



# Portland Housing Bureau

## INTERIM RULE

**Title:** HOU-3.11 Design Review Procedure Certification for Affordable Housing Developments

### **Authority**

The Portland Housing Bureau (PHB) is establishing HOU-3.11, Design Review Procedure Certification for Affordable Housing Developments, administrative rules. In accordance with Portland City Code (“PCC”) 30.01.170, PHB is responsible for the implementation, administration, monitoring and compliance of PCC 30.01.170. Under Section 30.01.170.B, the Director of PHB, or a designee, is authorized to adopt, amend, and repeal administrative rules as is necessary to meet program requirements of PCC 30.01.170. Ordinance No. 190523 adopted by Portland City Council on July 28, 2021, authorizes PHB to develop and enact administrative rules to carry out and administer PCC 30.01.170. The administrative rules for PCC 30.01.170 are found in Portland Policy Document (PPD) HOU-3.11.

### **PPD Provision:**

### **HOU-3.11 Design Review Procedure Certification for Affordable Housing Developments**

The Design Review Procedure Certification for Affordable Housing Developments (Certification Program) administrative rules are established with the following sections:

1. Definitions of Administrative Rules
2. Program Goal
3. Definitions
4. Application Requirements
5. Approval

### **Adoption**

As provided in PCC 30.01.170 and Ordinance 190523, the Director of the Portland Housing Bureau hereby establishes the administrative rules attached hereto.

**Adopted:**   
**Shannon Callahan, Director**

August 2, 2021

# **Design Review Procedure Certification for Affordable Housing Developments**

## *Interim Administrative Rules*

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- I. **Definition of Administrative Rules**
- II. **Certification Program Goals**
- III. **Definitions**
- IV. **Application Requirements**
- V. **Approval**

## Interim Administrative Rule

### HOU-3.11 Design Review Procedure Certification for Affordable Housing Developments

#### I. Definition of Administrative Rules

These Administrative Rules (“Rules”) are authorized by Portland City Code (“PCC”) 30.01.170 to define the procedures, policies, and program requirements for implementation of the Design Review Certification Procedure for Affordable Housing Developments (“Certification Program”) by the Portland Housing Bureau (“PHB”).

#### II. Program Goal

The City intends to implement the Certification Program to increase the number of dwelling units available for sale or rent to households earning incomes that fall within particular City established parameters.

#### III. Definitions

For purpose of these Rules, unless otherwise defined herein, capitalized terms have the meaning set for the in PCC 33.910.

- A. Applicant.** A Person that intends to apply for Type II design review through PCC 33.825.025.A Table 825-1[2]. An Applicant can be the Owner of the Site or someone who is representing the Owner, such as a builder, developer, optional purchaser, consultant, or architect.
- B. Affordable Unit.** A Dwelling Unit documented in a Building or Site’s Covenant, regulatory agreement, or other similar document.
- C. Covenant.** A written agreement between the Owner and a Government for the approval and compliance criteria of Affordable Units, that is recorded on the title to the Site, and governs the long-term operation and performance of the Affordable Units. May also be a regulatory agreement, extended use agreement, or other similar documents that sets the affordability restrictions on the maximum allowable rent charged for a set number of residential units for a specific duration of time.
- D. Government.** PHB, the U.S. Department of Housing and Urban Development (HUD), Home Forward, or the Oregon Housing and Community Services Department (OHCS).

#### IV. Application Requirements

To be eligible for the Certification Program:

- A.** Applicant must have a project that, as designed, triggers Type III design review;
- B.** Applicant must have completed a design advice request meeting as required by PCC Subsection 33.825.025.A Table 825-1[2];
- C.** At least 50 percent of the total number of dwelling units on the site are Affordable Units;
- D.** The Affordable Units are affordable to households earning 60 percent of the median family income (MFI) or less;
- E.** The Affordable Units remain income restricted at 60 percent MFI for at least 30 years; and
- F.** The project receives funding from a Government, where the funding is contingent upon meeting the affordability requirements in IV.C, IV.D, and IV.E and the affordability requirements memorialized in the form of a Covenant, regulatory agreement, or other similar document.

#### V. Approval

- A. Applicants send a word version of the Certification Program letter template to the local, state, or federal funding agency. Projects that receive any amount of funding from PHB should have their letter completed by PHB even if they also receive funding from another entity.
- B. Applicant and funding agency coordinate completions and signatory of the letter by the funding agency.
- C. Applicant sends a signed electronic pdf version of the Certification Program letter to the Bureau of Development Services (BDS).

**Responsibility**

PHB is responsible for managing and implementing this rule.

**History**

Date adopted: **August 1, 2021**

Date effective: **August 1, 2021**