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## 190638

Emergency Ordinance

### **\*Approve application under the Multiple-Unit Limited Tax Exemption Program under the Inclusionary Housing Program for The Canopy Apartments at Powell – Building A located at 12475 SE Powell Blvd**

Passed

The City of Portland ordains:

Section 1. The Council finds:

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 The Canopy Apartments at Powell – Building A (the “Project”) and located at 12475 SE Powell Blvd (the “Property”), in conjunction with the City’s Inclusionary Housing Program. The Project, located in the POWELLHURST-GILBERT neighborhood and the Lents Town Center Urban Renewal Area, will be a residential only housing project and will restrict 100 percent, which constitutes all 91 units in the Project, to households earning no more than 60 percent of Median Family Income (“MFI”) at the time of lease-up (the “IH Units”). The Owner of record for the property is USA POWELL, LLC (“Owner”).

**Introduced by**

[Commissioner Dan Ryan](#)

**Bureau**

[Housing Bureau](#)

**Prepared by**

Chris Flanary

**Date Prepared**

November 10, 2021

**Requested Agenda Type**

Consent

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. Projects that are in an Urban Renewal Area are not subject to the annual cap and must be approved by Prosper Portland. This Project was approved for the Lents Town Center URA prior to the Council date.
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 percent of the residential portion of the structural improvements of The Canopy Apartments at Powell – Building A, including 100 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 100 percent of its 91 units to households earning no more than 60 percent MFI (the “Restricted Units”). The Restricted Units will reflect the unit-mix in the Project and will consist of 59 one-bedroom, 12 two-bedroom and 20 three-bedroom 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 five, 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.

An ordinance when passed by the Council shall be signed by the Auditor. It shall be carefully filed and preserved in the custody of the Auditor (City Charter Chapter 2 Article 1 Section 2-122)

Passed by Council  
December 15, 2021

Auditor of the City of Portland  
Mary Hull Caballero

## Impact Statement

 [Impact Statement](#) (42.47 Kb)

## Budget Office Financial Impact Analysis

This action would result in estimated foregone property tax revenues to the City totaling \$208,265 over ten years for 7 units affordable at or below 60% MFI. Total cost to all jurisdictions' forgoing revenue is estimated at \$631,107. The estimated value of the tax exemption for the first year is \$68,525 (all jurisdictions), which equals approximately \$694 per affordable unit per year of affordability. The City will still benefit from property taxes collected on the improved value of the land during the exemption period. The City will pay Multnomah County the \$9,000 application activation fee if the application moves forward.

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## Agenda Items

### 893 Consent Agenda in [December 15-16, 2021 Council Agenda](#)

Passed

Commissioner Mingus Mapps Yea

Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Commissioner Jo Ann Hardesty Yea

Mayor Ted Wheeler Yea