

## ORDINANCE NO. NS-2167

### AN ORDINANCE AMENDING BEND CODE CHAPTER 9 PROVISIONS RELATING TO AFFORDABLE HOUSING AND DECLARING AN EMERGENCY

#### Findings:

- A. Bend Code Sections 9.300 to 9.370 create and govern the City's Affordable Housing Fee.
- B. Bend Code Section 9.360 provides an expiration date for the Affordable Housing Fee. The Council wishes to extend the expiration date and make some minor changes to Bend Code Sections 9.300 to 9.370.
- C. The state has prohibited new fees imposed on construction, but existing fees may be continued, extended and modified, so long as they are not increased.
- D. Failure to extend the expiration date will cause the City to lose the ability to impose the affordable housing fee for several years and would adversely affect the City's ability to promote needed affordable housing in the City, thereby affecting the peace, health and safety of the city. Loss of the fee could also affect the City's ability to justify its urban growth boundary expansion.

Based on these findings, the City of Bend ordains as follows:

Section 1. Bend Code Section 9.300 is amended to read:

**9.300 Affordable Housing Fee Imposed.** A fee of 1/5 of 1% of permit valuation, for all building permits, shall be assessed at time of Building Permit Application.

Section 2. Bend Code Section 9.330, Subsection B (3) is amended to read:

(3) *Indirect costs.* Indirect costs may be charged to the Affordable Housing Fee program under the City of Bend Cost Allocation program. Indirect costs may not exceed 3% of the balance of unobligated funds on hand at the beginning of the fiscal year.

Section 3. Bend Code Section 9.340 is amended to read:

**9.340 Median Income Requirement.** Affordable housing fee proceeds may be targeted for housing opportunities for residents at or below 100% of area median income.

Section 4. Bend Code Section 9.360 is amended to read:

Bend Code Sections 9.300 through 9.370 shall expire on June 30, 2014, unless renewed by the Bend City Council.

Section 5. Bend Code Section 9.380 is deleted.

Section 6. All other provisions of the Bend Code remain unchanged and in effect.

Section 7. This ordinance shall be effective immediately on passage and is necessary for the immediate preservation of the peace, health and safety of the city.

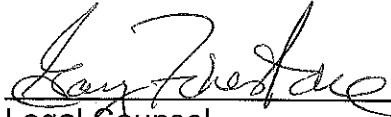
Read for the first time the 1st day of June, 2011.

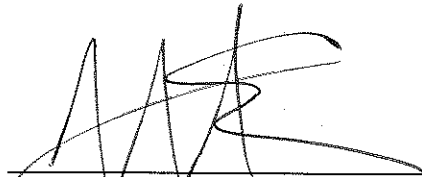
Read for the second time the 15th day of June, 2011.

YES: 7 NO: 0 ABSTAIN: 0

Authenticated by the Mayor the 15th day of June, 2011.

Approved as to form:

  
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Legal Counsel

  
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Jeff Eager, Mayor

ATTEST:

  
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Patricia Stell, City of Bend Recorder