Senate Bill 141

Relating to vertical housing development projects; creating new provisions; amending ORS 307.857 and 307.864; and prescribing an effective date.

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

SECTION 1. ORS 307.857 is amended to read:

307.857. (1) Following the designation of a vertical housing development zone under ORS 307.844, a person proposing to undertake a proposed vertical housing development project and seeking the partial property tax exemption set forth in ORS 307.864 must apply to the governing body of the city or county that designated the zone for certification of the project. Each phase of a phased development, whether vertical or horizontal, requires a separate application.

(2) The application must be satisfactory to the city or county in form and content and must contain any information required by the city or county, including all of the following:

(a) The address and boundaries of the proposed vertical housing development project.

(b) A description of the existing state of the property.

(c) A description of the proposed project construction or rehabilitation, including the design of the construction or rehabilitation, the cost of the construction or rehabilitation and the number of floors and residential units to be constructed or rehabilitated.

(d) A description of the nonresidential uses to which any portion of the proposed project is to be put, including the proportion of total square footage of the project proposed for nonresidential uses.

(e) A description of the proposed portion of the project to be used for residential uses, including the proportion of total square footage of the project proposed for residential uses.

(f) A description of the number and nature of residential units in the proposed project that are to be low income residential housing, including the proportion of total square footage of the project proposed for low income residential housing uses.

(g) The calculation and allocations described under subsection (4) of this section.

(h) Documentation establishing the costs of construction and rehabilitation with respect to the project.

(i) A commitment that is satisfactory to the city or county, including documentation and evi-

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

LC 2364
of recording of the documentation, that the project will be maintained and operated in a
manner consistent with the application submitted under this section for the duration of the com-
mitment. The duration of the commitment, including the eligibility of units in the project as low
income residential housing, may not be less than the number of tax years for which the project is
intended to be partially exempt from ad valorem property taxes under ORS 307.864.

(3) For purposes of this section, square footage does not include areas used for parking, patios
or porches, unless these areas are demonstrated to the satisfaction of the city or county to be eco-
nomically necessary to the project or the city or county otherwise determines that it is appropriate
to include the areas in square footage.

(4)(a) Each application filed under this section must contain a calculation of equalized
floors, an allocation of equalized floors to residential uses and an allocation of equalized floors to
low income residential housing uses as determined under this subsection.

(b) An equalized floor is the quotient that results from the division of total square footage of a
project by the number of actual floors of the project that are at least 500 square feet per floor, or
as may be increased or otherwise qualified by the city or county by rule.

(c) To allocate equalized floors to residential uses, divide the total square footage of residential
property in the project by the square footage of an equalized floor, without rounding this quotient
up or down.

(d) To allocate equalized floors to low income residential housing use, divide the total square
footage of low income residential housing property in the project by the square footage of an
equalized floor, without rounding this quotient up or down. In determining the square footage
of low income residential housing property, include that proportion of the square footage of resi-
dential common space that is the same as the proportion of the total square footage of low income
residential housing units to the total square footage of all residential housing units.

(e) Land that is necessary for a project having at least one equalized floor of low income resi-
dential housing may be certified for partial exemption. Land that is not necessary for the project
may not be certified for partial exemption.

(5)(a) For rehabilitation that does not involve displacement of tenants, the application must be
filed on or before the date on which the rehabilitation is complete.

(b) The application must be filed on or before the date on which residential units that are a part
of the vertical housing development project are ready for occupancy.

(6) The city or county shall review each application submitted under this section and shall cer-
tify or deny certification based on whether the proposed vertical housing development project meets
the requirements described in ORS 307.858 and all criteria established by the city or county that
are consistent with ORS 307.841 to 307.867.

(7) The city or county may request any documentation or undertake any investigation necessary
to ascertain the veracity of any statement made on an application under this section.

(8) The certification issued by the city or county shall:

(a) Identify the property included in the certified vertical housing development project;

(b) Identify the number of equalized floors of the project allocated to residential housing
[in the project] under subsection (4)(c) of this section and include a description of the property
of each equalized floor;

(c) Identify the number of equalized floors of the project allocated to low income residen-
tial housing [in the project] under subsection (4)(d) of this section and include a description of the
property of each equalized floor; and
(d) Contain any other information prescribed by the city or county.

(9) The determination of the city or county to certify or deny certification is a discretionary
determination. The determination is final and is not subject to judicial or administrative review.

(10) The city or county may charge appropriate fees to offset the cost of administering the ap-
plication and certification process under this section and any other related costs.

SECTION 2. ORS 307.864 is amended to read:

307.864. (1) For the first tax year in which, as of the assessment date, a vertical housing devel-
opment project is occupied or ready for occupancy following certification under ORS 307.857, and
for the next nine consecutive tax years:

(a) The property of the vertical housing development project, except for the land of the project,
shall be partially exempt from ad valorem property taxes imposed by local taxing districts, other
than the districts that elected not to participate in the vertical housing development zone pursuant
to ORS 307.844 (4), [according to the following schedule and] as identified in the certification issued
under ORS 307.857 (8)[, in a percentage equal to the lesser of:

(A) 20 percent multiplied by the quotient representing the allocation of equalized floors
to residential housing or low income residential housing, determined under ORS 307.857 (4)(c)
or (d), respectively; or

(B) 80 percent.

[(A) If the project consists of the equivalent of one equalized floor allocated to residential housing,
the project shall be 20 percent exempt.]

[(B) If the project consists of the equivalent of two equalized floors allocated to residential housing,
the project shall be 40 percent exempt.]

[(C) If the project consists of the equivalent of three equalized floors allocated to residential hous-
ing, the project shall be 60 percent exempt.]

[(D) If the project consists of the equivalent of four or more equalized floors allocated to residential
housing, the project shall be 80 percent exempt.]

(b) The land of the vertical housing development project shall be partially exempt from ad
valorem property taxes imposed by local taxing districts, other than the districts that elected not
to participate in the vertical housing development zone pursuant to ORS 307.844 (4), in the same
[percentages] percentage determined under paragraph (a) of this subsection, for [each equalized floor
allocated] the allocation of equalized floors to low income residential housing, as identified in the
certification issued under ORS 307.857 (8).

(2) In order for the property of a vertical housing development project to receive the partial
property tax exemption described in subsection (1) of this section, the vertical housing develop-
ment project property owner, project applicant or other person responsible for the payment of property
taxes on the project must notify the city or county that the project is occupied or ready for occup-
cancy, and the city or county must notify the assessor of the county in which the project is located,
in the manner set forth in ORS 307.512, that the project is occupied or ready for occupancy and has
been certified under ORS 307.857.

SECTION 3. The amendments to ORS 307.857 and 307.864 by sections 1 and 2 of this 2021
Act apply to property tax years beginning on or after July 1, 2021.

SECTION 4. This 2021 Act takes effect on the 91st day after the date on which the 2021
regular session of the Eighty-first Legislative Assembly adjourns sine die.