



Study Session

SS

Milwaukie City Council



MINUTES
 MILWAUKIE CITY COUNCIL
 www.milwaukieoregon.gov

STUDY SESSION
 MARCH 29, 2016
 City Hall Conference Room

Mayor Mark Gamba called the Study Session to order at 6:00 p.m.

Council Present: Council President Lisa Batey and Councilors Scott Churchill, Wilda Parks, and Karin Power

Staff Present: City Manager Bill Monahan, City Recorder Pat DuVal, Planning Director Denny Egner, Senior Planner David Levitan, and Community Development Director Alma Flores

Region-wide and City Housing Issues

Ms. Flores discussed the upcoming housing needs analysis and introduced the City's new Senior Planner, David Levitan. She also introduced presenters Katie Ray with North Clackamas School District (NCSA), Jerry Johnson with Johnson Economics, Betty Dominquez with the Housing Authority of Portland, Ruth Adkins with the Oregon Opportunity Network, and Chuck Robbins with the Clackamas County Housing Authority.

Ms. Dominquez discussed her role in Home Forward and the housing programs and needs in the region. She distributed information explaining statistics about the working poor and housing affordability and data regarding housing affordability in Milwaukie.

Councilor Power understood large affordable housing units affected the averages of higher income neighborhoods. **Mr. Robbins** said that was correct, the impact of the number of public housing units in certain neighborhoods did impact of the overall household income statistics. However, he clarified that public housing did not lower property values. **Ms. Flores** also noted that the data may not reflect current figures, since the housing market moved so fast.

Mr. Johnson and **Ms. Dominquez** discussed the competitiveness of purchasing a home and used Sellwood's housing market as an example.

Councilor Churchill was trying to understand why the median household income did not reflect today's experience. **Ms. Flores** noted the data was from 2010-2014.

Ms. Dominquez explained her work with small communities and how it was important to get them thinking ahead with a jobs, housing, and transportation balance in mind. She noted the needs for affordable housing would increase as populations increased.

Mr. Johnson discussed a Land Bank Authority (LBA). There was a lack of home ownership in today's economy, and he explained how that affected the housing market.

Ms. Dominquez discussed the difference between housing that was affordable by accident and affordable by design. Affordable by design housing was typically owned by a non-profit or a housing authority and was regulated by public money and available for many years. Affordable by accident housing was often available because of poor living conditions with unsafe and unhealthy living environments.

Ms. Adkins discussed the Oregon Opportunity Network (Oregon ON), a statewide network of affordable housing non-profits that provided housing and services. She reported that the Legislative Short Session had beneficial outcomes. She discussed inclusionary zoning and a construction excise tax (CET) dedicated to affordable housing. She also explained the Local Innovation and Fast Track (LIFT) Housing

Program with the State of Oregon which had \$40 million in general bonds to fund the program.

Ms. Flores and **Ms. Dominguez** commented on the role Metro had played in the initiative to create more affordable housing.

Ms. Dominguez distributed summaries of housing legislation that had recently been adopted. She noted that she was pleased to see the housing crisis being discussed and with multiple parties working towards solutions. She noted that inclusionary zoning was not the silver bullet, but she was optimistic there would be more progress in 2017.

Councilor Power understood the construction excise tax ban would be sun-setting in 2018. **Ms. Adkins** responded that when the sunset lifted, there would be the need to advocate for affordable housing, and 50% of the funds would go back to the developers. **Councilor Power** noted the limitations and the trade-off that occurred.

Ms. Ray explained her role as the Homeless Liaison for NCSO and discussed the problems facing families in the area. She described school transportation needs and challenges for homeless and relocated students. She clarified that the duration of the transportation depended on the level and length of the homelessness. There were long waiting lists for family housing. The only emergency family shelter in the City of Milwaukie was the Annie Ross House which currently had a 2 to 3 months waiting list. Of the 17,000 students in the District, 300 were homeless. She discussed the Springwater Transitional Program which also had a waitlist. The group noted the high rate of children on free or reduced lunch in Milwaukie.

Councilor Churchill noted statistics that the Council had heard at a previous meeting made him think that the homeless percentage in Milwaukie was higher. **Ms. Dominguez** explained the difficulties with the homeless count.

The group discussed other reasons the numbers may not be matching up. **Ms. Dominguez** explained the Federal Poverty Level (FPL) was based on USDA food budgets from the 1950s. She contrasted that with the Self-Sufficiency Standard which was based on all major budget items, including housing, child care, food, taxes, and others. She discussed the gap between the FPL and the Self Sufficiency Standard.

Ms. Flores discussed compounded issues such as transportation costs and social networks when people were relocated. **Mr. Johnson** talked about gentrification and at-risk families being displaced. **Ms. Dominguez** discussed the differences of moving families out of their homes to high opportunity areas versus revitalizing and bringing opportunities to their neighborhoods.

Ms. Adkins discussed the impact of housing on health.

Mr. Robbins said building units at any level would be a big help, but his focus was on the poorest of the poor. He believed the first piece to bring in would be subsidized housing with a set rent, and then Section 8 vouchers could be incorporated. He explained Section 8 vouchers and how they functioned. He discussed problems related to the 1% Fair Market Rent (FMR) increase versus the 11% increase in market rent. **Ms. Dominguez** explained how this led to voucher holders becoming homeless. **Mr. Robbins** and **Ms. Dominguez** discussed funding from the United States Department of Housing and Urban Development (HUD).

Mr. Robbins reported the Housing Authority of Clackamas County had 545 public housing units, 400 affordable housing units, and 1600 vouchers.

Ms. Dominguez explained HUD set FMRs for the entire country. There was a national housing coalition developing a strategy to explain to HUD that the market on the West Coast was not the same as the market on the East Coast or in the Midwest. **Mr. Robbins** argued that it went farther than just the region, and gave examples of differences in availabilities amongst cities in the same state.

Mayor Gamba asked if the housing unit numbers that **Mr. Robbins** reported included affordable housing owned by other organizations. **Mr. Robbins** clarified those were the numbers of units that the Housing Authority owned. **Ms. Flores** responded with the statistics that there were 3655 total affordable units in Clackamas County, with 829 in Milwaukie.

Council Power and **Councilor Churchill** discussed cities that did or did not comply with offering affordable housing requirements. **Mr. Robbins** discussed the need to purchase affordable land in order to build affordable housing.

Ms. Dominquez, **Mr. Robbins**, and **Mr. Johnson** discussed funding disparities related to the need for more housing. **Mayor Gamba** asked about tiny homes and cottage clusters, and **Mr. Johnson** discussed zoning challenges.

Mr. Robbins wanted to build units with restricted incomes to alleviate the competition from higher incomes. He discussed the Murphy Site in the City of Milwaukie and the Housing Authority's property of Hillside Park and Hillside Manor to the north. The Housing Authority was looking to redevelop both areas to higher density and mixed income units. He discussed selling properties in Oregon City and using the funds to help fill funding gaps.

Councilor Churchill asked about the reasoning to sell lower cost land in favor of higher cost land. **Mr. Robbins** responded that the land in Oregon City was very expensive and had little access to services. Therefore, there was greater value in the Milwaukie site because of transit and other services like the Providence Milwaukie Hospital across the street.

Council President Batey asked about mixed use, and if the Housing Authority became the landlord of the property that was at market rate. **Mr. Robbins** explained the Housing Authority would likely partner with developers but maintain ownership of some of the units. There were many opportunities.

Ms. Dominquez pointed to North Main as the perfect example of half market rate housing, and half affordable housing. **Council President Batey** pointed out that it was a private ownership. **Ms. Dominquez** discussed the limited amount of private companies that wanted to build affordable housing, and she explained the many partnerships the Housing Authority has had with non-profits.

Mr. Robbins discussed the Housing Authority's plans to sell the 200 units in Oregon City and build 800 units elsewhere. He also discussed plans to own small apartment complexes in other cities, such as Lake Oswego.

Ms. Dominquez outlined some examples of how Milwaukie could incorporate affordable housing and noted the vertical housing tax credit zone that the City had adopted.

Mr. Johnson discussed the increasing demand for housing and decrease in units built.

The group discussed the change in demand for types of housing over the years. **Ms. Flores** noted that Milwaukie's housing needs analysis would include a code review.

Mayor Gamba asked for statistics on the number of houses that banks were sitting on. **Mr. Johnson** said he had been trying to get those numbers but did not have them.

The group discussed possible solutions to vacant homes.

Mr. Robbins pointed out that "low-income" did not mean "no-income", and explained the revenue that low income housing could bring into cities. **Councilor Churchill** noted that North Main did not result in the revenue increases for local businesses. The group discussed the commercial spaces in downtown Milwaukie.

Councilor Power understood that when Portland voted to extend the timeline for no cause evictions and the notice timeline for rent increases, that the lawsuit was challenging the city only on rent increases as a form of rent control, but not on the no cause evictions.

Ms. Adkins and **Ms. Dominquez** were not sure, but said they could check on that. **Councilor Power** was also interested to see if any other municipalities were extending that timeline, given the 3% vacancy rates.

The group discussed state laws about increasing rent and discussed tenant protections.

Ms. Dominquez explained the problems that families faced with coming up with first and last months' rent for a new unit after being evicted.

Councilor Power understood other municipalities had enacted no-net loss policies, which included a one-for-one aim to replace. The group discussed what happened after federal tax credits expired. She asked for a list of those about to expire in Milwaukie. She understood other municipalities had enacted a notice provision. **Ms. Flores** noted they could work with the Network for Oregon Affordable Housing (NOAH) and get a list of expiring Milwaukie units.

The group discussed funding options. **Mr. Robbins** explained how the Housing Authority could help with bonds. **Ms. Flores** discussed the misnomer of waiving of system development charges (SDCs), and explained it was rather a transfer of funds. She also discussed Bancroft financing. **Mayor Gamba** and **Ms. Flores** discussed how the SDC process could be improved upon.

Ms. Dominquez explained the Housing Authority's ability to use friendly condemnation.

Councilor Power asked if the City inspected rental properties in compliance with the City's Code. **Ms. Flores** responded that the City did, and explained the flyer that she handed out to Council. She also provided examples and discussed foreclosed homes.

Ms. Dominquez suggested partnering with land trusts. **Ms. Flores** discussed the connection with the Land Bank for brownfield sites.

Mr. Robbins discussed the lack of a habitability code with the County and reiterated the importance of building more housing units.

Ms. Flores discussed the need for a City Council Liaison for the City's Housing Needs Analysis Technical Advisory Group. **Councilor Power** was interested. **Mayor Gamba** would coordinate with Councilor Power and attend meetings if she could not.

Ms. Flores said with the City's Comprehensive Plan and Housing Needs analysis there would be community involvement in the form of open houses and public forums.

Mr. Robbins discussed the County's involvement with HUD's Assessment of Fair Housing (AFH) plan. The County was in the process of putting together a survey, and would be communicating with the City to get the word out in Milwaukie.

Mayor Gamba suggested involving the folks with Meals on Wheels.

Mayor Gamba adjourned the Study Session at 8:20 p.m. and announced Council would meet in Executive Session pursuant to ORS 192.660(2)(e) to deliberate with persons designated by the governing body to negotiate real property transactions. Council would not return to open session.

Respectfully submitted,



Amy Aschenbrenner, Administrative Specialist II



MILWAUKIE CITY COUNCIL
STUDY SESSION

City Hall Conference Room
10722 SE Main Street
www.milwaukieoregon.gov

REVISED AGENDA
MARCH 29, 2016
(Revised March 25, 2016)

A light dinner will be served.

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1. **6:00 p.m. Region-wide and City Housing Issues** 1
(Staff Report Revised March 25, 2016)
Presented by: Mark Gamba, Mayor
Alma Flores, Community Development Director
Betty Dominguez, Housing Authority of Portland
Chuck Robbins, Portland State University
Jerry Johnson, Johnson Economics
Katie Ray, North Clackamas Schools
Ruth Adkins, Oregon Opportunity Network

2. **8:00 p.m. Adjourn Study Session**

EXECUTIVE SESSION: Immediately following adjournment of the Study Session, the City Council will meet in Executive Session pursuant to ORS 192.660(2)(e) to deliberate with persons designated by the governing body to negotiate real property transactions.
(Added to the Agenda on March 25, 2016)

Meeting Information

The time listed for each item is approximate; the actual time each item is considered may change due to the length of time devoted to the previous item. The Council may vote in Work Session on non-legislative issues.

Public Notice

Executive Sessions: The Milwaukie City Council may meet in Executive Session immediately following adjournment pursuant to ORS 192.660(2). All Executive Session discussions are confidential and those present may disclose nothing; representatives of the news media may attend as provided by ORS 192.660(3) but must not disclose any information discussed. Executive Sessions may not be held for the purpose of taking final actions or making final decisions and they are closed to the public.

The Council requests that mobile devices be set on silent or turned off during the meeting.

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MILWAUKIE CITY COUNCIL
STAFF REPORT

Agenda Item: **SS 1.**
Meeting Date: **March 29, 2016**

To: Mayor and City Council

Through: Bill Monahan, City Manager

Subject: **Region-wide and City Housing Issues**
(Revised March 25, 2016)

From: Alma Flores, Community Development Director on
behalf of Mayor Mark Gamba

Guests: Betty Dominguez, Jerry Johnson, Ruth Adkins,
and Chuck Robbins

Date: March 8, 2016

ACTION REQUESTED

Listen and respond to a presentation from members of the housing development, consultant, academic, and housing network community.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

There are no prior actions and discussions on this topic.

BACKGROUND

Several housing bills have been before the Oregon State legislature recently. House Bill 4143A: prohibits rent increases during the first year of month-to-month tenancies. Senate Bill 1533 permits certain cities and counties to adopt land use regulations or functional plan provisions, or impose conditions for approval of permits, that effectively establish sales or rental price, or require designation for sale or rent as affordable housing, for up to 20 percent of a multifamily structure in exchange for one or more developer incentives (sometimes referred to as Inclusionary zoning). As we move forward with the update to the comprehensive plan, one of the first elements to address is the Housing Element. The Community Development Department is in the process of selecting consultants to guide us through the development of a housing needs analysis (HNA). Recent trends and new legislation will play an integral part of the policy suggestions under the HNA and ultimately in the development of policies. We expect to have a consultant on board by late March/early April.

City Council requested that the study session be devoted to a discussion about the housing situation in Milwaukie. In order to hear all sides of the issue, staff was asked to invite local housing advocates and other individuals with insights to share about the present housing situation.

- Betty Dominguez of Home Forward—the housing authority of Portland
- Ruth Adkins of Oregon Opportunity Network—a member based organization for the non-profit affordable housing development community
- Jerry Johnson, president of Johnson Economics—a for-profit consulting firm who recently analyzed the metro region's housing supply and demand
- Chuck Robbins, Director, Clackamas County Housing Services

CONCURRENCE

Community Development Director, Planning Director, and City Manager concur with this presentation

FISCAL IMPACTS

None at the time of the presentation.

WORK LOAD IMPACTS

None at this time.

ALTERNATIVES

None

ATTACHMENTS

1. House Bill 4143A
2. Senate Bill 1533

House Bill 4143

Sponsored by Representative GORSEK (Pre-session filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Lengthens required notice periods for certain rent increases and termination of certain periodic tenancies.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to housing; creating new provisions; amending ORS 90.100, 90.220, 90.230, 90.427 and
3 105.124; and declaring an emergency.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 90.220 is amended to read:

6 90.220. (1) A landlord and a tenant may include in a rental agreement terms and conditions not
7 prohibited by this chapter or other rule of law including rent, term of the agreement and other
8 provisions governing the rights and obligations of the parties.

9 (2) The terms of a fixed term tenancy, including the amount of rent, may not be unilaterally
10 amended by the landlord or tenant.

11 (3) The landlord shall provide the tenant with a copy of any written rental agreement and all
12 amendments and additions thereto.

13 (4) Except as provided in this subsection, the rental agreement must include a disclosure of the
14 smoking policy for the premises that complies with ORS 479.305. A disclosure of smoking policy is
15 not required in a rental agreement subject to ORS 90.505 to 90.850 for space in a facility as defined
16 in ORS 90.100.

17 (5) Notwithstanding ORS 90.245 (1), the parties to a rental agreement to which ORS 90.100 to
18 90.465 apply may include in the rental agreement a provision for informal dispute resolution.

19 (6) In absence of agreement, the tenant shall pay as rent the fair rental value for the use and
20 occupancy of the dwelling unit.

21 (7) Except as otherwise provided by this chapter:

22 (a) Rent is payable without demand or notice at the time and place agreed upon by the parties.
23 Unless otherwise agreed, rent is payable at the dwelling unit, periodic rent is payable at the be-
24 ginning of any term of one month or less and otherwise in equal monthly or weekly installments at
25 the beginning of each month or week, depending on whether the tenancy is month-to-month or
26 week-to-week. Rent may not be considered to be due prior to the first day of each rental period.

27 **(b)(A) Rent may not be increased without written notice to the tenant:**

28 **(i) For an increase in rent that is less than five percent, the landlord shall provide a**
29 **30-day written notice thereof in the case of a month-to-month tenancy or a seven-day written notice**
30 **thereof in the case of a week-to-week tenancy.**

31 **(ii) For an increase in rent that is five percent or more, the landlord shall provide a**

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.
New sections are in **boldfaced** type.

1 **90-day written notice thereof in the case of a month-to-month tenancy or a 21-day written**
 2 **notice thereof in the case of a week-to-week tenancy.**

3 **(B) If a landlord fails to comply with the requirements of subparagraph (A) of this para-**
 4 **graph, the tenant may recover an amount up to three months' periodic rent.**

5 [(b)] (c) If a rental agreement does not create a week-to-week tenancy[, as defined in ORS
 6 90.100,] or a fixed term tenancy, the tenancy shall be a month-to-month tenancy.

7 (8) Except as provided by ORS 90.427 [(7)] (6), a tenant is responsible for payment of rent until
 8 the earlier of:

9 (a) The date that a notice terminating the tenancy expires;

10 (b) The date that the tenancy terminates by its own terms;

11 (c) The date that the tenancy terminates by surrender;

12 (d) The date that the tenancy terminates as a result of the landlord failing to use reasonable
 13 efforts to rent the dwelling unit to a new tenant as provided under ORS 90.410 (3);

14 (e) The date when a new tenancy with a new tenant begins;

15 (f) Thirty days after delivery of possession without prior notice of termination of a month-to-
 16 month tenancy; or

17 (g) Ten days after delivery of possession without prior notice of termination of a week-to-week
 18 tenancy.

19 (9)(a) Notwithstanding a provision in a rental agreement regarding the order of application of
 20 tenant payments, a landlord shall apply tenant payments in the following order:

21 (A) Outstanding rent from prior rental periods;

22 (B) Rent for the current rental period;

23 (C) Utility or service charges;

24 (D) Late rent payment charges; and

25 (E) Fees or charges owed by the tenant under ORS 90.302 or other fees or charges related to
 26 damage claims or other claims against the tenant.

27 (b) This subsection does not apply to rental agreements subject to ORS 90.505 to 90.850.

28 **SECTION 2.** ORS 90.427 is amended to read:

29 90.427. [(1) As used in this section, "first year of occupancy" includes all periods in which any of
 30 the tenants has resided in the dwelling unit for one year or less.]

31 [(2)] (1) If a tenancy is a week-to-week tenancy, the landlord or the tenant may terminate the
 32 tenancy by a written notice given to the other at least 10 days before the termination date specified
 33 in the notice.

34 [(3)] (2)(a) If a tenancy is a month-to-month tenancy:

35 [(a)] (A) At any time during the tenancy, the tenant may terminate the tenancy by giving the
 36 landlord notice in writing not less than 30 days prior to the date designated in the notice for the
 37 termination of the tenancy.

38 [(b)] (B) At any time during the [first year of occupancy] tenancy, the landlord may terminate
 39 the tenancy by giving the tenant notice in writing not less than [30] 90 days prior to the date des-
 40 ignated in the notice for the termination of the tenancy **or within the time period designated in**
 41 **the rental agreement, whichever is later.**

42 [(c) At any time after the first year of occupancy, the landlord may terminate the tenancy by giving
 43 the tenant notice in writing not less than 60 days prior to the date designated in the notice for the
 44 termination of the tenancy.]

45 (b) **If a landlord fails to comply with paragraph (a)(B) of this subsection, the tenant may**

1 **recover an amount up to three months' periodic rent.**

2 [(4)] (3) If the tenancy is for a fixed term of at least one year and by its terms becomes a
 3 month-to-month tenancy after the fixed term:

4 (a) At any time during the fixed term, notwithstanding subsection [(3)] (2) of this section, the
 5 landlord or the tenant may terminate the tenancy without cause by giving the other notice in writ-
 6 ing not less than 30 days prior to the specified ending date for the fixed term or not less than 30
 7 days prior to the date designated in the notice for the termination of the tenancy, whichever is later.

8 (b) After the specified ending date for the fixed term, at any time during the month-to-month
 9 tenancy, the landlord may terminate the tenancy without cause only by giving the tenant notice in
 10 writing not less than [60] 90 days prior to the date designated in the notice for the termination of
 11 the tenancy.

12 [(5)] (4) Notwithstanding subsections [(3)(c) and (4)(b)] (2)(a)(B) and (3)(b) of this section, the
 13 landlord may terminate a month-to-month tenancy at any time by giving the tenant notice in writing
 14 not less than 30 days prior to the date designated in the notice for the termination of the tenancy
 15 if:

16 (a) The dwelling unit is purchased separately from any other dwelling unit;

17 (b) The landlord has accepted an offer to purchase the dwelling unit from a person who intends
 18 in good faith to occupy the dwelling unit as the person's primary residence; and

19 (c) The landlord has provided the notice, and written evidence of the offer to purchase the
 20 dwelling unit, to the tenant not more than 120 days after accepting the offer to purchase.

21 [(6)] (5) The tenancy shall terminate on the date designated and without regard to the expiration
 22 of the period for which, by the terms of the tenancy, rents are to be paid. Unless otherwise agreed,
 23 rent is uniformly apportionable from day to day.

24 [(7)] (6) If the tenant remains in possession without the landlord's consent after expiration of the
 25 term of the rental agreement or its termination, the landlord may bring an action for possession. In
 26 addition, the landlord may recover from the tenant any actual damages resulting from the tenant
 27 holding over, including the value of any rent accruing from the expiration or termination of the
 28 rental agreement until the landlord knows or should know that the tenant has relinquished pos-
 29 session to the landlord. If the landlord consents to the tenant's continued occupancy, ORS 90.220 (7)
 30 applies.

31 [(8)(a)] (7)(a) A notice given to terminate a tenancy under subsection [(2) or (3)] (1) or (2) of this
 32 section need not state a reason for the termination.

33 (b) Notwithstanding paragraph (a) of this subsection, a landlord or tenant may include in a no-
 34 tice of termination given under subsection [(2) or (3)] (1) or (2) of this section an explanation of the
 35 reason for the termination without having to prove the reason. An explanation does not give the
 36 person receiving the notice of termination a right to cure the reason if the notice states that:

37 (A) The notice is given without stated cause;

38 (B) The recipient of the notice does not have a right to cure the reason for the termination; and

39 (C) The person giving the notice need not prove the reason for the termination in a court action.

40 [(9)] (8) Subsections [(2) to (5)] (1) to (4) of this section do not apply to a month-to-month
 41 tenancy subject to ORS 90.429 or other tenancy created by a rental agreement subject to ORS 90.505
 42 to 90.850.

43 **SECTION 3.** ORS 90.230 is amended to read:

44 90.230. (1) If a tenancy is for the occupancy of a recreational vehicle in a manufactured dwelling
 45 park, mobile home park or recreational vehicle park, all as defined in ORS 197.492, the landlord

1 shall provide a written rental agreement for a month-to-month, week-to-week or *[fixed-term]* **fixed**
 2 **term** tenancy. The rental agreement must state:

3 (a)(A) If applicable, **and notwithstanding ORS 90.427**, that the tenancy may be terminated by
 4 the landlord *[under ORS 90.427]* without cause upon **30 days' written notice at any time during**
 5 **the first year of occupancy** or 60 days' written notice **at any time after the first year of oc-**
 6 **cupancy** for a month-to-month tenancy, or upon 10 days' written notice for a week-to-week tenancy.

7 **(B) As used in this paragraph, "first year of occupancy" includes all periods in which any**
 8 **of the tenants has resided in the recreational vehicle for one year or less.**

9 (b) That any accessory building or structure paid for or provided by the tenant belongs to the
 10 tenant and is subject to a demand by the landlord that the tenant remove the building or structure
 11 upon termination of the tenancy.

12 (c) That the tenancy is subject to the requirements of ORS 197.493 (1) for exemption from
 13 placement and occupancy restrictions.

14 (2) If a tenant described in subsection (1) of this section moves following termination of the
 15 tenancy by the landlord *[under ORS 90.427]*, and the landlord failed to provide the required written
 16 rental agreement before the beginning of the tenancy, the tenant may recover the tenant's actual
 17 damages or twice the periodic rent, whichever is greater.

18 (3) If the occupancy fails at any time to comply with the requirements of ORS 197.493 (1) for
 19 exemption from placement and occupancy restrictions, and a state agency or local government re-
 20 quires the tenant to move as a result of the noncompliance, the tenant may recover the tenant's
 21 actual damages or twice the periodic rent, whichever is greater. This subsection does not apply if
 22 the noncompliance was caused by the tenant.

23 (4) This section does not apply to a vacation occupancy.

24 **SECTION 4.** ORS 90.100 is amended to read:

25 90.100. As used in this chapter, unless the context otherwise requires:

26 (1) "Accessory building or structure" means any portable, demountable or permanent structure,
 27 including but not limited to cabanas, ramadas, storage sheds, garages, awnings, carports, decks,
 28 steps, ramps, piers and pilings, that is:

29 (a) Owned and used solely by a tenant of a manufactured dwelling or floating home; or

30 (b) Provided pursuant to a written rental agreement for the sole use of and maintenance by a
 31 tenant of a manufactured dwelling or floating home.

32 (2) "Action" includes recoupment, counterclaim, setoff, suit in equity and any other proceeding
 33 in which rights are determined, including an action for possession.

34 (3) "Applicant screening charge" means any payment of money required by a landlord of an
 35 applicant prior to entering into a rental agreement with that applicant for a residential dwelling
 36 unit, the purpose of which is to pay the cost of processing an application for a rental agreement for
 37 a residential dwelling unit.

38 (4) "Building and housing codes" includes any law, ordinance or governmental regulation con-
 39 cerning fitness for habitation, or the construction, maintenance, operation, occupancy, use or ap-
 40 pearance of any premises or dwelling unit.

41 (5) "Carbon monoxide alarm" has the meaning given that term in ORS 105.836.

42 (6) "Carbon monoxide source" has the meaning given that term in ORS 105.836.

43 (7) "Conduct" means the commission of an act or the failure to act.

44 (8) "DBH" means the diameter at breast height, which is measured as the width of a standing
 45 tree at four and one-half feet above the ground on the uphill side.

1 (9) "Dealer" means any person in the business of selling, leasing or distributing new or used
2 manufactured dwellings or floating homes to persons who purchase or lease a manufactured dwelling
3 or floating home for use as a residence.

4 (10) "Domestic violence" means:

5 (a) Abuse between family or household members, as those terms are defined in ORS 107.705; or

6 (b) Abuse, as defined in ORS 107.705, between partners in a dating relationship.

7 (11) "Drug and alcohol free housing" means a dwelling unit described in ORS 90.243.

8 (12) "Dwelling unit" means a structure or the part of a structure that is used as a home, resi-
9 dence or sleeping place by one person who maintains a household or by two or more persons who
10 maintain a common household. "Dwelling unit," regarding a person who rents a space for a manu-
11 factured dwelling or recreational vehicle or regarding a person who rents moorage space for a
12 floating home, as defined in ORS 830.700, but does not rent the home, means the space rented and
13 not the manufactured dwelling, recreational vehicle or floating home itself.

14 (13) "Essential service" means:

15 (a) For a tenancy not consisting of rental space for a manufactured dwelling, floating home or
16 recreational vehicle owned by the tenant and not otherwise subject to ORS 90.505 to 90.850:

17 (A) Heat, plumbing, hot and cold running water, gas, electricity, light fixtures, locks for exterior
18 doors, latches for windows and any cooking appliance or refrigerator supplied or required to be
19 supplied by the landlord; and

20 (B) Any other service or habitability obligation imposed by the rental agreement or ORS 90.320,
21 the lack or violation of which creates a serious threat to the tenant's health, safety or property or
22 makes the dwelling unit unfit for occupancy.

23 (b) For a tenancy consisting of rental space for a manufactured dwelling, floating home or rec-
24 reational vehicle owned by the tenant or that is otherwise subject to ORS 90.505 to 90.850:

25 (A) Sewage disposal, water supply, electrical supply and, if required by applicable law, any
26 drainage system; and

27 (B) Any other service or habitability obligation imposed by the rental agreement or ORS 90.730,
28 the lack or violation of which creates a serious threat to the tenant's health, safety or property or
29 makes the rented space unfit for occupancy.

30 (14) "Facility" means a manufactured dwelling park or a marina.

31 (15) "Fee" means a nonrefundable payment of money.

32 (16) "First class mail" does not include certified or registered mail, or any other form of mail
33 that may delay or hinder actual delivery of mail to the recipient.

34 (17) "Fixed term tenancy" means a tenancy that has a fixed term of existence, continuing to a
35 specific ending date and terminating on that date without requiring further notice to effect the ter-
36 mination.

37 (18) "Floating home" has the meaning given that term in ORS 830.700. "Floating home" includes
38 an accessory building or structure.

39 (19) "Good faith" means honesty in fact in the conduct of the transaction concerned.

40 (20) "Hazard tree" means a tree that:

41 (a) Is located on a rented space in a manufactured dwelling park;

42 (b) Measures at least eight inches DBH; and

43 (c) Is considered, by an arborist licensed as a landscape construction professional pursuant to
44 ORS 671.560 and certified by the International Society of Arboriculture, to pose an unreasonable
45 risk of causing serious physical harm or damage to individuals or property in the near future.

- 1 (21) "Hotel or motel" means "hotel" as that term is defined in ORS 699.005.
- 2 (22) "Informal dispute resolution" means, but is not limited to, consultation between the landlord
3 or landlord's agent and one or more tenants, or mediation utilizing the services of a third party.
- 4 (23) "Landlord" means the owner, lessor or sublessor of the dwelling unit or the building or
5 premises of which it is a part. "Landlord" includes a person who is authorized by the owner, lessor
6 or sublessor to manage the premises or to enter into a rental agreement.
- 7 (24) "Landlord's agent" means a person who has oral or written authority, either express or
8 implied, to act for or on behalf of a landlord.
- 9 (25) "Last month's rent deposit" means a type of security deposit, however designated, the pri-
10 mary function of which is to secure the payment of rent for the last month of the tenancy.
- 11 (26) "Manufactured dwelling" means a residential trailer, a mobile home or a manufactured
12 home as those terms are defined in ORS 446.003. "Manufactured dwelling" includes an accessory
13 building or structure. "Manufactured dwelling" does not include a recreational vehicle.
- 14 (27) "Manufactured dwelling park" means a place where four or more manufactured dwellings
15 are located, the primary purpose of which is to rent space or keep space for rent to any person for
16 a charge or fee.
- 17 (28) "Marina" means a moorage of contiguous dwelling units that may be legally transferred as
18 a single unit and are owned by one person where four or more floating homes are secured, the pri-
19 mary purpose of which is to rent space or keep space for rent to any person for a charge or fee.
- 20 (29) "Marina purchase association" means a group of three or more tenants who reside in a
21 marina and have organized for the purpose of eventual purchase of the marina.
- 22 (30) "Month-to-month tenancy" means a tenancy that automatically renews and continues for
23 successive monthly periods on the same terms and conditions originally agreed to, or as revised by
24 the parties, until terminated by one or both of the parties.
- 25 (31) "Organization" includes a corporation, government, governmental subdivision or agency,
26 business trust, estate, trust, partnership or association, two or more persons having a joint or com-
27 mon interest, and any other legal or commercial entity.
- 28 (32) "Owner" includes a mortgagee in possession and means one or more persons, jointly or se-
29 verally, in whom is vested:
- 30 (a) All or part of the legal title to property; or
- 31 (b) All or part of the beneficial ownership and a right to present use and enjoyment of the
32 premises.
- 33 (33) "Person" includes an individual or organization.
- 34 (34) "Premises" means:
- 35 (a) A dwelling unit and the structure of which it is a part and facilities and appurtenances
36 therein;
- 37 (b) Grounds, areas and facilities held out for the use of tenants generally or the use of which
38 is promised to the tenant; and
- 39 (c) A facility for manufactured dwellings or floating homes.
- 40 (35) "Prepaid rent" means any payment of money to the landlord for a rent obligation not yet
41 due. In addition, "prepaid rent" means rent paid for a period extending beyond a termination date.
- 42 (36) "Recreational vehicle" has the meaning given that term in ORS 446.003.
- 43 (37) "Rent" means any payment to be made to the landlord under the rental agreement, periodic
44 or otherwise, in exchange for the right of a tenant and any permitted pet to occupy a dwelling unit
45 to the exclusion of others and to use the premises. "Rent" does not include security deposits, fees

1 or utility or service charges as described in ORS 90.315 (4) and 90.532.

2 (38) "Rental agreement" means all agreements, written or oral, and valid rules and regulations
 3 adopted under ORS 90.262 or 90.510 (6) embodying the terms and conditions concerning the use and
 4 occupancy of a dwelling unit and premises. "Rental agreement" includes a lease. A rental agreement
 5 shall be either a week-to-week tenancy, month-to-month tenancy or fixed term tenancy.

6 (39) "Roomer" means a person occupying a dwelling unit that does not include a toilet and ei-
 7 ther a bathtub or a shower and a refrigerator, stove and kitchen, all provided by the landlord, and
 8 where one or more of these facilities are used in common by occupants in the structure.

9 (40) "Screening or admission criteria" means a written statement of any factors a landlord
 10 considers in deciding whether to accept or reject an applicant and any qualifications required for
 11 acceptance. "Screening or admission criteria" includes, but is not limited to, the rental history,
 12 character references, public records, criminal records, credit reports, credit references and incomes
 13 or resources of the applicant.

14 (41) "Security deposit" means a refundable payment or deposit of money, however designated,
 15 the primary function of which is to secure the performance of a rental agreement or any part of a
 16 rental agreement. "Security deposit" does not include a fee.

17 (42) "Sexual assault" has the meaning given that term in ORS 147.450.

18 (43) "Squatter" means a person occupying a dwelling unit who is not so entitled under a rental
 19 agreement or who is not authorized by the tenant to occupy that dwelling unit. "Squatter" does
 20 not include a tenant who holds over as described in ORS 90.427 [(7)] (6).

21 (44) "Stalking" means the behavior described in ORS 163.732.

22 (45) "Statement of policy" means the summary explanation of information and facility policies
 23 to be provided to prospective and existing tenants under ORS 90.510.

24 (46) "Surrender" means an agreement, express or implied, as described in ORS 90.148 between
 25 a landlord and tenant to terminate a rental agreement that gave the tenant the right to occupy a
 26 dwelling unit.

27 (47) "Tenant":

28 (a) Except as provided in paragraph (b) of this subsection:

29 (A) Means a person, including a roomer, entitled under a rental agreement to occupy a dwelling
 30 unit to the exclusion of others, including a dwelling unit owned, operated or controlled by a public
 31 housing authority.

32 (B) Means a minor, as defined and provided for in ORS 109.697.

33 (b) For purposes of ORS 90.505 to 90.850, means only a person who owns and occupies as a
 34 residence a manufactured dwelling or a floating home in a facility and persons residing with that
 35 tenant under the terms of the rental agreement.

36 (c) Does not mean a guest or temporary occupant.

37 (48) "Transient lodging" means a room or a suite of rooms.

38 (49) "Transient occupancy" means occupancy in transient lodging that has all of the following
 39 characteristics:

40 (a) Occupancy is charged on a daily basis and is not collected more than six days in advance;

41 (b) The lodging operator provides maid and linen service daily or every two days as part of the
 42 regularly charged cost of occupancy; and

43 (c) The period of occupancy does not exceed 30 days.

44 (50) "Vacation occupancy" means occupancy in a dwelling unit, not including transient occu-
 45 pancy in a hotel or motel, that has all of the following characteristics:

(a) The occupant rents the unit for vacation purposes only, not as a principal residence;

(b) The occupant has a principal residence other than at the unit; and

(c) The period of authorized occupancy does not exceed 45 days.

(51) "Victim" means:

(a) The person against whom an incident related to domestic violence, sexual assault or stalking is perpetrated; or

(b) The parent or guardian of a minor household member against whom an incident related to domestic violence, sexual assault or stalking is perpetrated, unless the parent or guardian is the perpetrator.

(52) "Week-to-week tenancy" means a tenancy that has all of the following characteristics:

(a) Occupancy is charged on a weekly basis and is payable no less frequently than every seven days;

(b) There is a written rental agreement that defines the landlord's and the tenant's rights and responsibilities under this chapter; and

(c) There are no fees or security deposits, although the landlord may require the payment of an applicant screening charge, as provided in ORS 90.295.

SECTION 5. ORS 105.124 is amended to read:

105.124. For a complaint described in ORS 105.123, if ORS chapter 90 applies to the dwelling unit:

(1) The complaint must be in substantially the following form and be available from the clerk of the court:

IN THE CIRCUIT COURT
FOR THE COUNTY OF

No. _____

RESIDENTIAL EVICTION COMPLAINT

PLAINTIFF (Landlord or agent):

Address: _____

City: _____

State: _____ Zip: _____

Telephone: _____

vs.

DEFENDANT (Tenants/Occupants):

MAILING ADDRESS: _____

City: _____

1 State: _____ Zip: _____

2 Telephone: _____

3

4

1.

5

Tenants are in possession of the dwelling unit, premises or rental property described above or located at:

6

7

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2.

10

Landlord is entitled to possession of the property because of:

11

12

_____ 24-hour notice for personal injury, substantial damage, extremely outrageous act or unlawful occupant. ORS 90.396 or 90.403.

13

14

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_____ 24-hour or 48-hour notice for violation of a drug or alcohol program. ORS 90.398.

18

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_____ 24-hour notice for perpetrating domestic violence, sexual assault or stalking. ORS 90.445.

21

22

23

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_____ 72-hour or 144-hour notice for nonpayment of rent. ORS 90.394.

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_____ 7-day notice with stated cause in a week-to-week tenancy. ORS 90.392 (6).

31

32

_____ 10-day notice for a pet violation, a repeat violation in a month-to-month tenancy or without stated cause in a week-to-week tenancy. ORS 90.392 (5), 90.405 or 90.427 [(2)] (1).

33

_____ 20-day notice for a repeat violation. ORS 90.630 (4).

34

_____ 30-day, [60-day] **90-day** or 180-day notice without stated cause in a month-to-month tenancy. ORS 90.427 [(3) or (4)] (2) or (3) or 90.429.

35

_____ 30-day notice with stated cause. ORS 90.392, 90.630 or 90.632.

36

_____ Notice to bona fide tenants after foreclosure sale or termination of fixed term tenancy after foreclosure sale. ORS 86.782 (6)(c).

37

_____ Other notice _____

38

_____ No notice (explain) _____

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1 A COPY OF THE NOTICE RELIED UPON, IF ANY, IS ATTACHED

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3.

If the landlord uses an attorney, the case goes to trial and the landlord wins in court, the landlord can collect attorney fees from the defendant pursuant to ORS 90.255 and 105.137 (3).

Landlord requests judgment for possession of the premises, court costs, disbursements and attorney fees.

I certify that the allegations and factual assertions in this complaint are true to the best of my knowledge.

Signature of landlord or agent.

(2) The complaint must be signed by the plaintiff or an attorney representing the plaintiff as provided by ORCP 17, or verified by an agent or employee of the plaintiff or an agent or employee of an agent of the plaintiff.

(3) A copy of the notice relied upon, if any, must be attached to the complaint.

SECTION 6. The amendments to ORS 90.220 by section 1 of this 2016 Act apply to:

(1) Rental agreements for fixed term tenancies entered into or renewed on or after the effective date of this 2016 Act; and

(2) Rental agreements for month-to-month tenancies and week-to-week tenancies in effect on or after the effective date of this 2016 Act.

SECTION 7. The amendments to ORS 90.427 by section 2 of this 2016 Act apply to notices in writing given to tenants on or after the effective date of this 2016 Act.

SECTION 8. This 2016 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2016 Act takes effect on its passage.

Enrolled
Senate Bill 1533

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Senate Interim Committee on Workforce and General Government)

CHAPTER

AN ACT

Relating to affordable housing; creating new provisions; amending ORS 197.309, 320.170, 320.176 and 320.186 and section 1, chapter 829, Oregon Laws 2007; repealing section 9, chapter 829, Oregon Laws 2007; and prescribing an effective date.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 197.309 is amended to read:

197.309. (1) As used in this section:

(a) "Affordable housing" means housing that is affordable to households with incomes equal to or higher than 80 percent of the median family income for the county in which the housing is built.

(b) "Multifamily structure" means a structure that contains three or more housing units sharing at least one wall, floor or ceiling surface in common with another unit within the same structure.

[(1)] (2) Except as provided in subsection [(2)] (3) of this section, a [city, county or] metropolitan service district may not adopt a land use regulation or functional plan provision, or impose as a condition for approving a permit under ORS 215.427 or 227.178[,] a requirement, that has the effect of establishing the sales or rental price for a housing unit or residential building lot or parcel, or that requires a housing unit or residential building lot or parcel to be designated for sale or rent to [any] a particular class or group of purchasers or renters.

[(2)] (3) [This] The provisions of subsection (2) of this section [does] do not limit the authority of a [city, county or] metropolitan service district to:

(a) Adopt or enforce a [land] use regulation, [functional plan] provision or [condition of approval] requirement creating or implementing an incentive, contract commitment, density bonus or other voluntary regulation, provision or [condition] requirement designed to increase the supply of moderate or lower cost housing units; or

(b) Enter into an affordable housing covenant as provided in ORS 456.270 to 456.295.

(4) Notwithstanding ORS 91.225, a city or county may adopt a land use regulation or functional plan provision, or impose as a condition for approving a permit under ORS 215.427 or 227.178 a requirement, that has the effect of establishing the sales or rental price for a new multifamily structure, or that requires a new multifamily structure to be designated for sale or rent as affordable housing.

(5) A regulation, provision or requirement adopted or imposed under subsection (4) of this section:

(a) May not require more than 20 percent of housing units within a multifamily structure to be sold or rented as affordable housing;

(b) May apply only to multifamily structures containing at least 20 housing units;

(c) Must provide developers the option to pay an in-lieu fee, in an amount determined by the city or county, in exchange for providing the requisite number of housing units within the multifamily structure to be sold or rented at below-market rates; and

(d) Must require the city or county to offer a developer of multifamily structures, other than a developer that elects to pay an in-lieu fee pursuant to paragraph (c) of this subsection, at least one of the following incentives:

(A) Whole or partial fee waivers or reductions.

(B) Whole or partial waivers of system development charges or impact fees set by the city or county.

(C) Finance-based incentives.

(D) Full or partial exemption from ad valorem property taxes on the terms described in this subparagraph. For purposes of any statute granting a full or partial exemption from ad valorem property taxes that uses a definition of "low income" to mean income at or below 60 percent of the area median income and for which the multifamily structure is otherwise eligible, the city or county shall allow the multifamily structure of the developer to qualify using a definition of "low income" to mean income at or below 80 percent of the area median income.

(6) A regulation, provision or requirement adopted or imposed under subsection (4) of this section may offer developers one or more of the following incentives:

(a) Density adjustments.

(b) Expedited service for local permitting processes.

(c) Modification of height, floor area or other site-specific requirements.

(d) Other incentives as determined by the city or county.

(7) Subsection (4) of this section does not restrict the authority of a city or county to offer developers voluntary incentives, including incentives to:

(a) Increase the number of affordable housing units in a development.

(b) Decrease the sale or rental price of affordable housing units in a development.

(c) Build affordable housing units that are affordable to households with incomes equal to or lower than 80 percent of the median family income for the county in which the housing is built.

(8)(a) A city or county that adopts or imposes a regulation, provision or requirement described in subsection (4) of this section may not apply the regulation, provision or requirement to any multifamily structure for which an application for a permit, as defined in ORS 215.402 or 227.160, has been submitted as provided in ORS 215.416 or 227.178 (3), or, if such a permit is not required, a building permit application has been submitted to the city or county prior to the effective date of the regulation, provision or requirement.

(b) If a multifamily structure described in paragraph (a) of this subsection has not been completed within the period required by the permit issued by the city or county, the developer of the multifamily structure shall resubmit an application for a permit, as defined in ORS 215.402 or 227.160, as provided in ORS 215.416 or 227.178 (3), or, if such a permit is not required, a building permit application under the regulation, provision or requirement adopted by the city or county under subsection (4) of this section.

(9)(a) A city or county that adopts or imposes a regulation, provision or requirement under subsection (4) of this section shall adopt and apply only clear and objective standards, conditions and procedures regulating the development of affordable housing units within its jurisdiction. The standards, conditions and procedures may not have the effect, either individually or cumulatively, of discouraging development of affordable housing units through unreasonable cost or delay.

(b) Paragraph (a) of this subsection does not apply to:

(A) An application or permit for residential development in an area identified in a formally adopted central city plan, or a regional center as defined by Metro, in a city with a population of 500,000 or more.

(B) An application or permit for residential development in historic areas designated for protection under a land use planning goal protecting historic areas.

(c) In addition to an approval process for affordable housing based on clear and objective standards, conditions and procedures as provided in paragraph (a) of this subsection, a city or county may adopt and apply an alternative approval process for applications and permits for residential development based on approval criteria regulating, in whole or in part, appearance or aesthetics that are not clear and objective if:

(A) The developer retains the option of proceeding under the approval process that meets the requirements of paragraph (a) of this subsection;

(B) The approval criteria for the alternative approval process comply with applicable statewide land use planning goals and rules; and

(C) The approval criteria for the alternative approval process authorize a density at or above the density level authorized in the zone under the approval process provided in paragraph (a) of this subsection.

(10) If a regulation, provision or requirement adopted or imposed by a city or county under subsection (4) of this section requires that a percentage of housing units in a new multifamily structure be designated as affordable housing, any incentives offered under subsection (5)(d) or (6) of this section shall be related in a manner determined by the city or county to the required percentage of affordable housing units.

SECTION 2. ORS 320.170 is amended to read:

320.170. (1) [*Construction taxes may be imposed by*] A school district, as defined in ORS 330.005, **may impose a construction tax only** in accordance with ORS 320.170 to 320.189.

(2) Construction taxes imposed by a school district must be collected, subject to ORS 320.179, by a local government, local service district, special government body, state agency or state official that issues a permit for structural improvements regulated by the state building code.

SECTION 3. Section 1, chapter 829, Oregon Laws 2007, is added to and made a part of ORS 320.170 to 320.189.

SECTION 4. Section 1, chapter 829, Oregon Laws 2007, is amended to read:

Sec. 1. (1) A local government or local service district, as defined in ORS 174.116, or a special government body, as defined in ORS 174.117, may not impose a tax on the privilege of constructing improvements to real property except as provided in [*sections 2 to 8 of this 2007 Act*] **ORS 320.170 to 320.189.**

(2) Subsection (1) of this section does not apply to:

(a) A tax that is in effect as of May 1, 2007, or to the extension or continuation of such a tax, provided that the rate of tax does not increase from the rate in effect as of May 1, 2007;

(b) A tax on which a public hearing was held before May 1, 2007; or

(c) The amendment or increase of a tax adopted by a county for transportation purposes prior to May 1, 2007, provided that the proceeds of such a tax continue to be used for those purposes.

(3) For purposes of [*this section and sections 2 to 8 of this 2007 Act*] **ORS 320.170 to 320.189**, construction taxes are limited to privilege taxes imposed under [*sections 2 to 8 of this 2007 Act*] **ORS 320.170 to 320.189** and do not include any other financial obligations such as building permit fees, financial obligations that qualify as system development charges under ORS 223.297 to 223.314 or financial obligations imposed on the basis of factors such as income.

SECTION 5. ORS 320.176 is amended to read:

320.176. (1) Construction taxes imposed [*under ORS 320.170 to 320.189*] **by a school district pursuant to ORS 320.170** may be imposed only on improvements to real property that result in a new structure or additional square footage in an existing structure and may not exceed:

(a) \$1 per square foot on structures or portions of structures intended for residential use, including but not limited to single-unit or multiple-unit housing; and

(b) \$0.50 per square foot on structures or portions of structures intended for nonresidential use, not including multiple-unit housing of any kind.

(2) In addition to the limitations under subsection (1) of this section, a construction tax imposed on structures intended for nonresidential use may not exceed \$25,000 per building permit or \$25,000 per structure, whichever is less.

(3)(a) For years beginning on or after June 30, 2009, the limitations under subsections (1) and (2) of this section shall be adjusted for changes in construction costs by multiplying the limitations set forth in subsections (1) and (2) of this section by the ratio of the averaged monthly construction cost index for the 12-month period ending June 30 of the preceding calendar year over the averaged monthly construction cost index for the 12-month period ending June 30, 2008.

(b) The Department of Revenue shall determine the adjusted limitations under this section and shall report those limitations to entities imposing construction taxes. The department shall round the adjusted limitation under subsection (2) of this section to the nearest multiple of \$100.

(c) As used in this subsection, "construction cost index" means the Engineering News-Record Construction Cost Index, or a similar nationally recognized index of construction costs as identified by the department by rule.

SECTION 6. ORS 320.186 is amended to read:

320.186. A school district may pledge construction taxes **imposed pursuant to ORS 320.170** to the payment of obligations issued to finance or refinance capital improvements as defined in ORS 320.183.

SECTION 7. Sections 8 and 9 of this 2016 Act are added to and made a part of ORS 320.170 to 320.189.

SECTION 8. (1) The governing body of a city or county may impose a construction tax by adoption of an ordinance or resolution that conforms to the requirements of this section and section 9 of this 2016 Act.

(2)(a) A tax may be imposed on improvements to residential real property that result in a new residential structure or additional square footage in an existing residential structure, including remodeling that adds living space.

(b) An ordinance or resolution imposing the tax described in paragraph (a) of this subsection must state the rate of the tax. The tax may not exceed one percent of the permit valuation for residential construction permits issued by the city or county either directly or through the Building Codes Division of the Department of Consumer and Business Services.

(3)(a) A tax may be imposed on improvements to commercial and industrial real property, including the commercial and industrial portions of mixed-use property, that result in a new structure or additional square footage in an existing structure, including remodeling that adds living space.

(b) An ordinance or resolution imposing the tax described in paragraph (a) of this subsection must state the rate and base of the tax.

(4) Taxes imposed pursuant to this section shall be paid at the time specified in ORS 320.189 to the city or county that imposed the tax.

(5)(a) This section and section 9 of this 2016 Act do not apply to a tax described in section 1 (2), chapter 829, Oregon Laws 2007.

(b) Conformity of a tax imposed pursuant to this section by a city or county to the requirements of this section and section 9 of this 2016 Act shall be determined without regard to any tax described in section 1 (2), chapter 829, Oregon Laws 2007, that is imposed by the city or county.

SECTION 9. (1) As soon as practicable after the end of each fiscal quarter, a city or county that imposes a construction tax pursuant to section 8 of this 2016 Act shall deposit the construction tax revenues collected in the fiscal quarter just ended in the general fund of the city or county.

(2) Of the revenues deposited pursuant to subsection (1) of this section, the city or county may retain an amount not to exceed four percent as an administrative fee to recoup the expenses of the city or county incurred in complying with this section.

(3) After deducting the administrative fee authorized under subsection (2) of this section and paying any refunds, the city or county shall use the remaining revenues received under section 8 (2) of this 2016 Act as follows:

(a) Fifty percent to fund developer incentives allowed or offered pursuant to ORS 197.309 (5)(c) and (d) and (7);

(b) Fifteen percent to be distributed to the Housing and Community Services Department to fund home ownership programs that provide down payment assistance; and

(c) Thirty-five percent for programs and incentives of the city or county related to affordable housing as defined by the city or county, respectively, for purposes of this section and section 8 of this 2016 Act.

(4) After deducting the administrative fee authorized under subsection (2) of this section and paying any refunds, the city or county shall use 50 percent of the remaining revenues received under section 8 (3) of this 2016 Act to fund programs of the city or county related to housing.

SECTION 10. Section 9, chapter 829, Oregon Laws 2007, is repealed.

SECTION 11. A city or county may not adopt a regulation, provision or requirement under ORS 197.309, as amended by section 1 of this 2016 Act, until the 180th day after the effective date of this 2016 Act.

SECTION 12. This 2016 Act takes effect on the 91st day after the date on which the 2016 regular session of the Seventy-eighth Legislative Assembly adjourns sine die.

Passed by Senate February 26, 2016

.....
Lori L. Brocker, Secretary of Senate

.....
Peter Courtney, President of Senate

Passed by House March 3, 2016

.....
Tina Kotek, Speaker of House

Received by Governor:

.....M.,....., 2016

Approved:

.....M.,....., 2016

.....
Kate Brown, Governor

Filed in Office of Secretary of State:

.....M.,....., 2016

.....
Jeanne P. Atkins, Secretary of State



CLACKAMAS COUNTY

County Resources For Businesses And Residents

Clackamas County Resources provide assistance in business growth and development, homeowner support programs, workforce training, and much more.



Photo by Mark Gamba

Clackamas County offers a wide variety of small business and community resources:

Specific **Business and Employment services** include:

- Mid-Willamette Valley Council of Governments which operates a regional revolving loan fund and has entered into special packaging arrangements with the federal agencies that enable their loan officers to draw upon a wide variety of financial resources and programs to help small businesses.
- The Mt. Hood Economic Alliance which offers secondary financing as well as grants focused on the creation and retention of jobs within the Clackamas, Hood River, and Wasco Counties.

Specific **Community Development and Health & Human Services** programs include:

- Home Repair Loans and Home Access Grants helping low income homeowners pay for needed and critical repairs.
- Spanish language services through the Healthy Start program offering home visits, trainings on community services, and assistance participating in support groups for parents.

SMALL BUSINESS ASSISTANCE

Mid-Willamette Valley Council of Governments **Regional Revolving Loan Fund**

- Provides assistance with all of the commonly used government finance programs.
- Operates a regional revolving loan fund for County businesses.

The **Mt. Hood Economic Alliance Secondary Financing**

- Provides secondary financing for businesses unable to secure enough financing through conventional banking means.
- Has approximately \$250,000 available for small business lending.

COMMUNITY SERVICES

Clackamas County Homeowner Support Programs include the following. For more information about the full range of services and programs visit <http://www.clackamas.us/communitydevelopment/>

- **Home Access Grants:** provide up to \$5,000 for low-income homeowners with disabilities to cover the cost of improving access and safety.
- **Home Repair Loans:** provide up to \$35,000 for owner-occupied homes within Clackamas County.
- **Clackamas Homebuyer Assistance Program:** can loan up to \$14,000 at zero-percent interest to help qualified first-time homebuyers to pay for downpayment and reasonable closing costs.

Clackamas County Health and Housing Services include the following. For more information about the full range of services and programs visit <http://www.clackamas.us/h3s/>

- **Employment and Training Programs:** include programs for low-income self sufficiency, employment and training services for persons on parole or probation, and veterans services.
- **Public Health Programs:** these offer assistance to new families, access to basic healthcare, and more.

MORE INFORMATION

Businesses or residents interested in more information about Clackamas County programs and services can visit the County website <http://www.clackamas.us/services.html> or contact:

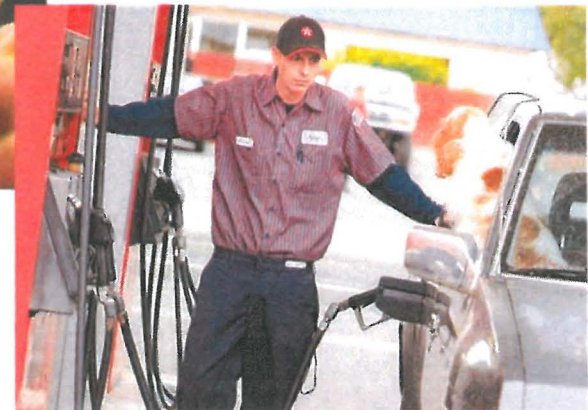
Alma Flores, Community Development Director
 Phone: 503-786-7652
 Fax: 503-774-8236
floresa@MilwaukieOregon.gov



Who Is In Poverty?



homeforward





Wages & Affordability

January 2016

Sample annual wages and corresponding affordability ranges.

(All income data assumes 52 weeks; represents a 1 person household; affordability percentages per HUD 2015 guidelines.)

Wages

Outlet Mall: (300 employees)

Hourly wage	Avg. hrs. per week	Annual income	Corresponding affordability range
\$9.25	24	\$11,544	>30% AMI
\$9.25	35	\$16,832	>35% AMI
\$9.25	40	\$19,240	>40% AMI

FedEx Distribution Facility (800 employees)

Hourly wage	Avg. hrs. per week	Annual income	Corresponding affordability range
\$10	35	\$18,200	>40% AMI
\$10	40	\$20,800	>45% AMI
\$15	35	\$27,000	>60% AMI
\$15	40	\$31,200	>80% AMI

Homeownership?

Example

Sale Price	\$215,000
10% down	\$ 21,500*
Mortgage amount	\$193,500

Total Monthly Housing Cost

Monthly Principal & Interest Payment (assume 4.5% interest, 30 years)	\$980
+	
Taxes & Insurance (assume taxes of \$3,000; insurance, \$600/year)	\$275
=	
Total Monthly Housing Cost	\$1,255

* Analysis does not factor in PMI required due to higher LTV with only 10% down payment

Income Required

At 30% of income going to housing expenses:

Monthly	\$4,200
Annually	\$50,400
Hourly Wage at 40 hours/week	\$24

- Choose City -

Milwaukie city



City Population	
Total Population (2010-2014)	20,449
# Change since 2000	-41
% Change since 2000	-0.2%

Poverty Rates (2010-2014)	Milwaukie city	Clackamas County	Oregon
Number in Poverty	2,574	37,218	638,816
Percent in Poverty	13%	10%	17%

Poverty Population Characteristics

Poverty Rates by Age (2010-2014)	% in Poverty	% of People in Poverty	% of Total Population
Total Population	13%	-	-
Children younger than 18	12%	18%	19%
People 18-64	14%	71%	66%
People 65 and older	10%	11%	14%

Poverty Rates by Family (2010-2014)	% in Poverty	% of Families in Poverty	% of Total Families
All Families	9%	-	-
Families with children under 18	12%	61%	45%
Single women with children under 18	30%	48%	14%
Families that worked full or part time	6%	63%	85%

Poverty Rates by Race/Ethnicity (2010-2014)	% in Poverty	% of People in Poverty	% of Total Population
Total Population	13%	-	-
White	13%	86%	86%
Black	14%	3%	3%
American Indian	16%	2%	1%
Asian	1%	0%	4%
Pacific Islander	0%	0%	1%
Other	40%	1%	0%
Mixed (2 or more races)	20%	7%	5%
Hispanic origin	22%	10%	5%

Household Income and Housing Burden

Household Incomes (2010-2014)	Milwaukie city	Clackamas County	Oregon
Median Household Income	\$55,827	\$64,700	\$50,521
Renter Median Household Income	\$40,352	\$40,682	\$31,756
Owner Median Household Income	\$67,321	\$80,228	\$66,256
Total Households	8,652	147,736	1,522,988
Renters % of income spent on housing	27%	30%	33%
Owners % of income spent on housing	24%	23%	22%

Extremely Low Income (30% of Median Family Income)	\$23,285	\$23,285	\$18,567
Households earning 0-30% Median Family Income	1,538	20,377	232,601
Burdened households earning 0-30% Median Family Income	1,219	17,283	201,810
% Burdened	79%	85%	87%
Severely Burdened households earning 0-30% of Median Family Income	958	13,147	159,521
% Severely Burdened	62%	65%	69%

Very Low Income (50% of Median Family Income)	\$38,809	\$38,809	\$30,945
Households earning 31-50% Median Family Income	1,429	20,722	201,060
Burdened households earning 31-50% Median Family Income	895	13,762	135,383
% Burdened	63%	66%	67%
Severely Burdened households earning 31-50% of Median Family Income	341	5,779	58,716
% Severely Burdened	24%	28%	29%

Low Income (80% of Median Family Income)	\$62,094	\$62,094	\$49,512
Households earning 51-80% Median Family Income	1,795	26,496	291,180
Burdened households earning 51-80% Median Family Income	621	10,820	137,458
% Burdened	35%	41%	47%
Severely Burdened households earning 51-80% of Median Family Income	105	2,859	39,528
% Severely Burdened	6%	11%	14%

Executive Director Reflections from the 2016 Legislative Session

Matt Kinshella March 4 2016

Threat

Like 29 people like this. Be the first of your friends.

By Janet Byrd

The Legislature adjourned Thursday, March 3rd after a fast-paced and intense 32-day short session. The 90 members made history and headlines on many issues. Most important to me and the Neighborhood Partnerships team are of course the advances in housing policy, critically needed funding for housing, the minimum wage, and the small technical fixes to the Individual Development Account Initiative statutes. There are so many more important achievements that could also be on the list—the expansion of the earned income tax credit and the restoration of a General Assistance program are just two examples. It's been hard to follow all the excitement.



There will be lots of specific detail and analysis to come, plenty of time to debrief what happened and what we can learn from it, and then to hone in on and finalize goals for next session. For now, let's just all take a moment and reflect on the progress that was made. And congratulate one another, ourselves, our allies, and the legislators that made it happen.

Wow! Look at what was accomplished this session!!

POLICY WINS

- Tenants in Oregon are now protected from rent increases in the first year of tenancy. This is huge for the high percentage of tenants who are not offered a lease, and was an issue of concern for tenants as well as the many organizations helping individuals and families find housing. Now, people won't learn of unaffordable rent increases soon after moving in.
- Tenants in Oregon will now receive a 90-day notice before a rent increase. Portland residents have had this protection as part of the state of emergency declaration—now tenants across the state will be protected.
- Cities and counties may now impose a Construction Excise Tax on all new construction. Taxes on residential construction are limited to 1% of the permit value, and all of the money must be used to make housing affordable. Taxes on industrial and commercial construction are not limited, and half must go to housing. This is a significant new source of money dedicated to housing affordability.
- Cities and counties may now require inclusionary development. Specifically, they may require that developers of multifamily housing building properties or developments of more than 20 homes make 20% of them affordable at 80% of area median income, or pay a fee in an amount to be determined by the city or county. Some level of subsidy must be offered if units are made affordable, but the amount is to be determined by the local jurisdiction. We expect that cities and counties will also be able to negotiate lower levels of affordability in return for additional subsidies
- A modest pilot program that might create opportunities for affordable development adjacent to urban growth boundaries was approved. We are eager to see what possibilities are brought forward under this pilot.

- Statutory guidelines for the new state LIFT (Local Innovation and Fast Track Development) bond financing program were finalized.

STATE FUNDING WINS

- \$10 million to help meet critical emergency housing needs through the Emergency Housing Account and State Homeless Assistance Program.
- \$2.5 million to help preserve existing affordable housing. This will be added to the pool of gap funds to help keep properties with rent subsidies or manufactured home parks affordable to the Oregonians who now live in them
- \$2.73 million to help homeowners facing foreclosure prepare for mediation. Counseling is essential to help homeowners evaluate their options as they prepare for foreclosure mediation.

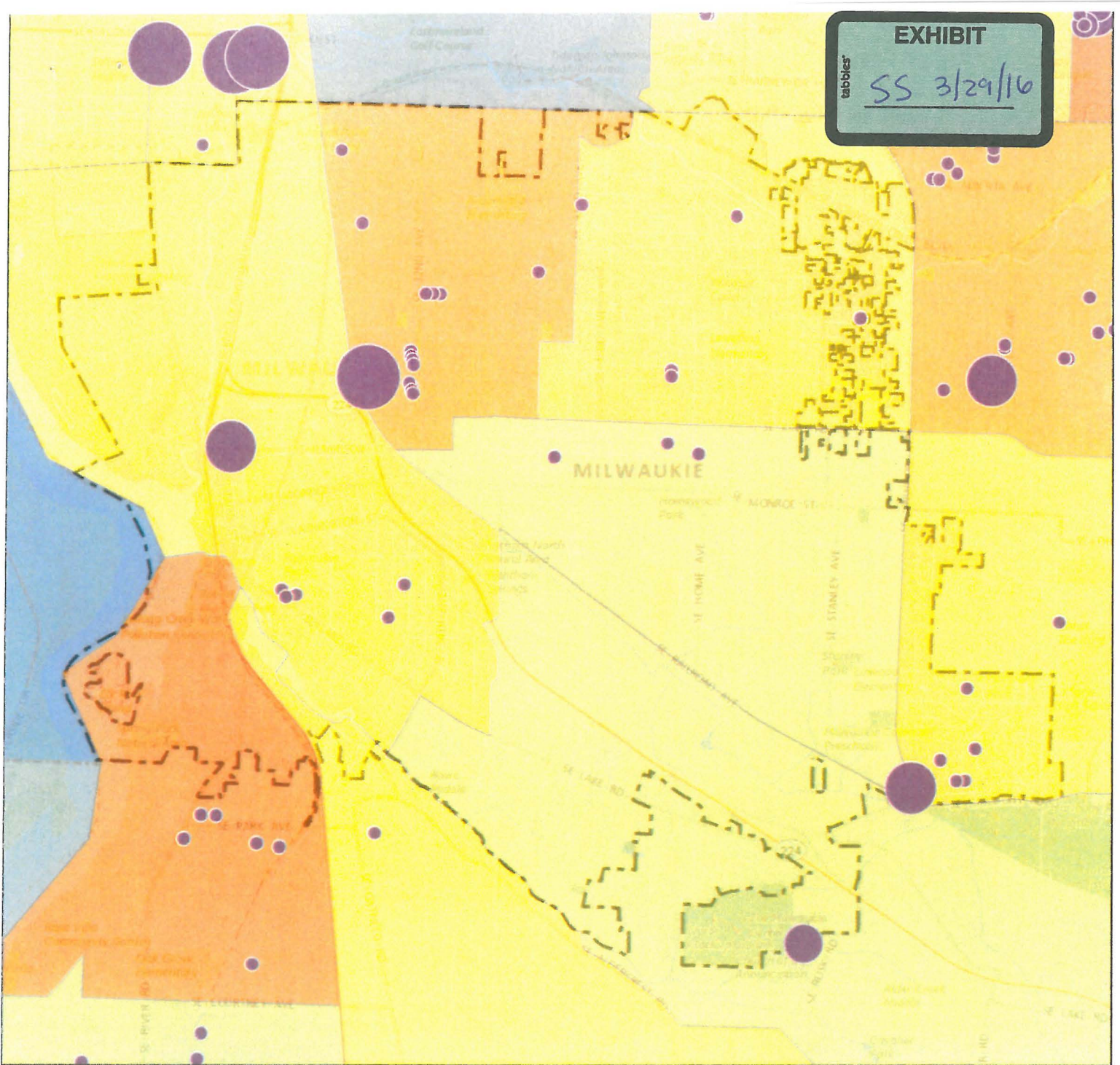
THANK YOU

- Thank you to everyone who took time to share personal stories with legislators, reporters, and advocates. Thank you to those who shared stories of the ways that housing scarcity and lack of affordability is affecting all of us in communities throughout the state. Thank you to those who called, wrote, or came to Salem to speak up for housing opportunity.
- Thank you to the partners who called out for real and fundamental change, who shifted the political climate and dynamic in ways that made progress possible.
- Thank you to the strategists, negotiators, policy wonks, and lobbyists who teamed up to help make our case and fight back against the many entrenched and well-funded opponents. Thanks to those who stayed in the conversation even when we disagreed.
- Thank you to the legislators who took hard positions, who spoke up for tenants, who pushed back against developers and landlords. Thank you to the legislators who kept an open mind and challenged their constituents, the members of their caucus, their friends, and their neighbors to think differently.
- Thank you to Speaker Koteck, President Courtney, and the Governor, who wouldn't let housing fall to the bottom of the priority list this year, who kept housing at the forefront of priorities.

NEXT STEPS

Did we advance everything we wanted? No. Have we addressed the housing issues that are holding us back from being the state we want to be? Only partially. Are tenants protected from the negative economic and health impacts of evictions made without a stated reason? No.

It's already time to look ahead to 2017. As the Housing Alliance, we'll be creating new avenues for issues to move forward, identifying new opportunities for participation and leadership within the coalition, and reaching out to new and existing allies. We look forward to working with our partners and the community, and to continuing our progress towards housing opportunity.

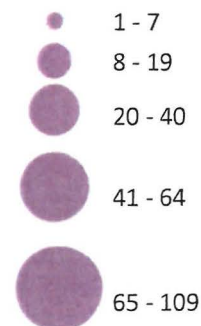


Regulated Affordable Housing - City of Milwaukee and Surroundings

Median household income in the
past 12 months, Census Tracts



Regulated Units



Betty Dominguez

Subject:

Expires: Tuesday, March 28, 2017 12:00 AM

From: Clinton Chiavarini [<mailto:Clinton.Chiavarini@oregonmetro.gov>]

Sent: Monday, March 21, 2016 5:38 PM

To: Rebecca Hamilton; Betty Dominguez

Subject: RE: Milwaukie map

Hi Betty-

I've attached a spreadsheet with a bunch of different tabs that hopefully cover that you're looking for.

- 1- • The first tab is the estimated total households (not population) by income.
 - 2- • The second is a breakdown of the number of affordable housing units shown on the map. The Unincorporated and Portland numbers are the units shown on the map that are outside of the city limits.
 - 3- • The third is my attempt to show what percentage of the overall tract is affordable housing. Because tracts don't conform to City boundaries (and most of the surrounding tracts extend off of the map), I tried to call out (in gray) the tracts that were either completely within the city or had a substantial portion of their area. I'm not sure if this will be helpful to you or not.
- The last tab is just the raw data from the Affordable Housing Database for the map.

Let me know if you have questions or need anything else.

-Clint

Clint Chiavarini | Senior GIS Specialist | Data Resource Center
600 NE Grand Ave, Portland, OR 97232 | 503-797-1738
clinton.chiavarini@oregonmetro.gov

www.oregonmetro.gov

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1

Milwaukie city, Oregon

Median income (dollars); Estimate; Households \$ 55,827

VARIABLE	TOTAL	PERCENT
Estimate; Total: Households	8652	
Estimate; Total: - Less than \$10,000	511	5.9%
Estimate; Total: - \$10,000 to \$14,999	413	4.8%
Estimate; Total: - \$15,000 to \$19,999	417	4.8%
Estimate; Total: - \$20,000 to \$24,999	498	5.8%
Estimate; Total: - \$25,000 to \$29,999	401	4.6%
Estimate; Total: - \$30,000 to \$34,999	415	4.8%
Estimate; Total: - \$35,000 to \$39,999	459	5.3%
Estimate; Total: - \$40,000 to \$44,999	498	5.8%
Estimate; Total: - \$45,000 to \$49,999	378	4.4%
Estimate; Total: - \$50,000 to \$59,999	647	7.5%
Estimate; Total: - \$60,000 to \$74,999	1202	13.9%
Estimate; Total: - \$75,000 to \$99,999	1453	16.8%
Estimate; Total: - \$100,000 to \$124,999	634	7.3%
Estimate; Total: - \$125,000 to \$149,999	339	3.9%
Estimate; Total: - \$150,000 to \$199,999	260	3.0%
Estimate; Total: - \$200,000 or more	127	1.5%

Source: American Community Survey, 2010-2014

2

Jurisdiction	Regulated Units
MILWAUKIE	369
PORTLAND	380
UNINCORPORATED	137
Grand Total	886

Census Tract	Census FIPS Code	Households by Income							Total Census Households	Regulated Housing Units in total tract	Tract inside city limits?
		<\$25,000	\$25,000-50,000	\$50,000-75,000	\$75,000-100,000	\$100,000-150,000	\$150,000-200,000	>\$200,000			
200	41051000200	797	569	589	274	543	87	110	2969	517	No
8600	41051008600	492	574	217	257	53	16	0	1609	122	No
8800	41051008800	381	381	339	348	108	37	14	1608	6	No
20800	41005020800	331	519	531	228	190	63	53	1915	72	Yes
20900	41005020900	485	444	309	240	154	28	11	1671	215	Yes
21000	41005021000	519	419	426	377	117	23	16	1897	18	Yes
21100	41005021100	404	544	466	347	220	151	48	2180	3	Yes
21200	41005021200	584	611	274	186	207	24	6	1892	10	Partial
21300	41005021300	388	574	461	386	360	100	93	2362	68	No
21400	41005021400	457	463	255	296	359	93	30	1953	2	No
21500	41005021500	327	360	420	332	492	85	13	2029	41	Partial
21601	41005021601	739	696	521	93	201	0	11	2261	78	No
21602	41005021602	412	530	388	258	309	30	33	1960	204	Partial
Total		6316	6684	5196	3622	3313	737	438	26306	1356	

Census Tract	Census FIPS Code	Percent of Total Households by Income							Total Census Households	Regulated Housing Units in total tract	Tract inside city limits?
		<\$25,000	\$25,000-50,000	\$50,000-75,000	\$75,000-100,000	\$100,000-150,000	\$150,000-200,000	>\$200,000			
200	41051000200	12.6%	8.5%	11.3%	7.6%	16.4%	11.8%	25.1%	11.3%	17.4%	No
8600	41051008600	7.8%	8.6%	4.2%	7.1%	1.6%	2.2%	0.0%	6.1%	7.6%	No
8800	41051008800	6.0%	5.7%	6.5%	9.6%	3.3%	5.0%	3.2%	6.1%	0.4%	No
20800	41005020800	5.2%	7.8%	10.2%	6.3%	5.7%	8.5%	12.1%	7.3%	3.8%	Yes
20900	41005020900	7.7%	6.6%	5.9%	6.6%	4.6%	3.8%	2.5%	6.4%	12.9%	Yes
21000	41005021000	8.2%	6.3%	8.2%	10.4%	3.5%	3.1%	3.7%	7.2%	0.9%	Yes
21100	41005021100	6.4%	8.1%	9.0%	9.6%	6.6%	20.5%	11.0%	8.3%	0.1%	Yes
21200	41005021200	9.2%	9.1%	5.3%	5.1%	6.2%	3.3%	1.4%	7.2%	0.5%	Partial
21300	41005021300	6.1%	8.6%	8.9%	10.7%	10.9%	13.6%	21.2%	9.0%	2.9%	No
21400	41005021400	7.2%	6.9%	4.9%	8.2%	10.8%	12.6%	6.8%	7.4%	0.1%	No

21500	41005021500	5.2%	5.4%	8.1%	9.2%	14.9%	11.5%	3.0%	7.7%	2.0%	Partial
21601	41005021601	11.7%	10.4%	10.0%	2.6%	6.1%	0.0%	2.5%	8.6%	3.4%	No
21602	41005021602	6.5%	7.9%	7.5%	7.1%	9.3%	4.1%	7.5%	7.5%	10.4%	Partial

2015 -- Rents for LIHTC & Tax-Exempt Bonds

Multnomah County, Oregon



For more detailed MTSP income limit information, please visit HUDs website:
<http://www.huduser.org/portal/datasets/mtsp.html>

Actual 2015 Median ³	\$73,500	
Actual 2012 Median ³	\$73,000	
Ntnl Non-Metro 2015 Median	\$54,100	(applies to 9% credits only in non-metro areas)
2015 HERA Special Median	\$74,300	(applies to projects in existence before January 1, 2009)

Median incomes calculated based on a 4-person household

What Rents Should You Use?

Is the location considered RURAL by USDA? (if yes, it is eligible to use the Ntnl Non-Metro Median for 9% projects)¹

Not All Multnomah County is considered urban within it's major cities, to verify your address and accuracy, please visit:
<http://eligibility.sc.egov.usda.gov/eligibility/welcomeAction.do?pageAction=sfp&NavKey=property@12>

--The following rent limits indicate the highest rents allowable--

Did the project exist ² in 2008?	If NO, did it exist ² : Between Jan 1, 2009 - March 5, 2015	If NO, did it exist ² : On or After March 6th 2015
-- If it's a 4% Tax Credit Project Use: HERA Special 2015	-- If it's a 4% Tax Credit Project Use: Actual Incomes 2015	-- If it's a 4% Tax Credit Project Use: Actual Incomes 2015
-- If it's a 9% Tax Credit Project Use: HERA Special 2015	-- If it's a 9% Tax Credit Project Use: Actual Incomes 2015	-- If it's a 9% Tax Credit Project Use: Actual Incomes 2015

% MFI	0 Bdrm	1 Bdrm	2 Bdrm	3 Bdrm	4 Bdrm	5 Bdrm
30%	\$386	\$413	\$496	\$573	\$639	\$706
35%	\$450	\$482	\$579	\$668	\$746	\$823
40%	\$515	\$551	\$662	\$764	\$853	\$941
45%	\$579	\$620	\$744	\$860	\$959	\$1,059
50%	\$643	\$689	\$827	\$955	\$1,066	\$1,176
55%	\$708	\$758	\$910	\$1,051	\$1,172	\$1,294
60%	\$772	\$827	\$993	\$1,146	\$1,279	\$1,412
80%	\$1,030	\$1,103	\$1,324	\$1,529	\$1,706	\$1,883

% MFI	0 Bdrm	1 Bdrm	2 Bdrm	3 Bdrm	4 Bdrm	5 Bdrm
30%	\$383	\$410	\$492	\$569	\$635	\$701
35%	\$447	\$479	\$574	\$664	\$741	\$818
40%	\$511	\$547	\$657	\$759	\$847	\$935
45%	\$574	\$615	\$739	\$854	\$952	\$1,051
50%	\$638	\$684	\$821	\$949	\$1,058	\$1,168
55%	\$702	\$752	\$903	\$1,044	\$1,164	\$1,285
60%	\$766	\$821	\$985	\$1,139	\$1,270	\$1,402
80%	\$1,022	\$1,095	\$1,314	\$1,519	\$1,694	\$1,870

% MFI	0 Bdrm	1 Bdrm	2 Bdrm	3 Bdrm	4 Bdrm	5 Bdrm
30%	\$390	\$418	\$501	\$579	\$646	\$713
35%	\$455	\$488	\$585	\$676	\$754	\$832
40%	\$521	\$558	\$669	\$773	\$862	\$951
45%	\$586	\$627	\$752	\$869	\$969	\$1,070
50%	\$651	\$697	\$836	\$966	\$1,077	\$1,189
55%	\$716	\$767	\$919	\$1,062	\$1,185	\$1,308
60%	\$781	\$837	\$1,003	\$1,159	\$1,293	\$1,427
80%	\$1,042	\$1,116	\$1,338	\$1,546	\$1,724	\$1,903

Notes:

1: Only projects in Rural Areas are able to use the Non-Metro Medians, otherwise use applicable 4% limits. Projects with previous "Rural" designations that are no longer considered to be located in rural areas (by the USDA) are permitted to use the previous year's National Non-Metro income limits should they be higher than the current year's income limits. The National Non-Metro income limits are online here:
<http://www.oregon.gov/ohcs/pages/research-income-rent-limits.aspx>

2: Exist - defined by OHCS as the project's placed-in-service (PIS) date. Projects consisting of multiple buildings, where each building is being treated as part of a multiple building project (see line 8b on IRS Form 8609), will be considered as being "in existence" provided at least one building was PIS during the affected year.

3: Actual Median Income Limit indicated here is based on income limits though it is not necessarily the HUD Area Median Income

The rent limits listed above are based on the Multifamily Tax Subsidy Program (MTSP) income limits published by HUD on March 6, 2015. Per Revenue Ruling 94-57, owners will have until April 20, 2015 to implement these new MTSP rent limits (45 days from their effective date). If the gross rent floors (established at credit allocation or the project's PIS date; refer to Revenue Procedure 94-57) are higher than the current rent limits, the gross rent floors may be used. However, income limits are still based on the current applicable rate. Utility allowances must continue to be deducted from rents to achieve the maximum tenant rents allowed. Please note that all definitions and explanations herein may be subject to change upon later IRS and/or HUD clarification.

2015 -- Income Limits for LIHTC & Tax-Exempt Bonds

Multnomah County, Oregon



For more detailed MTSP income limit information, please visit HUDs website:
<http://www.huduser.org/portal/datasets/mtsp.html>

Actual 2015 Median ³	\$73,500	
Actual 2012 Median ³	\$73,000	
Ntnl Non-Metro 2015 Median	\$54,100	(applies to 9% credits only in non-metro areas)
2015 HERA Special Median	\$74,300	(applies to projects in existence before January 1, 2009)

Median Incomes calculated based on a 4-person household

What Income Limit Should You Use?

Is the location considered RURAL by USDA? (if yes, it is eligible to use the Ntnl Non-Metro Median for 9% projects)¹

Not All Multnomah County is considered urban within it's major cities, to verify your address and accuracy, please visit:

<http://eligibility.sc.egov.usda.gov/eligibility/welcomeAction.do?pageAction=sfo&NavKey=property@12>

--The following income limits indicate the highest income limit allowable--

Did the project exist ² in 2008?	If NO, did it exist ² : Between Jan 1, 2009 - March 5, 2015	If NO, did it exist ² : On or After March 6th 2015
-- If it's a 4% Tax Credit Project Use: HERA Special 2015	-- If it's a 4% Tax Credit Project Use: Actual Incomes 2015	-- If it's a 4% Tax Credit Project Use: Actual Incomes 2015
-- If it's a 9% Tax Credit Project Use: HERA Special 2015	-- If it's a 9% Tax Credit Project Use: Actual Incomes 2015	-- If it's a 9% Tax Credit Project Use: Actual Incomes 2015

Actual Income Limits 2015								
% MFI	1 Pers	2 Pers	3 Pers	4 Pers	5 Pers	6 Pers	7 Pers	8 Pers
30%	\$15,450	\$17,640	\$19,860	\$22,050	\$23,820	\$25,590	\$27,360	\$29,130
35%	\$18,025	\$20,580	\$23,170	\$25,725	\$27,790	\$29,855	\$31,920	\$33,985
40%	\$20,600	\$23,520	\$26,480	\$29,400	\$31,760	\$34,120	\$36,480	\$38,840
45%	\$23,175	\$26,460	\$29,790	\$33,075	\$35,730	\$38,385	\$41,040	\$43,695
50%	\$25,750	\$29,400	\$33,100	\$36,750	\$39,700	\$42,650	\$45,600	\$48,550
55%	\$28,325	\$32,340	\$36,410	\$40,425	\$43,670	\$46,915	\$50,160	\$53,405
60%	\$30,900	\$35,280	\$39,720	\$44,100	\$47,640	\$51,180	\$54,720	\$58,260
80%	\$41,200	\$47,040	\$52,960	\$58,800	\$63,520	\$68,240	\$72,960	\$77,680

Actual Income Limits 2012								
% MFI	1 Pers	2 Pers	3 Pers	4 Pers	5 Pers	6 Pers	7 Pers	8 Pers
30%	\$15,330	\$17,520	\$19,710	\$21,900	\$23,670	\$25,410	\$27,180	\$28,920
35%	\$17,885	\$20,440	\$22,995	\$25,550	\$27,615	\$29,645	\$31,710	\$33,740
40%	\$20,440	\$23,360	\$26,280	\$29,200	\$31,560	\$33,880	\$36,240	\$38,560
45%	\$22,995	\$26,280	\$29,565	\$32,850	\$35,505	\$38,115	\$40,770	\$43,380
50%	\$25,550	\$29,200	\$32,850	\$36,500	\$39,450	\$42,350	\$45,300	\$48,200
55%	\$28,105	\$32,120	\$36,135	\$40,150	\$43,395	\$46,585	\$49,830	\$53,020
60%	\$30,660	\$35,040	\$39,420	\$43,800	\$47,340	\$50,820	\$54,360	\$57,840
80%	\$40,880	\$46,720	\$52,560	\$58,400	\$63,120	\$67,760	\$72,480	\$77,120

HERA Special Income Limits 2015								
% MFI	1 Pers	2 Pers	3 Pers	4 Pers	5 Pers	6 Pers	7 Pers	8 Pers
30%	\$15,630	\$17,850	\$20,070	\$22,290	\$24,090	\$25,860	\$27,660	\$29,430
35%	\$18,235	\$20,825	\$23,415	\$26,005	\$28,105	\$30,170	\$32,270	\$34,335
40%	\$20,840	\$23,800	\$26,760	\$29,720	\$32,120	\$34,480	\$36,880	\$39,240
45%	\$23,445	\$26,775	\$30,105	\$33,435	\$36,135	\$38,790	\$41,490	\$44,145
50%	\$26,050	\$29,750	\$33,450	\$37,150	\$40,150	\$43,100	\$46,100	\$49,050
55%	\$28,655	\$32,725	\$36,795	\$40,865	\$44,165	\$47,410	\$50,710	\$53,955
60%	\$31,260	\$35,700	\$40,140	\$44,580	\$48,180	\$51,720	\$55,320	\$58,860
80%	\$41,680	\$47,600	\$53,520	\$59,440	\$64,240	\$68,960	\$73,760	\$78,480

Notes:

1: Only projects in Rural Areas are able to use the Non-Metro Medians, otherwise use applicable 4% limits. Projects with previous "Rural" designations that are no longer considered to be located in rural areas (by the USDA) are permitted to use the previous year's National Non-Metro income limits should they be higher than the current year's income limits. The National Non-Metro income limits are online here:

<http://www.oregon.gov/ohcs/pages/research-income-rent-limits.aspx>

2: Exist - defined by OHCS as the project's placed-in-service (PIS) date. Projects consisting of multiple buildings, where each building is being treated as part of a multiple building project (see line 8b on IRS Form 8609), will be considered as being "in existence" provided at least one building was PIS during the affected year.

3: Actual Median Income Limit indicated here is based on income limits though it is not necessarily the HUD Area Median Income

The incomes limits listed above are based on the Multifamily Tax Subsidy Program (MTSP) income limits published by HUD on March 6th 2015. Per Revenue Ruling 94-57, owners will have until April 20, 2015 to implement these new MTSP income limits (45 days from their effective date). Please note that all definitions and explanations herein may be subject to change upon later IRS and/or HUD clarification.