

Agenda No. 160

ORDINANCE No. 190325

*Approve application under the Multiple-Unit Limited Tax Exemption Program under the Inclusionary Housing Program for Burnside Apartments located at 11005 E Burnside St (Ordinance)

The City of Portland ordains:

Introduced by
Commissioner Ryan

Section 1. The Council finds:

Bureau
Housing Bureau

Prepared by
Brett Eisenbrown

Date Prepared
February 3, 2021

Requested Council Date
March 17, 2021

Requested Agenda Type
Regular

Time Requested
10 minutes

Date Filed with Clerk
March 9, 2021

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 10-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, except for those commercial improvements deemed a public benefit and approved for the exemption.
3. The MULTE Program is an incentive provided to developments complying with the City Inclusionary Housing ("IH") Program, which requires 99 years of restricted rents of a percentage of units within the building.
4. PHB received a request for a 10-year property tax exemption under the MULTE Program for the development known as Burnside Apartments (the "Project") and located at 11005 E Burnside Street (the "Property"), in conjunction with the City's Inclusionary

Housing Program. The Project, located in the HAZELWOOD neighborhood, will be a residential only housing project and will restrict 15 percent, which is four units, of the Project's 29 units to households earning no more than 80 percent of Median Family Income ("MFI") at the time of lease-up (the "IH Units"). The Owner of record for the property is Sergey Tsurenko & Provision Investments ("Owner").

5. The MULTE Program has an annual cap limiting the approval of new property tax exemptions to no more than 15 million dollars of new estimated foregone revenue within a five-year period, defined as any current year and the previous four years. There is sufficient cap remaining for the 2021 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 15 percent of the residential portion of the structural improvements of Burnside Apartments, including 15 percent of 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 15 percent of its 29 units to households earning no more than 80 percent MFI (the "Restricted Units"). The Restricted Units will reflect the unit-mix in the Project and will consist of four studio units.
 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 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 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 Council: March 17, 2021

MARY HULL CABALLERO

Auditor of the City of Portland

By *Megan Lehman*
Deputy

Action taken:

Four Fifths Agenda	Commissioners voted as follows:		
		YEAS	NAYS
1. Rubio	1. Rubio	✓	
2. Ryan	2. Ryan	✓	
3. Hardesty	3. Hardesty	✓	
4. Mapps	4. Mapps	✓	
Wheeler	Wheeler	✓	