS, Emery, RPS, and DHL.

CURRENCY

Puerto Rico uses the US dollar. The US dollar is often referred to as the "peso"

Important Facts About Puerto Rico

Old San Juan

(Spanish: Viejo San Juan) is the oldest settlement within the territory of the United States and it is the historic colonial section of San Juan, Puerto Rico. It is located on a small island connected to the mainland of Puerto Rico by two bridges and a causeway. The city is characterized by its narrow cobblestone streets and colorful buildings, which date back to the 16th and 17th century when Puerto Rico was a Spanish possession.

Several defensive structures and notable forts, such as the emblematic Fort San Felipe del Morro, Fort San Cristóbal, and El Palacio de Santa Catalina, also known as La Fortaleza, acted as the primary defenses of the settlement which was subjected to numerous attacks. La Fortaleza continues to serve also as the executive mansion for the Governor of Puerto Rico.

El Yunque Rainforest

El Yunque National Forest, formerly known as the Caribbean National Forest is located in the rugged Sierra de Luquillo, 40km southeast of San Juan. It gets its name from the indigenous spirit Yuquiyú, which means "Forest of Clouds". El Yunque is the rainiest of all the National Forests with up to 240 inches per year. The Forest contains rare wildlife including the Puerto Rican Parrot, which is one of the ten most endangered species of birds in the world. Approximately 50 other bird species are found on the Forest, which serves as a wildlife refuge; no hunting is allowed. So amazing it is indeed, that it was recently selected as a finalist during the "7 Wonders of Nature" competition, from among an outstanding group of 261 nature venues from all around the world. It is also known for having the highest quality waters in Puerto Rico. Because it is a mountainous rainforest, there are plenty of streams, creeks, and rivers crossing it. The steepness of the terrain provides numerous lovely cascades, including the wonderful "La Coca Falls", the first spectacular feature seen by the visitor traveling up to the Forest.

IMPORTANT FACTS ABOUT PUERTO RICO

CUSTOMS AND IMMIGRATION

Puerto Rico has become one of the few exotic destinations Americans may travel to without a passport. As part of the Terrorism Prevention Act of 2004, all Americans traveling by air or by sea to or from Canada, Mexico, Central and South America, Bermuda and Caribbean will be required to have a passport or other secure, accepted document to enter or re-enter the U.S. As part of the United States of America, Puerto Rico is exempted from this new law.

Citizens of other countries have the same requirements as for entering the USA. Potential visitors must first obtain a visa, either a non-immigrant visa for temporary stay or an immigrant visa for permanent residence.

The San Juan International Airport is the leading regional airlift and handles 4,300 cargo flights per month and over 1,800 weekly flights for more than 20 cities in the US and several international destinations in the Caribbean, North America, South America and Europe with two major airports serving the West and East coast. Luis Muñoz Marín International Airport ranked 34th among passenger airports in the U.S.

There are non-stops flights readily available from more than 20 gateway cities in the U.S., with an average flight time of three hours. You can be working in New York in the morning and enjoy an incredible sunset in Bahía in the afternoon. Bahía is a short drive from San Juan, 25 minutes away from the International Airport. No hassles associated with entry or re-entry to the continental U.S.

The Puerto Rico Convention Center is the largest in the Caribbean and the most technologically advanced throughout both the Caribbean and Latin America. Boasting 580,000 square feet of total space, the Center can accommodate groups of up to 10,000, in an ideal setting at the gateway to all the Island has to offer.

ECONOMY - OVERVIEW

Puerto Rico has one of the most dynamic economies in the Caribbean region. A diverse industrial sector has far surpassed agriculture as the primary locus of economic activity and income. Encouraged by duty free access to the US and by tax incentives, US firms have invested heavily in Puerto Rico since the 1950s. US minimum wage laws apply. Sugar production has lost out to dairy production and other livestock products as the main source of income in the agricultural sector. Tourism has traditionally been an important source of income.

TOURISM

Passenger movement- inbound: 1,136,429 Occupancy rate: 63.0 % (2020-2021 est.)

Cruise ship visitors- 1,284,065 (2020 est.) 1.1 million passengers per year.

International Airport

Main airport: Luis Muñoz Marín International Airport Location: About nine miles from Old San Juan

Airlines that serve Puerto Rico: American Airlines, Air Tran, Southwest, West Jet, Air Canada, Condor, Avianca, Jet Blue, Delta, United, US Airways, Spirit, Sun Country Airlines, LIAT, Cape Air, Seaborne, among others. Principal US destinations: Atlanta, Baltimore, Boston, Charlotte, Cleveland, Chicago O'Hare, Dallas/ FortWorth, Detroit, Fort Lauderdale, Hartford, Houston, Los Angeles, Memphis, Miami, Minneapolis/ St. Paul, Newark, New York-JFK, Orlando, Philadelphia, Tampa, Washington-Dulles.

WORLD- CLASS CULINARY EXPERIENCE

Puerto Rico is the Caribbean's capital of gastronomic tourism. Visitors experience the rich and enticing flavors that this culinary melting pot has to offer. The Island's chefs are exceptionally talented men and women who have gained worldwide recognition by breaking culinary paradigms and pushing beyond traditional boundaries. Impeccable taste and delighting creativity have earned them numerous national and international distinctions, among them the Top Chef Awards, La Grand Medaille d'Honneur, the Chef's Hat Awards, and the National Chef Awards. The presence and strong influence of renowned and prestigious international restaurants such as Jean-Georges, BLT, Morton's of Chicago and Il Molino, have also contributed to the development of a new culinary language, thus making the dining experience another great highlight when visiting the Island.

REAL ESTATE

Considering the difficulties many industries have encountered due to the economic situation all around the world, the real estate business in Puerto Rico is stable. More than ever, people are looking for some piece of mind, and it seems that Puerto Rico fits perfectly with the highest standards of living.

CULTURE

Close to 3.2million people live on the "Island of Enchantment," with more than a million in the greater San Juan metropolitan area alone. It is a vibrant, modern, bilingual, multicultural society, one that has been molded by Spanish, African, Indian and U.S. influences. Residents of Puerto Rico have much in

common with their fellow Americans in the continental United States, yet they retain a decidedly Hispanic heritage.

ECONOMY - OVERVIEW

SHOPPING

San Juan is the Island's shopping Mecca. Plaza las Américas, the Caribbean's largest and most modern shopping center with over 200 stores, is located here. There are various shopping centers and two big factory outlet malls around the Island. In Puerto Rico there are the same big retail brands than in the U.S.

ENTERTAINMENT

Puerto Rico has a great variety of entertainment options for all ages and tastes. From breath-taking golf courses around the Island, to enjoyable casinos and exciting nightclubs. There are various discos at Isla Verde and modern chic hotel lobbies at Condado. If you want to hang out with the locals, La Placita, in Santurce, turns into an all-out street fest at night on the weekends. Old San Juan offers exciting entertainment, including restaurants, clubs and shops. Fiestas de la Calle San Sebastian and the San Juan Culinary Week are just a few of the special events held periodically at this historic city.

HOW TO BUY IN PUERTO RICO

Puerto Rico law does not prohibit or restrict a foreign person from acquiring real estate in Puerto Rico. Under Puerto Rico law, title is referred to as fee simple (pleno dominio), and can be acquired by a purchase and sale, gift, inheritance, exchange or by adverse possession. Fee simple entitles the owner to sell, transfer, mortgage, encumber, lease and/or use the property, subject to zoning regulations and recorded easements, covenants and other liens and encumbrances.

Fee simple title can be acquired by a private contract between the transferor and transferee. However, if the parties wish for the transfer of title to affect third parties, title must be transferred by a public deed executed before a notary public in PR. A certified copy of this deed is then filed for recordation in the applicable Section of the Registry of Property of Puerto Rico (the "Registry.") Parties to a real estate transaction must pay stamps tax and recording costs upon the execution of a deed whose certified copy would be filed in the Registry, the cost of which depends on the amount of the transaction (such as the purchase price in a purchase and sale transaction). The rate is approximately \$5.65 per thousand. Notaries in Puerto Rico have to be admitted to practice of law and therefore, only lawyers may act as notaries in the legalization of documents that need to be registered at the Puerto Rico Registry of Property, such as deeds of purchase and sale. The maximum allowable notary fee in Puerto Rico is one percent (1%) of the transaction value for the first US \$5,000,000 plus whatever the notary and the transactional parties agree to fees applicable to transactional amounts in excess of \$5,000,000. Prospective purchasers and mortgagees may examine title with respect to a parcel in PR by examining the records of the Section of the Registry which covers the municipality where the parcel is located. Title is usually examined by requesting a local title company to prepare a title report with respect to a parcel. Said title report will show who owns the parcel, the liens and encumbrances to which the parcel is subject and the priority of said liens, and any judicial or creditor liens that may been filed. A title report, if prepared properly, would reflect defects in the chain of title, if any.

It is recommended that a person who acquires fee simple title or any other real property right that it do so by means of a public deed, and that a certified copy thereof be filed for recordation in the Registry. The foregoing action, coupled with other requirements, would protect the acquirer as a "registered third party" from unrecorded rights and subsequent fraudulent sales by the seller/transferor. Also, it is typical in PR for an acquirer of fee simple title to obtain property tile insurance. This insurance protects the insured, among other things, from damages sustained by reason of (I) title to the property being vested other than in the insurer, (II) any defect in or lien or encumbrance on title not except to in the policy, (III) unmarketability of title, and (IV) lack of a right of access.

Act No. 132 enacted on September 2, 2010, as amended ("Act 132-2010") provides a one hundred percent (100%) income tax exemption (including total exemption from income tax withholding) on residential rental income derived by PR residents and non-residents and these benefits expire on December 31, 2025 (in order to claim the benefits, the lessor must file a PR income tax return to declare the rental income as 100% exempt). Additionally, on November 1st, 2011, the governor of Puerto Rico enacted Act No. 216 of 2011, as amended ("Act 216-2011") which, together with various housing programs, is intended to promote the acquisition and investment in the housing market on the Island. Investors, executives and business owners already benefiting from other incentives laws in Puerto Rico or individuals simply wanting to invest in a property in Puerto Rico can benefit from this and other incentives that could include total exemption of property taxes, waivers for payments of internal revenue stamps and vouchers, and cash incentives for transaction costs. See the Puerto Rico Incentive Laws section below.

Documents Needed to complete a loan Application

Personal income documents

salaried employment:

- Copy of the last two paycheck stubs showing year-to-date income
- Complete copy of the two previous years tax returns form and all its addendums.
- Copy of W-2 form for the past year.

for self-employment, sole Proprietor:

- Copy of the financial statements for the previous two years and year-to-date, including
 Profit and Loss statement.
- Copy of the last six months of business bank statements

for corporation:

• Copy of the Municipal Patent

and Incorporation Certificate

- Copy of year-to-date Profit and Loss statement
- Copy of the previous two years of tax returns
- The last two years of financial statements supported by six months of bank statements

for retirement income:

- Original Social Security Award Letter of Pension Award Letter
- Copy of the previous two years tax returns

for rental income:

- Copy of complete tax return for previous two years (including Schedule E) or
- Copy of lease or rental agreement for all properties

asset documents

• Copy of the three most recent account statements for all checking, savings or other asset accounts

liabilities (debts other than consumer credit accounts)

• A copy of the fully executed divorce decree indicating the amount of child support, alimony or separate maintenance payments, if applicable.

Banks in Puerto Rico

Banco Popular de Puerto Rico 787-765-9800

First Bank 787-792-8200

Oriental Bank 787 771 6800

Nave Bank Puerto Rico 787-802-8282

Puerto Rico Property & Tax Guide

Puerto Rico is a Commonwealth of the United States. Puerto Ricans get the best of both worlds: gorgeous Caribbean beaches and the benefits of having an American citizenship.

Withholding Income Taxes

A non-resident individual not engaged in a trade or business in Puerto Rico is subject to a withholding tax on certain interest, dividends, royalties or any other Puerto Rico-sourced income, to the extent

such payments constitute fixed or determinable income. Specific sourcing rules apply for each type of income.

Rental Income: Generally, gross rental income received by non-Puerto Rico residents is subject to a withholding tax of twenty percent (20%) if received by United States citizens or twenty nine percent (29%) if received by an alien. However, as previously discussed, until December 31, 2025, under Act 132-2010, lessors may claim a one hundred percent (100%) exemption from the Puerto Rico income tax on the rental income

Currency

Puerto Rico uses the US Dollar (USD)

Property tax

In Puerto Rico, real property is subject to an annual real property tax. Real property taxes are computed based on property values that date back to the fiscal year 1957-1958 (which was the last time that a general appraisal was conducted by the Government of Puerto Rico). The assessment is made as of January 1 of each year by the Municipal Revenue Collection Center ("CRIM", for its Spanish acronym) by discounting the current fair market value ("FMV") of the property to the 1957-1958 values. The rates, ranging from 8.03% to 12.33 %, of which vary depending on the municipality where the property is located. For example, the rate in Rio Grande for year 2024-2025 is 10.33%. Pursuant to Act 216-2011, a maximum of five (5) year and one hundred percent (100%) real property tax exemption is available for some eligible residential property. Such tax exemption is available until December 31, 2025, regardless when the exemption was claimed.

Sale of Property by Puerto Rico Non-Residents

Earnings from the sale of real property or shares are subject to a withholding tax of twenty five percent (25%) in the case of Puerto Rico non-resident non-US citizen individuals or fifteen percent (15%) in the case of US citizens, which is levied on the gross selling price minus the cost of the property and certain selling costs incurred by the seller. This withholding tax can be credited to the nonresident's final PR income tax liability. The final PR income tax liability is based on the actual capital gain. For purposes of determining the capital gain on the subsequent sale of the property, improvements to the property increase the property's basis (excluding those improvements made for maintenance purposes). In the case of US citizens, the tax applicable to long-term capital gains can range from fifteen percent to twenty four percent (15% - 24%), while short-term capital gains are taxed at ordinary income tax rates. In the case of foreign non-residents, the applicable tax will be twenty nine percent (29%) on the actual net capital gain.

Puerto Rico Transactional Tax Guide

Notary fees

It is mandatory that a notary prepares the sale and purchase deed. Maximum allowable notary fee is one percent (1%) of the property value for the first US \$5,000,000 plus 0.5% of the amount in excess of \$5,000,000.

Registration and filing fees

Several fees must be paid to different offices such as the CRIM, Treasury Department and Registry of Property. These fees are minimal and are not expected to exceed 0.75% of property and mortgage value.

Internal revenue stamps

Internal Revenue Stamps are purchased to be canceled on the original of deed of purchase and sale and first certified copy of deed to be filed in the Registry of Property. The notary keeps the original while the certified copy is filed at the Registry. Before applying for registration, filing vouchers for the Registry of Property must be bought first. Internal revenue stamps and vouchers are acquired electronically by lawyers/notaries.

Attorney's fees

Although not mandatory, it is highly advisable for foreign buyers to hire an attorney or lawyer. Attorney's fees may vary depending on location and the complexity of the transaction. Most lawyers charge a percentage of the selling price, about 0.5% to 1%, for the real estate transaction and charge a fixed fee or on an hourly basis for consultations and engagements. Each party pays for their own lawyer.

Puerto Rico Incentive Laws

Puerto Rico already offers significant tax incentives and some tax credits for certain manufacturing industries, hotel and tourism-related operations, agricultural activities, the film industry, international banking operations, green energy projects, and certain hospital facilities.

On July 1, 2019, in search of establishing a new transparent and efficient process for granting and overseeing all the incentives granted by the government, the Governor of Puerto Rico approved Act 60- 2019 (hereinafter referred to as the "Incentives Code"), to simplify in a single body of law all the tax incentives that Puerto Rico offers,

Relocation of Individual Investors

The Incentives Code provides an exemption from Puerto Rico income taxes on interest, dividends, and capital gains derived on the sale of securities or certain other investment assets realized or deemed accrued after such individuals become bona fide residents of Puerto Rico. This relocation should result in new local investments in real estate, services, and consumer products, as well as capital injections to the Puerto Rico banking sector; all of which will accelerate the economy of Puerto Rico.

These tax benefits granted to individual investors who relocate to Puerto Rico under the Incentives Code (hereinafter referred to as "Resident Individual Investors") will be available until December 31, 2035 (the "Tax Exemption Period"). During this period, interest and dividends received by a Resident Individual Investor will be 100 percent tax exempt from Puerto Rico income taxes. Under I.R.C. §933 interest and dividends from Puerto Rico sources will be exempt from federal taxation. To be considered a Resident Individual Investor and be able to avail from the benefits of a grant, the individual must not have been a resident of Puerto Rico for the 6 years before January 17, 2012.

Long-term capital gains derived by a "resident individual investor" during the Tax Exemption Period from Securities and Other Assets, as defined in the Incentives Code, will be subject to preferential income tax rates. If such gains were deemed to have accrued before the individual investor becomes a Puerto Rico resident and are recognized within 10 years after the date the investor established residence in Puerto Rico, the gains will be taxed at a 15 percent income tax rate, (for some sellers, the Alternate Basic Tax, which ranges from 1 to 24 percent may apply in lieu of the 15% income tax rate). If such gains are recognized after the 10-year period, but prior to January 1, 2036, a 5% income tax rate will apply. Capital gains related to investment appreciation considered accrued after the investor becomes a Puerto Rico resident will be 100% exempted from Puerto Rico income taxes.

Under the Incentives Code, a Resident Individual Investor may transfer or donate freely, inter-vivos, and at their own discretion all or part of their assets to either a Puerto Rico or a foreign trust, irrespective of whether the assets transferred or donated are tangible or intangible in nature; where the property is located, and the transfer, donation, testamentary disposition and /or the terms and conditions of such trust is inconsistent or to the contrary to any legal or regulatory provision in Puerto Rico, including but not limited to the provisions of the Civil Code of Puerto Rico, including community property and forced heirship rules.

The Incentives Code requires individuals to purchase a residential property in Puerto Rico within the first two years after the issuance of the decree. Also, Resident Individual Investors must make a charitable contribution of at least \$10,000 to a non-for-profit organizations operating in Puerto Rico that are certified as tax exempt entities under Section 1101.01(a)(2) of the Puerto Rico Internal Revenue Code, as amended (the "PR Code"). Of the \$10,000 amount, \$5,000 must be destined to non-profit entities operating in Puerto Rico whose work addresses the eradication of child poverty and which appear on the list published by the Special Joint Committee on Legislative Funds for Community Impact. Failure to comply with these requirements would result in the retroactive revocation of the tax decree. Residential Individual Investors should file an annual report with a filing fee of \$5,000.

Professionals of Difficult Recruitment

These are resident individuals that work full time with a specialized knowledge that is considered indispensable to an exempt business that possesses a tax grant. To avail from the benefits granted on the Incentives Code for such individuals, these individuals must obtain a grant and comply with certain requirements that will be adopted through regulations. Salaries up to \$100,000 derived by these professionals will be subject to ordinary PR income tax rates while salaries and benefits over \$100,000 will be exempt from PR income taxes, including the Alternate Basic Tax.

Exportation of Services

The Incentives Code also seeks to establish Puerto Rico itself as an international center for the export of

services by encouraging local service providers to expand their services to persons outside of Puerto Rico in aid of promoting the development of new businesses in Puerto Rico and stimulating the inbound transfer of service providers to Puerto Rico.

The Incentives Code allows business enterprises, ranging from advertising, shared services centers, trading companies and accounting and legal services, to telemedicine facilities, medical tourism and blockchain services to benefit from special tax rates applicable to income derived from services rendered within Puerto Rico to certain customers located outside of Puerto Rico (hereinafter referred to as "Eligible Business"). Services for foreign markets are services performed for nonresident individuals or foreign entities that have no nexus with Puerto Rico. Services provided for a U.S., non-

Puerto Rico client would qualify. In other words, the eligible service is not, and will not be, related to the conduct of a trade, business or other activity in Puerto Rico. For example, warehousing and distribution services for products manufactured outside of Puerto Rico and to be distributed to markets outside of Puerto Rico will be considered eligible services.

To enjoy the benefits granted under the Incentives Code, an Eligible Business must request and obtain a tax exemption decree. Such decree will have a term of fifteen (15) years, renewable for fifteen (15) additional years, provided that the Eligible Business met all the requirements and conditions set forth in the decree. To avail from the benefits of the Incentives Code, certain conditions must be satisfied by the Eligible Business, such as maintaining a minimum of one (1) direct employee for businesses with an annual projected or actual volume of business of more than \$3,000,000. The Secretary has the authority to impose a higher employment requirement if deemed appropriate taking into consideration the best interests of Puerto Rico.

The tax exemption decree will constitute a contract with the Puerto Rico government not subject to subsequent legislative changes. During the term of the decree, the grantee will enjoy a: (i) four percent (4%) income tax rate on export services income, (ii) one hundred percent (100%) tax-exemption for distributions from earnings and profits derived from the export services income, (iii) seventy five percent (75%) exemption from real and personal property tax and (iv) fifty percent (50%) exemption from municipal license tax.

Housing Incentives

Act 216-2011, as amended, grants individual residents and non-residents of Puerto Rico various incentives for sale and purchase of certain real property until December 31, 2030.

Currently Act 216-2011 includes newly constructed residential real property acquired from a developer that is suitable for family occupation and has not been previously occupied.

Some of the benefits provided under Act 216-2011, as amended, include:

- One hundred percent (100%) tax exemption from income taxes, including the alternate basic tax and the alternate minimum tax, imposed on the capital gain derived from the sale of property used as a principal residence by the seller or his family for the two years immediately preceding the sale. This incentive is available until December 31,2030;
- One hundred percent (100%) tax exemption from income tax, including the alternate basic tax and the alternate minimum tax, imposed on the long-term capital gain derived from the sale of certain newly constructed property, which was acquired by the seller between November 1, 2011 and June 30, 2013. This incentive is available until December 31, 2030 and is applicable only to the first sale of the property;
- Certain income tax exemptions, including the alternate basic tax and the alternate minimum tax, may apply to the long-term capital gain derived from the sale of certain qualified

residential property that is not newly constructed, which was acquired by the seller between November 1, 2011 and June 30, 2013. This incentive is available until December 31, 2030 and is applicable only to the first sale of the property;

- One-hundred percent (100%) tax exemptions from alternate basic tax and alternate minimum tax imposed on the long-term capital gain derived from the sale of certain residential newly constructed property acquired by a seller or by certain qualified institutional investors between July 1st, 2013 and December 31, 2020. This incentive is available until December 31, 2030. This exemption is also applicable to any buyer that acquires an eligible housing from a qualified institutional investor if it is the first sale made by such investor after his initial acquisition.
- One hundred percent (100%) tax exemption on real property taxes, for a maximum period of five (5) years of certain residential newly constructed property. Such exemption is available until December 31, 2025 (irrespective of when the exemption was originally requested).