

## **ORDINANCE No. 188618**

\*Approve application under the Multiple-Unit Limited Tax Exemption Program for KOZ 1299 SE Ankeny located at 123 SE 13<sup>th</sup> Ave (Ordinance)

The City of Portland ordains:

Section 1. The Council finds that:

1. On behalf of the City of Portland, the Portland Housing Bureau (“PHB”) administers the Multiple-Unit Limited Tax Exemption Program (the “MULTE Program” or “Program”), authorized under ORS 307.600-307.637 and City Code Chapter 3.103.
2. The MULTE Program provides a ten-year property tax exemption on the residential portion of structural improvements so long as Program requirements are met. During the exemption period, Property owners remain responsible for the payment of taxes on the assessed value of the land and any commercial portions of the Project, except for those commercial improvements deemed a public benefit and approved for the exemption.
3. PHB received an application for a ten-year property tax exemption for the development known as KOZ 1299 SE Ankeny (the “Project”) located at 123 SE 13<sup>th</sup> Ave (the “Property”), in conjunction with the City’s Inclusionary Housing Program. The Project, located in the Buckman neighborhood, will be a residential housing Project and will restrict fifteen percent (15%), which is thirteen (13) units, of the Project’s eighty-seven (87) units, to households earning no more than eighty percent (80%) Median Family Income (“MFI”) at the time of lease-up. Those households will continue to be Qualified Tenants as long as their income remains below one-hundred percent (100%) MFI. KOZ 1299 SE Ankeny LLC (“Owner”) owns the Property. The Project will be developed by KOZ Development LLC and the proposed property management company is Coast Real Estate.
4. The MULTE Program has an annual cap limiting the approval of new property tax exemptions to no more than three million dollars of new estimated foregone revenue. There is sufficient cap remaining for the 2017 calendar year to include the Project’s application.
5. PHB has the responsibility for reviewing compliance of approved applications with the minimum MULTE program requirements and has concluded that the application for the Project does indeed meet the minimum program requirements.

NOW, THEREFORE, the Council directs:

- a. The request for a ten-year property tax exemption under the MULTE Program is hereby approved for thirteen (13) units of the Project, as well as fifteen percent (15%) of residential parking and common areas.
- b. Approval of the application is contingent upon the following conditions having been met:
  1. The Project must restrict fifteen percent (15%) of its total units to households earning no more than eighty percent (80%) MFI (the "Restricted Units"). The Restricted Units will reflect the unit-mix in the Project.
  2. The application will comply with the program requirements established in City Code Chapter 3.103, including the requirement that the owner sign a Regulatory Agreement and report annually to PHB each tax year that the exemption and affordability restrictions are in effect.
  3. The Restricted Units will be built to meet all minimum Americans with Disabilities Act and Fair Housing Act requirements. The Project will also be built to ensure at least five percent of the affordable units, totaling one, be fully adaptable to become fully accessible per ADA and FHA standards if necessary to accommodate tenants with disabilities.
- c. PHB shall provide a copy of this Ordinance to the Multnomah County Tax Assessor as prescribed by City Code Section 3.103.050 (A).
- d. If, prior to the completion of construction, the Project is changed in any way that would reduce the number, percentage or distribution of the Restricted Units in the Project, or the approved public benefits provided, Owner must provide written notice to PHB. If such changes still conform to the Program requirements, PHB will amend the Regulatory Agreement. Such amendment would not be subject to City Council approval if changes are minor and would result in substantially the same Project.

Section 2. The Council declares an emergency exists because timely City approval of the application for the MULTE Program is necessary in order to allow the project to meet requirements to approve the building permit as outlined by the Bureau of Development Services; therefore, this ordinance shall be in full force and effect from and after its passage by the Council.

Passed by the Council: SEP 27 2017

Mayor Ted Wheeler  
Prepared by: Dory Van Bockel  
Date Prepared: September 5, 2017

**Mary Hull Caballero**  
Auditor of the City of Portland

By 

Deputy

1075

Agenda No.

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<p><b>INTRODUCED BY</b> Commissioner/Auditor: <b>Ted Wheeler</b></p>	<p>CLERK USE: DATE FILED <u>SEP 19 2017</u></p>
<p><b>COMMISSIONER APPROVAL</b></p> <p>Mayor—Finance &amp; Administration - Wheeler <i>kk</i></p> <p>Position 1/Utilities - Fritz</p> <p>Position 2/Works - Fish</p> <p>Position 3/Affairs - Saltzman</p> <p>Position 4/Safety - Eudaly</p>	<p style="text-align: center;">Mary Hull Caballero Auditor of the City of Portland</p> <p>By: <i>[Signature]</i> Deputy</p>
<p><b>BUREAU APPROVAL</b></p> <p>Bureau: Housing Bureau Head: Kurt Creager</p> <p><i>AK 9/8/2017</i></p> <p>Prepared by: Cassie Graves Date Prepared: September 7, 2017</p> <p>Impact Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/></p> <p>Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p><b>City Auditor Office Approval:</b> required for Code Ordinances</p> <p><b>City Attorney Approval:</b> required for contract, code, easement, franchise, comp plan, charter <i>[Signature]</i></p> <p>Council Meeting Date: <del>October 4, 2017</del> <i>9/27/2017</i></p>	<p><b>ACTION TAKEN:</b></p>

<p style="text-align: center;"><b>AGENDA</b></p> <p><b>TIME CERTAIN</b> <input type="checkbox"/></p> <p>Start time: _____</p> <p><b>Total amount of time needed:</b> _____ (for presentation, testimony and discussion)</p> <p><b>CONSENT</b> <input type="checkbox"/></p> <p><b>REGULAR</b> <input checked="" type="checkbox"/> <span style="float: right;">20</span></p> <p><b>Total amount of time needed:</b> <del>5</del> min (for presentation, testimony and discussion)</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 30%;">FOUR-FIFTHS AGENDA</th> <th colspan="2">COMMISSIONERS VOTED AS FOLLOWS:</th> </tr> <tr> <th></th> <th>YEAS</th> <th>NAYS</th> </tr> <tr> <td>1. Fritz</td> <td style="text-align: center;">✓</td> <td></td> </tr> <tr> <td>2. Fish</td> <td style="text-align: center;">✓</td> <td></td> </tr> <tr> <td>3. Saltzman</td> <td style="text-align: center;">✓</td> <td></td> </tr> <tr> <td>4. Eudaly</td> <td style="text-align: center;">✓</td> <td></td> </tr> <tr> <td>Wheeler</td> <td style="text-align: center;">✓</td> <td></td> </tr> </table>	FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:			YEAS	NAYS	1. Fritz	✓		2. Fish	✓		3. Saltzman	✓		4. Eudaly	✓		Wheeler	✓	
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