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191619

Emergency Ordinance

*Approve application under the Multiple-Unit Limited Tax Exemption Program under the Inclusionary Housing Program for Solterra Sandy Pine located at 980 SE Pine St

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 Solterra Sandy Pine (the “Project”) and located at 980 SE Pine St (the “Property”), in conjunction with the City’s Inclusionary Housing Program. The Project, located in the Buckman neighborhood and the Central Eastside 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, four one-bedroom, eight three-bedroom and two four-bedroom units, which is five percent of the project’s total 274 units, will be restricted to

Introduced by

[Commissioner Carmen Rubio](#)

Bureau

[Housing Bureau](#)

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Requested Agenda Type

Consent

Date and Time Information

Requested Council Date

February 14, 2024

households earning no more than 60 percent MFI The Owner of record for the property is Sandy Pine 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 Central Eastside 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 Solterra Sandy Pine, 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 ten percent of its 274 units to households earning no more than 60 percent MFI (the “Restricted Units”). The Restricted Units, through reconfiguration, will consist of four one-bedroom, eight 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
February 14, 2024

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.

On-Site Units	New Off-Site Units	Existing Off-Site Units	Fee-in-Lieu	
Units at 80% of Median Income	54 Units	N/A	N/A	N/A
Bedrooms at 80% of Median Income	70 Bedrooms	N/A	N/A	N/A

On-Site Units	New Off-Site Units	Existing Off-Site Units	Fee-in-Lieu	
Units at 60% of Median Income	27 Units	55 Units	69 Units	N/A
Bedrooms at 60% of Median Income	36 Bedrooms	N/A	N/A	N/A
Units at 30% of Median Income	N/A	27 Units	41 Units	N/A
No IH Units	N/A	N/A	N/A	\$6,423,840

The developer selected the option to provide 10% of the building’s 274 total units. Using the option to reconfigure the building’s IH obligation into larger type units, the building’s original requirement of one studio, 19 one-bedroom, five two-bedroom and two three-bedroom units, will be provided in four one-bedroom, eight three-bedroom and two four-bedroom units, which is five percent of the project’s total 274 units, and will be restricted to households earning no more than 60 percent median income for 99 years.

Original IH Unit Requirements (27 IH Units)	Total Bedrooms in Original IH Unit Requirements	IH Obligation utilizing Reconfiguration (14 IH Units)
(1) Studio		
(19) One-bedroom		(4) One-bedroom
(5) Two-bedroom	36 bedrooms	(8) Three-bedroom
(2) Three-Bedroom		(2) Four-Bedroom

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:

274-unit building at 980 SE Pine St

1. Market rate units: 260 units
2. IH Units: 14 units

Building Unit Summary	Studio	One Bedroom	Two Bedroom	Three Bedroom	Four Bedroom
Total	11	193	49	19	2
Market Rate	11	189	49	11	-
Restricted at 60% of Median Income	-	4	-	8	2
Average Square Footage	462	595	1,231	1,296	1,133
Largest Square Footage	475	1,133	1,549	1,987	1,133
Smallest IH Unit	-	566	-	951	1,133

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	\$1,523	\$1,948	\$2,970	\$4,156	\$4,452
Restricted at 60% of Median Income	-	\$1,269	-	\$1,760	\$1,963
Monthly Rent Difference	-	\$679	-	\$2,396	\$2,489
Annual Rent Difference	-	\$8,148	-	\$28,752	\$29,868

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 Owner 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 \$5,113,724 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 \$1,687,529. 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:	\$5,113,724
Estimated first year value of the tax exemption:	\$555,247
Estimated annual value of the tax exemption per IH Unit during the exemption period:	\$365,266
Estimated annual foregone revenue per IH Unit over 99-year restriction term:	\$3,690

Central City Plan District: Yes

Remaining 5-Year Cap: \$12,208,921

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 \$1,687,529 over ten years for 36 bedroom (in 14 units) affordable at or below 60% MFI. Total cost to all jurisdictions forgoing revenue is estimated at \$5,113,724. The estimated value of the tax exemption for the first year is \$555,247 (all jurisdictions), which equals approximately \$365,266 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 owner will pay Multnomah County the \$9,000 application activation fee if the application moves forward.

Agenda Items

139 Consent Agenda in [February 14, 2024 Council Agenda](https://www.portland.gov/council/agenda/2024/2/14)
(<https://www.portland.gov/council/agenda/2024/2/14>)

Passed

Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Absent

Commissioner Rene Gonzalez Yea

Commissioner Mingus Mapps Yea

Mayor Ted Wheeler Yea