

## ORDINANCE No. 189034

\*Approve application under the Multiple-Unit Limited Tax Exemption Program under the Inclusionary Housing Program for the project, 5434 SE Milwaukie, located at 5434 SE Milwaukie 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 the 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.
3. The MULTE Program is an incentive provided to developments complying with the City Inclusionary Housing Program, which requires 99 years of affordability.
4. PHB received a request for a 10-year property tax exemption for the development known as 5434 SE Milwaukie (the “Project”), and located at 5434 SE Milwaukie Ave. (the “Property”), in conjunction with the City’s Inclusionary Housing Program. The Project, located in the Sellwood-Moreland Improvement League neighborhood, will be a residential housing project and will restrict 100%, which is 28 units, of the Project’s 28 units to households earning no more than 60% of Median Family Income (“MFI”) at the time of lease-up. To meet its own IH obligation, the Project selected to restrict 8%, which is 2 units, to households earning no more than 60% MFI. The Project was also selected as a receiving building for another project’s – 5605 SE Milwaukie Ave (“Sending Building”) – IH obligations, restricting an additional 6 units (or 20% of the Sending Building’s 30 total units) to households earning no more than 60% MFI. In addition, the Project is voluntarily restricting the remaining 20 units to households earning no more than 60% MFI for 99 years. Main Street Development Inc. (“Owner”) owns the property. The property will be developed by Tahran Architecture & Planning LLC. Owner has yet to select a property manager of the Project.
5. 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 2018 calendar year to include the Project’s application.

6. PHB has the responsibility for reviewing compliance of 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 10-year property tax exemption under the MULTE Program is hereby approved for 100% of the residential portion of the structural improvements of 5434 SE Milwaukie, including 100% of the residential parking and common areas.
- b. Approval of the application is provided subject to the Project meeting the following conditions:
  1. The Project must restrict 100% of its units to households earning no more than 60% 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 Restricted Units, totaling 2, 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.

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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: JUN 20 2018

Mayor Ted Wheeler  
Prepared by: Cassie Graves  
Date Prepared: May 7, 2018

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

By

  
Deputy

688-1

1140

Agenda No. **ORDINANCE NO. 189034**

Title

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<p><b>INTRODUCED BY</b> Commissioner/Auditor: <b>Ted Wheeler</b></p> <p><b>COMMISSIONER APPROVAL</b></p> <p>Mayor—Finance &amp; Administration - Wheeler</p> <p>Position 1/Utilities - Fritz <i>[Signature]</i></p> <p>Position 2/Works - Fish</p> <p>Position 3/Affairs - Saltzman</p> <p>Position 4/Safety - Eudaly <i>[Signature]</i></p> <p><b>BUREAU APPROVAL</b></p> <p>Bureau: Housing Bureau Head: Shannon V. Callahan <i>[Signature]</i></p> <p>Prepared by: Cassie Graves Date Prepared: May 23, 2018</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: June 27, 2018</p>	<p>CLERK USE: DATE FILED <u>JUN 19 2018</u></p> <p>Mary Hull Caballero Auditor of the City of Portland</p> <p>By: <u><i>[Signature]</i></u> Deputy</p> <p><b>ACTION TAKEN:</b></p>
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<b>AGENDA</b>
<p><b>TIME CERTAIN</b> <input type="checkbox"/></p> <p>Start time: _____</p> <p>Total amount of time needed: _____ (for presentation, testimony and discussion)</p>
<p><b>CONSENT</b> <input type="checkbox"/></p>
<p><b>REGULAR</b> <input checked="" type="checkbox"/></p> <p>Total amount of time needed: <b>5 min</b> (for presentation, testimony and discussion)</p>

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:	
	YEAS	NAYS
1. Fritz <i>[Signature]</i>	✓	
2. Fish	_____	
3. Saltzman <i>[Signature]</i>	✓	
4. Eudaly <i>[Signature]</i>	✓	
Wheeler <i>[Signature]</i>	✓	