

ORDINANCE No. 187660

* Change the application requirements and definition of low-income within the Property Tax Exemption for Low Income Housing Held by Charitable Non-Profit Organizations Program (Ordinance; amend Code Chapter 3.101)

The City of Portland ordains:

Section 1. The Council finds:

1. The City of Portland Housing Bureau (“PHB”) administers Limited Tax Exemption (“LTE”) programs that support affordable housing and advance the City’s housing, economic prosperity, and equity goals.
2. The Property Tax Exemption for Low Income Housing Held by Charitable Non-Profit Organizations Program provides a property tax exemption to properties owned by non-profit organizations which are being rented to low-income tenants as described in ORS 307.540-548.
3. PHB is making changes to the application requirements and definition of low-income as a result of the state legislature passing changes to the statute.
4. In accordance with the statutory authority set forth in ORS 307.543, Portland City Code (“PCC”) Chapter 3.101 must be amended to reflect the changes.

NOW THEREFORE, The Council directs:

a. Subsection 3.101.010 A. is amended as follows:

A. “Low income” means:

1. For the initial year that persons occupy property for which an application for exemption is filed under ORS 307.545, income at or below 60 percent of the area median income as determined by the State Housing Council based on information from the United States Department of Housing and Urban Development; and
2. For every subsequent consecutive year that the persons occupy the property, income at or below 80 percent of the area median income as determined by the State Housing Council based on information from the United States Department of Housing and Urban Development.

b. Subsection 3.101.040 A. is amended as follows:

- A. To qualify for the exemption the corporation shall file an application for exemption with the Portland Housing Bureau acting on behalf of the City of Portland for each assessment the year the corporation wants the exemption. The application shall be filed on or before ~~April~~ March 1 of the assessment year for which the exemption is applied for, except that when the property designated is acquired after ~~April~~ March 1 and before July 1, the claim for that year shall be filed within 30 days after the date of acquisition. The application shall include the following information:
- c. Subsection 3.101.040 B. 2. is amended as follows:
2. That the applicant's property qualified or, upon completion of the rehabilitation improvements and subsequent occupancy by low income, will qualify for exemption at the time of application approval or within 30 days of the ~~April~~ March 1 application deadline;
- d. Subsection 3.101.040 D. is amended as follows:
- D. Applicants for an exemption under this Chapter shall pay fees for an initial application and any renewals as set by the Portland Housing Bureau. The Portland Housing Bureau shall pay the County Assessor any reasonable cost incurred to process the exemption onto the tax rolls. In addition to paying the basic fee, the applicant may be required to pay other reasonable costs, which are incurred by the Portland Housing Bureau or the County Assessor in processing the application. The Portland Housing Bureau shall collect the additional payment, if any, and pay itself, the County Assessor, or any other City bureau an amount equal to the additional costs incurred. ~~If the applicant is denied, the City shall retain that portion of the application fee attributable to its own administrative costs and shall refund the balance to the applicant.~~
- e. Section 3.101.050 Review of Application is amended as follows:
- A. Within 30 days after the ~~April~~ March 1 deadline for the application and payment of the application fee, the Portland Housing Bureau shall approve or deny the application. The application shall be approved if the Portland Housing Bureau finds that the property is "eligible property" within the meaning of the paragraphs 1. through 3. of Subsection B. of Section 3.101.010 of this Chapter, and that the applicant has submitted the application and paid the fees pursuant to Section 3.101.040 of this Chapter.
- B. If the application is approved, the Portland Housing Bureau shall send written notice of approval to the applicant.
- C. The Portland Housing Bureau shall file a certified list of approved properties with the County Assessor on or before April 1.

D. If the application is denied, the Portland Housing Bureau shall state in writing the reasons for denial and send the notice to the applicant at his or her last known address within 10 days after the denial. The Portland Housing Bureau shall retain that portion of the application fee which is attributable to its own administrative costs and shall refund the balance to the applicant.

DE. Upon denial by the Portland Housing Bureau, an applicant may appeal the denial to the City Council within 30 days after receipt of the notice of denial. Appeal from the decision of the City Council may be taken as provided by law.

EF. The application shall be assigned an application and receipt number.

f. Subsection 3.101.060 A. is amended as follows:

A. Applicants for property tax exemption must apply each year no later than ~~April~~ March 1 in order to be qualified for property tax exemption for the upcoming tax year.

g. Section 3.101.090, Implementation, is amended as follows:

The Portland Housing Bureau shall establish procedures and prepare forms for immediate implementation and administration of this Chapter in order to accept applications prior to the ~~April~~ March 1 filing deadline imposed by ORS 307.545.

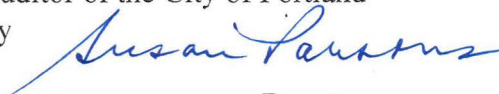
Section 2. The Council declares that an emergency exists because delay would impede the ability of the PHB to administer the tax exemption program. Therefore, this ordinance shall be in full force and effect from and after its passage by the Council.

Passed by the Council: APR 06 2016

Commissioner Dan Saltzman
Prepared by: Dory Van Bockel
Date Prepared: March 4, 2016

Mary Hull Caballero
Auditor of the City of Portland

By



Deputy

Agenda No.
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<p style="text-align: center;">INTRODUCED BY Commissioner/Auditor: Dan Saltzman</p>	<p>CLERK USE: DATE FILED <u>MAR 29 2016</u></p>
<p style="text-align: center;">COMMISSIONER APPROVAL</p> <p>Mayor—Finance and Administration - Hales</p> <p>Position 1/Utilities - Fritz</p> <p>Position 2/Works - Fish</p> <p>Position 3/Affairs - Saltzman <i>[Signature]</i></p> <p>Position 4/Safety - Novick</p>	<p style="text-align: center;">Mary Hull Caballero Auditor of the City of Portland</p> <p>By: <u><i>[Signature]</i></u> Deputy</p>
<p style="text-align: center;">BUREAU APPROVAL</p> <p>Bureau: Portland Housing Bureau Bureau Head: Kurt Creager <i>[Signature]</i></p> <p>Prepared by: Dory Van Bockel Date Prepared: March 11, 2016</p> <p>Financial Impact & Public Involvement Statement</p> <p>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>City Auditor Office Approval: <i>Tom</i></p> <p>City Attorney Approval: <i>GF</i></p> <p>Council Meeting Date April 6, 2016</p>	
<p>ACTION TAKEN:</p>	

AGENDA

TIME CERTAIN
Start time: _____

Total amount of time needed: _____
(for presentation, testimony and discussion)

CONSENT

REGULAR
Total amount of time needed: 5 min
(for presentation, testimony and discussion)

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:	
	YEAS	NAYS
1. Fritz	1. Fritz ✓	
2. Fish	2. Fish ✓	
3. Saltzman	3. Saltzman ✓	
4. Novick	4. Novick ✓	
Hales	Hales ✓	