

1 BEFORE THE BOARD OF COUNTY COMMISSIONERS
2 FOR MULTNOMAH COUNTY, OREGON
3 ORDINANCE NO. 895
4

5 An Ordinance amending Ordinance No. 795 to provide for procedures for
6 conveyance of tax foreclosed property to nonprofit and municipal corporations for the
7 creation of open space, parks or natural areas for perpetual public use.

8 Multnomah County ordains as follows:

9 SECTION I - FINDINGS

10 (A) ORS 271.330 has been amended to permit the County to convey properties,
11 including tax foreclosed properties, to nonprofit and municipal corporations for
12 the creation of open space, parks or natural areas for perpetual public use,

13 (B) This Board has previously recognized in Ordinance 795 that some tax
14 foreclosed properties may have present and future value in their natural state
15 and should be conveyed to agencies who can maintain or enhance their value
16 for wildlife habitat, parks, open spaces or other environmental purposes.

17 (C) It is to the benefit of the citizens of Multnomah County for the County to
18 entrust municipal corporations and recognized nonprofit organizations with preserving
19 open space, parks, and natural areas within the County.

20 (D) It is necessary to establish procedures for evaluation, selection and conveyance
21 of tax foreclosed properties to municipal and nonprofit corporations for these
22 purposes.

23 SECTION II: - REVISIONS TO ORDINANCE 795

24 Ordinance 795 is amended as follows. New material is in bold, deleted material is
25 in italics and brackets.

26 SECTION *[II]* I - DEFINITIONS

27 For the purposes of this ordinance, unless the context requires otherwise, the
28 following
29 terms are defined as follows:

30 (A) "Board" means Board of County Commissioners of Multnomah County,
31 Oregon.

- 1 (B) "Department" means Multnomah County Department of Environmental
2 Services.
- 3 (C) "Director" means the Director of the Multnomah County Department of
4 Environmental Services."
- 5 (D) "Greenspace Committee" means the Greenspace Review Committee.
- 6 (E) "Property" means all property acquired by Multnomah County by foreclosure
7 of delinquent tax liens.
- 8 (F) "Nonprofit housing sponsor" means any government or nonprofit
9 corporation organized under the provisions of ORS Chapter {61}65 for the
10 purpose of undertaking, constructing, or operating a housing project to assist
11 low and lower income families, or authorized by its charter to undertake,
12 construct, or operate such housing projects.
- 13 (G) "Owner" or "former owner" means a property owner or contract purchaser
14 of record at the time a judicial decree of foreclosure was entered as to the
15 affected property.
- 16 (H) "Repurchase agreement" means a contract to sell tax foreclosed property to
17 the former owner prior to foreclosure.
- 18 (I) "Social services agency" means an appropriate social service provider, as
19 designated by the Board of County Commissioners.
- 20 (J) "Tax title fund" means the Multnomah County accounting fund maintained to
21 receive proceeds from the sale of tax foreclosed properties and disburse all
22 lawful expenditures therefrom.
- 23 (K) "Days" means calendar days unless otherwise noted.
- 24 (L) **"Open space" means developed parks with active recreational facilities**
25 **such as ball fields, tennis courts, playgrounds, community gardens, golf**
26 **courses, cemeteries, or vacant lands with the potential for becoming a**
27 **park or natural area.**
- 28 (M) **"Parks" means publicly or privately owned land designed or utilized for**
29 **outdoor recreation and devoid of man-made structures for habitation.**
- 30 (N) **"Natural area" means a landscape unit composed of plant and animal**
31 **communities, water bodies, soil, and rock; largely devoid of human**

1 **made structures; maintained and manage in such a way as to promote**
2 **or enhance population of wildlife.**

3 **(O) “Open Space Preservation Sponsor” means any government or**
4 **nonprofit corporation organized under the provisions of ORS Chapter**
5 **65 for the purpose of preserving and actively managing properties as**
6 **open spaces, parks or natural areas.**

7 **(P) “Community Gardens” means public or private land divided into plots**
8 **for growing vegetables, fruits, flowers, native, or ornamental plants. A**
9 **community garden may also mean private or public land used for**
10 **growing or displaying an orchard of small trees, herbs, or dry land**
11 **plants.**

12 **SECTION [III] II.- PROPERTY ADMINISTRATION AND EVALUATION**

13 **(A) The Department shall be responsible for management of the tax title fund**
14 **and for the inventory, management, maintenance and disposition of all tax**
15 **foreclosed properties in accordance with state statutes and this ordinance.**

16 **(B) The Department, in order to assure the fiscal stability of the tax title fund,**
17 **may identify properties to be sold at public auction and not available for**
18 **donation to governments or non-profit housing sponsors, or **Open Space****
19 ****Preservation Sponsors.****

20 **(C) The Department shall be responsible for a physical inspection of all**
21 **properties upon conveyance to the County.**

22 **(D) If any property is occupied, the Department shall notify an appropriate**
23 **County social services agency if the occupants may require exceptional**
24 **assistance. The agency shall make an assessment of the circumstances within**
25 **thirty (30) days of such notification and submit a report to the Department.**
26 **Upon receipt of a report from a social services agency recommending**
27 **special assistance, the Department shall suspend efforts to dispose of the**
28 **property pending further direction from the Board and shall forward a copy**
29 **of the report to the Board. The Board shall review the case and order**
30 **appropriate action within thirty (30) days.**

1 (E) In the event any request for transfer of property by a governmental entity
2 conflicts with any other request for transfer of property in accordance with
3 this ordinance, the Department shall put the matter on the Board's regular
4 meeting agenda for resolution by the Board.

5 SECTION [IV] III - REPURCHASE QUALIFICATIONS AND CONTRACT
6 REQUIREMENTS

7 (A) Repurchase Period. Upon receipt of recorded property deeds, the
8 Department shall send notices by certified mail to former owners of tax
9 foreclosed properties. The notices shall advise the recipients:

10 (1) Within thirty (30) days from the date of the notice the owner may:

11 (a) Pay in cash the repurchase price established by the Department
12 under Section [IV] III(C) of this ordinance, or

13 (b) Complete an application to repurchase the property by
14 repurchase contract.

15 (2) If the owner fails to either repurchase in cash or to qualify to repurchase
16 by property contract within the time provided, the Department may
17 dispose of the property as provided in this ordinance.

18 (B) Repurchase Contract Qualifications. Former owners may repurchase
19 property on contract if the property and the owner meet the following
20 qualifications:

21 (1) The property must be:

22 (a) The primary residence of the former owner; or

23 (b) The primary location of the former owner's business; or

24 (c) Used as an integral part of a residential treatment or social
25 services program sponsored by the owner, if the owner is a nonprofit
26 organization exempt from federal taxes under IRC 501 (C)(3); and

27 (2) Any other real property of the owner in Multnomah County has not
28 been foreclosed for non-payment of taxes in the previous ten (10) years,
29 unless such prior foreclosure is either (1) the owner's primary residence if
30 the current foreclosure is the owner's primary business, or (2) the owner's

1 primary business if the current foreclosure is the owner's primary
2 residence; and

3 (3) The owner has not previously repurchased property by an
4 agreement which has been canceled by the County within the preceding ten
5 (10) years; and

6 (4) The owner must demonstrate financial ability to meet minimum
7 payment requirements of a contract; and

8 (5) Improved property must be suitable for occupation, or the owner
9 must demonstrate an ability to make the property suitable for occupation
10 within the period specified by the County.

11 (C) Repurchase Contract Price

12 (1) The repurchase price shall be the sum of: all the uncollected taxes as of
13 the date the property was conveyed to the County; an amount equal to
14 taxes which would have accrued after conveyance to the County,
15 including accrued interest and interest which would have accrued after
16 conveyance to the County; penalties; municipal liens; delinquent sewer
17 liens; special assessments; costs of maintenance or nuisance abatement,
18 and administrative expenses which shall include, but not be limited to,
19 title searches, expense of document preparation and recording fees.

20 (2) Repurchase contracts shall include provisions for prepayment of real
21 property taxes with any debt service installment payments.

22 (D) Appeal Process For Contract Denials

23 (1) The Department may deny any application for repurchase by contract if
24 the applicant fails to submit sufficient evidence to show compliance
25 with contract qualifications in Section ~~IV~~III(B).

26 (2) The Director shall give notice of denial in writing to the applicant by
27 regular mail. The notice of denial shall include:

28 (a) A statement of the reason(s) for the denial.

29 (b) Explanation of how the decision of the Director may be
30 appealed to the Board; and

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(c) Explanation of the actions necessary to request an administrative exception.

(3) Requests for an administrative exception must be submitted to the Director within fifteen (15) days after the notification of denial was mailed. The Director will make a determination within fifteen (15) days after the request. The Director may grant an administrative exception to the qualification requirements if in the public interest.

(4) Within fifteen (15) days after a notice of the Director's denial, the applicant may either repurchase the property for cash or appeal the denial to the Board. The appeal shall be filed with the Department and shall recite the facts forming the basis for the appeal and set out the reasons the applicant believes the Board should reverse the Director's decision. The Department shall promptly deliver a copy of the request for appeal together with a copy of the Director's reasons for denial prior to the appeal hearing.

(5) When an appeal is filed, at the next regular Board meeting at which the matter can be presented, the Board shall schedule a hearing to hear the appeal.

(6) The Board will determine the disposition of the appeal based on the following:

- (a) Whether the applicant meets the contract qualifications and requirements stated in Section [IV] III(B);
- (b) Whether the applicant filed a completed repurchase application within the time required by Section [IV] III(A)(1) of this ordinance;
- (c) Whether the applicant filed an appeal in the manner required by Section [IV] III(D)(3)(4) of this ordinance;
- (d) Whether other extenuating circumstances exist.

(E) Appeal Process for Contract Cancellation

- 1 (1) If at any time a contract is in default and subject to cancellation, the
2 Director may give notice of default in accordance with the repurchase
3 contract.
- 4 (2) Any contract purchaser may request the Director to grant relief from
5 cancellation by request in writing to the Director within fifteen (15)
6 days after notification of default. The Director will make a
7 determination within fifteen (15) days thereafter whether to modify the
8 contract, grant other appropriate relief or to specify a date the
9 contract will be canceled.
- 10 (3) If the Director denies a request for relief from contract cancellation,
11 the Department shall give the purchaser notice of the reasons
12 therefore in writing by regular mail. The notice shall include
13 information on how the contract may be appealed to the Board of
14 County Commissioners.
- 15 (4) Within fifteen (15) days after the Director's denial, the repurchaser
16 may either pay off the balance of the contract in cash, or appeal the
17 proposed contract cancellation to the Board. The appeal shall be in
18 writing, recite the facts forming the basis for appeal and reflect the
19 reasons the petitioner believes the Board should reverse the Director's
20 decision.
- 21 (5) When an appeal is filed, at the next regular Board meeting at which
22 the matter can be presented, the Board shall schedule a hearing to hear
23 the appeal.
- 24 (6) The Department shall provide the Board a copy of the Director's notice
25 of denial prior to the appeal hearing. At the appeal hearing, the Board
26 may affirm the Director's decision to cancel the contract or fashion
27 other appropriate relief, including reinstatement or modification of the
28 contract.

29 SECTION [V] IV - PROCEDURE FOR IDENTIFYING PROPERTIES TO BE
30 DESIGNATED AS HAVING GREENSPACE ENVIRONMENTAL VALUE

1 (A) A Greenspace Review Committee is hereby established to review tax
2 foreclosed properties to determine suitability of properties for public use as
3 open space, parks, or natural areas and provide such information to
4 governmental jurisdictions and other interested groups. The committee shall
5 consist of not less than five members to serve at the pleasure of the Board.

6 (B) When the annual comprehensive County deed is recorded for tax foreclosed
7 properties after the expiration of the redemption period, the Department shall
8 provide a list of the properties to the Greenspace Committee. *{The committee*
9 *shall evaluate the properties, using criteria approved by the Board, to*
10 *determine suitability for park, open space, or natural area purposes.}* **The**
11 **Greenspaces Review Committee shall utilize the following factors in a**
12 **“Greenspaces Screen” to evaluate properties for their greenspace value:**

13 a) **The Greenspaces Inventory established by Metro**

14 b) **The Significant Environmental Concerns Zone established by**
15 **Multnomah County**

16 c) **An environmental protections zone established by a city**

17 d) **An environmental conservation zone established by a city**

18 e) **Park Deficiency Area Standards (until new criteria can be**
19 **developed and unless otherwise directed by a local jurisdiction the**
20 **“National Park and Recreational Association” standards will be**
21 **used)**

22 f) **The Combined Sewer Overflow area as determined by the City of**
23 **Portland.**

24 **Within 90 days after receipt of the list, the committee shall furnish the**
25 **Department with a list of properties deemed suitable for parks, open**
26 **spaces or natural areas and shall identify the significant environmental**
27 **qualities and a proposed public purpose for each property on the list.**
28 *{Within 90 days thereafter, the committee shall furnish the Department with*
29 *a list of properties deemed suitable for the specified purposes, the significant*
30 *environmental qualities and make recommendations regarding the public*
31 *purpose for each property on the list.}*

1 (C)The Greenspace Committee's recommendations shall be noted in any
2 notification to governmental entities of properties available for public use
3 transfers under Section [VII] VI of this ordinance.

4 (D)The Greenspace Committee may make recommendations to the Board at any
5 time regarding properties recommended for public use for park, open space or
6 natural area uses if any such property is not transferred for a public purpose
7 under any provision of this ordinance.

8 SECTION [VI] V - REQUESTING TRANSFER OF TAX FORECLOSED PROPERTY
9 TO GOVERNMENTS FOR NON HOUSING PURPOSES

10 (A) As soon as practicable after the properties on the annual comprehensive
11 County Deed have been conveyed to the County, the Department shall mail a
12 list of property available to government units and officially recognized
13 neighborhood associations in Multnomah County with a notice that the
14 properties are eligible for transfer, for non-housing purposes only.

15 (B) Properties having characteristics identified under Section [V] IV of this
16 ordinance shall be so identified on the property list.

17 (C) A governmental unit may request transfer of listed property within sixty (60)
18 days after notice of property availability was first mailed. All requests shall be
19 on forms provided by the Department and must be authorized by the requesting
20 governing body.

21 (D) The Department shall report to the Board all requests for transfer of property
22 by governments. The report shall identify the governmental entity requesting
23 transfer, a description of the property, the amount of, taxes owed when the
24 property was conveyed to the County, all maintenance costs incurred by the
25 County, and the applicant's proposed public use.

26 (E) The Board shall schedule a public hearing as soon as practically convenient.
27 The Department shall publish notice of the scheduled public hearing in a
28 newspaper of general circulation in the County for two successive weeks. The
29 notice shall describe the property, state that the Board will accept comments
30 concerning the transfer at the hearing and where a copy of the Department's

1 report can be obtained. A copy of the notice shall be mailed to applicants and
2 other persons requesting such notice.

3 (F) At the conclusion of the hearing, the Board may approve the transfers if the
4 Board determines the transfers will serve the public interest. The Board shall
5 also determine whether such transfers are for monetary consideration or no
6 consideration.

7 (G) Conveyances of property transferred to governmental entities for a public
8 purpose without consideration, other than housing, shall provide that should
9 the property cease to be used for a public purpose, the title shall revert to the
10 County. This restriction shall not apply to transfers to a governmental body in
11 exchange for payment of the amount of taxes and costs for which the property
12 is liable.

13 (H) For those properties approved by the Board for transfer to governmental
14 entities, transfer of title shall occur within sixty (60) days, or as soon after as
15 practicable. Refusal of the receiving entity to accept title shall void approval
16 of such transfer and shall result in the property being disposed of as provided
17 by law.

18 (I) Property maintenance by Multnomah County shall cease upon transfer of the
19 title to the receiving agency.

20 SECTION [VII] VI - PROCEDURE FOR REQUESTING TRANSFER OF TAX
21 FORECLOSED PROPERTY FOR HOUSING PURPOSES

22 (A) An Affordable Housing Review Committee has been established to make
23 recommendations to the Board regarding all disposition of tax foreclosed
24 property for affordable housing under the procedures of Affordable Housing
25 Development Program (AHDP). The Affordable Housing Review Committee
26 members shall be appointed by the Chair and approved by the Board. The
27 committee shall be composed of representatives from: the City of Gresham, the
28 City of Portland, the Community Development Block Grant Urban County
29 Policy Advisory Board, a philanthropic organization, the banking industry, the
30 Citizen Involvement Committee and the Board.

- 1 (B) Requests for properties for low-income housing will be considered according
2 to procedures established by Multnomah County AHDP and approved by the
3 Board.
- 4 (C) A list of properties remaining after transfer requests of governmental units,
5 shall be submitted to AHDP.
- 6 (D) AHDP shall, within thirty (30) days after receipt of the list of available
7 properties, advise the Department which properties will be processed for low
8 income housing development. Within ten (10) days thereafter, AHDP shall
9 mail the list of available properties to governments and other nonprofit housing
10 sponsors in Multnomah County.
- 11 (E) Written applications by housing sponsors shall be filed with AHDP within
12 forty-five (45) days after notice of property availability was first mailed. All
13 requests shall be on forms provided by AHDP.
- 14 (F) Within sixty (60) days after receipt of applications for property under AHDP,
15 the Affordable Housing Review Committee will prepare disposition
16 recommendations to the Board. recommendations shall be based on the
17 sponsoring organization's stability and viability, the project plan, financial plan
18 and community support.
- 19 (G) Within seven (7) days after AHDP determines any property will not be
20 transferred to a non-profit housing sponsor, because no applications for the
21 property were received or approved, AHDP shall provide the Department with
22 a list of properties not required for housing development. **If [S]such properties**
23 **were also not selected by the Greenspace Review Committee, they** may be
24 added to the inventory of tax foreclosed properties available for disposition
25 according to law.
- 26 (H) *[Not less than fifteen (15) days after receiving the recommendations from*
27 *AHDP, the Board shall schedule a public hearing to receive public comments*
28 *concerning the proposed property transfers.*
- 29 (I) *The Department shall publish notice of the scheduled hearing in a newspaper*
30 *of general circulation in the County for two successive weeks. The notice shall*
31 *state the description or location of the properties and that the Board will hear*

1 *comments concerning the transfer at the hearing. A copy of the notice shall*
2 *be mailed to the applicants and applicable neighborhood associations and to*
3 *other persons requesting such notice.*

4 (J) *Approval of transfers shall be based upon the degree proposals for transfer*
5 *are feasible and in the public interest. Transfers may be for consideration or*
6 *for no consideration. Transfers in connection with the County Affordable*
7 *Housing Development Program shall require a \$200 transfer fee to offset the*
8 *cost of administration. The transfer fee may be waived or reduced by the*
9 *Board upon a finding that a waiver or reduction is necessary to relieve the*
10 *applicant from undue hardship and that loss of the fee will not jeopardize*
11 *efficient administration of the program.*

12 (K) *For those properties approved by the Board for transfer to non-profit housing*
13 *entities, transfer of title shall occur within sixty (60) days, or as soon after as*
14 *practicable. Refusal of the receiving entity to accept title shall void approval*
15 *of such transfer and shall result in the property being disposed of as provided*
16 *by law.*

17 (L) *Property maintenance by Multnomah County shall cease upon transfer of the*
18 *title to the receiving agency.]*

19 SECTION [VIII] VII - NEHEMIAH HOUSING OPPORTUNITY PROGRAM
20 SUPPORT.

21 (A) The rights and obligations of NECDC under this ordinance to review lists of
22 available tax foreclosed properties and to receive properties in the King,
23 Humboldt, Boise and Vernon neighborhoods, in accordance with Resolution
24 89-167, shall continue so long as NECDC shall sponsor and administer the
25 Nehemiah Housing Opportunity Program (NHOP) contained in Title VI of the
26 Housing and Community Development Act of 1987 and 24 CFR Part 280.

27 SECTION [IX] VIII- REPEAL OF PRIOR ORDINANCES

28 (A) Ordinances 560, 577, 613, 672, 685, 703, 753, and 769 are hereby repealed.
29 This Ordinance, being necessary for the health, safety, and welfare of the
30 people of Multnomah County, an emergency is declared, and the Ordinance

1 shall take effect upon its execution by the County Chair, pursuant to Section
2 5.50 of the Charter of Multnomah County.

3 **SECTION IX - PROCEDURE FOR REQUESTING TRANSFER OF TAX**
4 **FORECLOSED PROPERTY FOR OPEN SPACE, PARKS OR NATURAL AREAS**

5 (A) Requests for properties for open space, parks or natural areas will be
6 considered according to procedures established by the Department in
7 conjunction with Greenspace Review Committee.

8 (B) A list of properties remaining after transfer requests of governmental
9 units, shall be submitted to the Greenspace Review Committee.

10 (C) The Greenspace Review Committee shall, within thirty (30) days after
11 receipt of the list of available properties, advise the Department which
12 properties meet the Committee's criteria for appropriate use as open
13 spaces, parks or natural areas. Within ten (10) days thereafter, the
14 Department shall mail a notice setting forth the list of available properties
15 to neighborhood associations and nonprofit corporations that have
16 requested the Department to provide such notice together with an
17 application form.

18 (D) Written applications by nonprofit corporations shall be filed with the
19 Greenspace Review Committee within forty-five (45) days after notice of
20 property availability was first mailed. All requests shall be on the
21 application forms provided with the notice.

22 (E) Within sixty (60) days after receipt of applications, the Greenspace
23 Review Committee will prepare disposition recommendations to the
24 Board. Recommendations shall be based on the sponsoring organization's
25 stability and viability, the project plan, financial plan and community
26 support.

27 (F) Within seven (7) days after the Greenspace Review Committee
28 determines any property will not be transferred to an open space
29 preservation sponsor, the Greenspace Review Committee shall provide
30 the Department with a list of properties not required for open space,
31 parks or natural areas. If such properties were also not selected by

1 AHDP, they may be added to the inventory of tax foreclosed properties
2 available for disposition according to law.

3 **SECTION X - PROCEDURE FOR DISPOSITION OF REQUESTS FOR**
4 **TRANSFER OF TAX FORECLOSED PROPERTY FOR HOUSING AND FOR**
5 **OPEN SPACE, PARKS OR NATURAL AREAS**

6 (A) Not less than fifteen (15) days after receiving the recommendations from
7 the Greenspace Review Committee and AHDP, the Board shall schedule
8 a public hearing to receive public comments concerning the proposed
9 property transfers.

10 (B) The Department shall publish notice of the scheduled hearing in a
11 newspaper of general circulation in the County for two successive weeks.
12 The notice shall state the description or location of the properties and
13 that the Board will hear comments concerning the transfer at the hearing.
14 A copy of the notice shall be mailed to the applicants and applicable
15 neighborhood associations and to other persons requesting such notice.

16 (C) Approval of transfers shall be based upon the degree proposals for
17 transfer are feasible and in the public interest. Transfers to Non-Profit
18 Housing Sponsors may be for consideration or for no consideration.
19 Transfers in connection with the County Affordable Housing
20 Development Program shall require a \$200 transfer fee to offset the cost
21 of administration. The transfer fee may be waived or reduced by the
22 Board upon a finding that a waiver or reduction is necessary. Transfers
23 to Open Space Preservation Sponsors shall be for consideration.

24 (D) For those properties approved for transfer to non-profit housing sponsors
25 or to open space preservation sponsors, the transfer of title shall occur
26 within sixty (60) days, or as soon after as practicable. Refusal of the
27 receiving entity to accept title shall void approval of such transfer.

28 (E) A property approved for transfer to an open space preservation entity
29 shall revert back to the County if the receiving entity ceases to use the
30 property for the intended purpose set forth in this ordinance. The
31 Department shall develop and implement a system for monitoring

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compliance by the receiving open space preservation sponsors with the terms of transfer.

(F) Property maintenance by Multnomah County shall cease upon transfer of the title to the receiving entity.

ADOPTED this 30th day of December, 1997, being the date of its second reading before the Board of County Commissioners for Multnomah County, Oregon



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Beverly Stein

Beverly Stein, Chair

REVIEWED:

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