

FAR Transfer from Existing Affordable Housing Program

Administrative Rules

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I. Definition of Administrative Rules

These Administrative Rules (these “Rules”) are authorized by Portland City Code (“PCC”) 30.01.150 to define the policies, processes, and procedures of implementation of the FAR Transfer from Existing Affordable Housing Program (the “Affordable Housing Transfer Program”) by the Portland Housing Bureau (“PHB”).

II. Program Goal

The City of Portland (the “City”) has identified the need to promote the preservation of existing affordable housing within the City. The City is implementing the Affordable Housing Transfer Program to help meet this need.

III. Definitions

- A. Applicant.** A Person that applies for a FAR transfer through PCC 33.120.210.D.1 and PCC 30.01.150, and has submitted a completed Affordable Housing Transfer Program application to PHB. An Applicant can be the Owner of the Property or someone who is representing the Owner, such as a builder, developer, optional purchaser, consultant, or architect.
- B. Dwelling Unit.** Dwelling Unit has the meaning defined in PCC 33.910.030.
- C. Median Family Income (“MFI”).** Determined by PHB using the Department of Housing and Urban Development’s (HUD) annually published Median Family Income and Rent Chart (“MFI and Rent Chart”) for the Portland Metropolitan Area.
- D. Owner.** Owner has the meaning defined in PCC 33.910.030.
- E. PCC.** Means Portland City Code.
- F. Person.** Person has the meaning defined in PCC 33.910.030.
- G. Property.** Property means the legally identified parcel of land on which the Dwelling Units are located.
- H. Site.** Site has the meaning defined in PCC 33.910.030.

IV. Application Requirements

Applicants requesting a FAR transfer pursuant to PCC 33.120.210.D.1 and PCC 30.01.150 must submit an application to PHB and meet the requirements of the Affordable Housing Transfer Program and these Rules. Applicants must also submit the following information to PHB:

A. Documentation demonstrating adherence to the requirements of the Affordable Housing Transfer Program:

1. The Dwelling Units located on the Site have received direct funding from PHB;
2. There is an existing affordability agreement with PHB recorded on the Property restricting 100% of the Dwelling Units to households earning 60% MFI or below for at least an additional 30 years from the date of the Affordable Housing Transfer application to PHB; and
3. PHB Risk Analysis & Compliance Team confirms that the Dwelling Units are meeting the terms of the existing affordability agreement with PHB.

B. Any other information PHB requests to provide certification of the requirements of the Affordable Housing Transfer Program.

V. Confirmation

If an application is approved for the Affordable Housing Transfer Program, PHB will issue a confirmation letter certifying that the Dwelling Units on the Site meet the Affordable Housing Transfer Program requirements. The Bureau of Development Services (“BDS”) will determine the amount of FAR that can be transferred, if the Site of the proposed transfer is eligible, and any other requirements deemed necessary to conclude the transfer.

VI. Communication

All notifications, applications, requests and communications should be emailed to Inclusionary-Housing@portlandoregon.gov or mailed to: Portland Housing Bureau, c/o Affordable Housing Transfer Program, 421 SW 6th Ave, Suite 500, Portland, Oregon 97204.