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191347

Emergency Ordinance

*Approve application under the Multiple-Unit Limited Tax Exemption Program under the Inclusionary Housing Program for AM/DRI Block 45 located at 4030 S Bond Ave

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 AM/DRI Block 45 (the "Project") and located at 4030 S Bond Ave (the "Property"), in conjunction with the City's Inclusionary Housing Program. The Project, located in the South Portland neighborhood and the North Macadam Urban Renewal Area, will be a mixed-use housing project and will restrict 10 percent of the total bedrooms in the Project to households earning no more than 60 percent of the median family income ("MFI") at the time of lease-up. Using the reconfiguration option, three three-bedroom and two four-bedroom units, which is nine percent of the

Introduced by

[Commissioner Carmen Rubio](#)

Bureau

[Housing Bureau](#)

Contact

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Requested Agenda Type

Consent

Date and Time Information

Requested Council Date

June 28, 2023

project's total 58 units, will be restricted to households earning no more than 60 percent MFI.

In addition, the Project is part of a five-building development that was approved under LU 20-102914 DZM AD GW and the developer has elected to utilize On-Site Consolidation which allows for the IH requirements of each building within a site to be transferred to another building on the same site. The four other buildings on-site will transfer their IH obligations to AM/DRI Block 45. The Owner of record for the property is AM/DRI Willamette LLC ("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. 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 North Macadam 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 AM/DRI Block 45, 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 nine percent of its 58 units to households earning no more than 60 percent MFI (the "Restricted Units"). The Restricted Units through reconfiguration, will consist of three three-bedroom and two four-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 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.

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
June 28, 2023

Auditor of the City of Portland
Simone Rede

Impact Statement

Purpose of Proposed Legislation and Background Information

To ensure Portland has economically inclusive development and neighborhoods, the city requires that new buildings being constructed (*with more than 20 units*) also provide Inclusionary Housing units ("IH Units"), restricted for 99 years under the Inclusionary Housing ("IH") Program.

In exchange for providing IH Units, developers receive some benefits, including a 10-year property tax exemption – typically on all residential units in the Central City, or on only eligible rental units restricted under the IH Program outside the Central City.

For the building associated with this ordinance, below are the IH Program options available to the developer in city code. The option selected by the developer is in **bold**.

Breakdown of Affordable Units Required Under Inclusionary Housing Options Available to Building

On-Site Units	New Off-Site Units	Existing Off-Site Units	Fee-in- Lieu	
Units at 80% of Median Income	11 Units	N/A	N/A	N/A
Bedrooms at 80% of Median Income	30 Bedrooms	N/A	N/A	N/A
Units at 60% of Median Income	6 Units	11 Units	15 Units	N/A
Bedrooms at 60% of Median Income	17 Bedrooms	N/A	N/A	N/A
Units at 30% of Median Income	N/A	6 Units	9 Units	N/A
No IH Units	N/A	N/A	N/A	\$1,764,234

The developer selected the option to provide 10% of the building's 58 units, totaling six units. Using the option to reconfigure the building's IH obligation into larger type units, the building's original requirement of two two-bedroom, three three-bedroom and one four-bedroom units, will be provided in three three-bedroom and two four-bedroom units, which is nine percent of the project's total 58 units, and will be restricted to households earning no more than 60 percent median income for 99 years.

Original IH Unit Requirements	Total Bedrooms in Original IH Unit Requirements	IH Obligation utilizing Reconfiguration
(6 IH Units)		(5 IH Units)
(2) Two-bedrooms		(3) Three-bedrooms
(3) Three-bedrooms	(17) bedrooms	(2) Four-bedrooms
(1) Four-bedrooms		

In addition, the Project is part of a five-building development that was approved under LU 20-102914 DZM AD GW and the developer has elected to utilize On-Site Consolidation which allows for the IH requirements of each building within a site to be transferred to another building on the same site (the "Consolidated Building"). AM/DRI Block 45 has been selected

as the Consolidated Building for the four other buildings on site that are subject to Inclusionary Housing.

Because this building is inside the Central City Plan District, the tax exemption will apply to all the residential units.

Overview of building and units:

58-unit building at 4030 S Bond Ave

1. Market rate units: 53 units
2. IH Units: 5 units

Building Unit Summary	Studio	One Bedroom	Two Bedroom	Three Bedroom	Four Bedroom
Total	-	-	22	32	4
Market Rate	-	-	22	29	2
Restricted at 60% of Median Income	-	-	0	3	2
Average Square Footage	-	-	777	1,018	1,041
Largest Square Footage	-	-	792	1,041	1,041
Smallest IH Unit	-	-	737	986	1,041

Regulated restricted rents compared to new construction market rate rents in the same neighborhood:

Building Rent Summary	Studio	One Bedroom	Two Bedroom	Three Bedroom	Four Bedroom
Market Rate	-	-	\$2,854	\$3,074	\$4,216
Restricted at 60% of Median Income	-	-	\$1,524	\$1,760	\$1,963
Monthly Rent Difference	-	-	\$1,330	\$1,314	\$2,253

Annual Rent Difference	-	-	\$15,960	\$15,768	\$27,036
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Over the 99 years of required rent restriction, market rents will only continue to increase at a faster rate compared to regulated rents.

If this ordinance is not approved by City Council, the development will proceed without any IH Units.

ORS 307.621 and City Code Section 3.103.060(B) state that PHB will take applications to City Council for approval in the form of an ordinance and deliver approved applications to the Multnomah County Tax Assessor. This action meets those requirements.

Financial and Budgetary Impacts

The developer will pay the \$ 9,000 application activation fee to Multnomah County, should the application move forward.

This Ordinance approves a property tax exemption resulting in foregone tax revenue. The total estimated amount of the property tax revenue not collected for the 10 years of the exemption period is valued at approximately \$1,307,745 in today’s dollars, assuming a four percent discount rate and a three percent annual assessment increase. This 10-year estimate includes taxes foregone by the City of Portland, Multnomah County and other entities which receive property taxes within Multnomah County. The reduced amount of property taxes to the City of Portland over the 10 years is roughly 33 percent of that amount, or \$431,556 The City will still benefit from property taxes collected on the improved value of the land during the exemption period.

Property tax exemption value and foregone revenue:

Estimated total foregone revenue:	1,307,745
Estimated first year value of the tax exemption:	\$141,995
Estimated annual value of the tax exemption per IH Unit during the exemption period:	\$26,155
Estimated annual foregone revenue per IH Unit over 99-year restriction term:	\$2,642

Central City Plan District: Yes No

Remaining 5-Year Cap: \$12,297,20

Property Management: Not selected yet

Community Impacts and Community Involvement

As the largest taxing jurisdiction affected by the tax exemption programs, Multnomah County has approved the administration of the programs in order to meet shared affordable housing goals.

100% Renewable Goal

Approval of the MULTE does not impact the City's total or renewable energy use.

Budget Office Financial Impact Analysis

This action would result in estimated foregone property tax revenues to the City totaling \$431,556 over ten years for 17 bedrooms affordable at or below 60% MFI. Total cost to all jurisdiction's forgoing revenue is estimated at \$1,307,745. The estimated value of the tax exemption for the first year is \$141,995 (all jurisdictions), which equals approximately \$26,155 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 developer will pay Multnomah County the \$9,000 application activation fee if the application moves forward.

Agenda Items

545 Consent Agenda in [June 28, 2023 Council Agenda](https://www.portland.gov/council/agenda/2023/6/28)
(<https://www.portland.gov/council/agenda/2023/6/28>).

Passed

Commissioner Dan Ryan Yea

Commissioner Rene Gonzalez Yea

Commissioner Mingus Mapps Yea

Commissioner Carmen Rubio Yea

Mayor Ted Wheeler Yea