

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. _____

Approving The Termination Of Encumbrances Against Properties Donated For Low Income Housing Purposes Upon The Sale Of Said Properties To Low Income Buyers

The Multnomah County Board of Commissioners Finds:

- a. By Resolution No 94-195 adopted on December 13, 1994, this Board approved the donation of certain tax foreclosed property more particularly described as:

Lot 18, Mayfield, in the City of Portland, County of Multnomah and State of Oregon

(Property No. 1) to Rose Community Development Corporation (Rose) for low income housing purposes pursuant to ORS 271.330 and Multnomah County Code (MCC) Sections 27.402-27.406, now recodified as MCC 7.405-7.410.

- b. A deed from the County to Rose for Property No. 1 was recorded on March 8, 1995 at Entry No. 95-27314, in the Multnomah County Deed Records. Property No.1 is located at 6704 SE 93rd Ave, Portland, Oregon.

- c. By Resolution No 95-246 adopted on November 30, 1995, this Board approved the donation of another tax foreclosed property more particularly described as follows:

Lot 10, Block 7, BRIGHTON PARK ADDITION, in the City of Portland, County of Multnomah and State of Oregon.

(Property No. 2) to Rose for low income housing purposes pursuant to the same authorities as identified for Property No. 1.

- d. A deed from the County to Rose for Property No. 2 was recorded on January 10, 1996, at Entry No. 96-7493 in the Multnomah County Deed Records. Property No. 2 is located at 7864 SE 64th Ave., Portland, Oregon

- e. At the time of the recording of the above mentioned deeds, additional instruments pursuant to the County's Affordable Housing Development Program (AHDP) were recorded that encumbered both properties to ensure that the sites would be used for single family low-income rental housing under the rules of ADHP and maintained as such for a minimum of 25 years. These additional instruments included a Trust Deed and Affordable Housing Development Program Agreement (AHDP Agreement).

- f. Rose has represented to the County that it has become increasingly cost-prohibitive and impractical to maintain scattered site single-family rentals in the local area.

- g. Rose has requested that the County allow it to market these two properties for sale to eligible low-income homebuyers; and in order for those buyers to obtain financing, according to Rose, the County restrictions against the properties would need to be removed.

- h. Rose has submitted to the County an acceptable marketing plan to market the homes to low-income home buyers. The plan includes targeted outreach to communities of color, veterans and persons with disabilities.
- i. Rose has also submitted to the County an acceptable relocation plan to assist the existing tenants at Properties Nos. 1 and 2, to move into other affordable Rose properties in the event that they choose to not purchase the homes where they currently reside.
- j. AHDP has observed in recent years that lenders are frequently reluctant to loan money against properties that are subject to encumbrances such as those imposed under the AHDP instruments noted above.
- k. The action requested by ROSE at this time is merely the commitment of the County to agree to remove the encumbrances against Properties Nos. 1 and 2 at such time that they are in closing for sale to eligible low income buyers
- l. The sale of these properties to eligible low income buyers without any further restrictions meets current AHDP program goals and will facilitate low income homeownership opportunities in the community.

The Multnomah County Board of Commissioners Resolves:

- 1. Rose Community Development is authorized to market Properties Nos. 1 and 2 for low-income homeownership in accordance with the staff-approved marketing plan and in accordance with current AHDP program guidelines.
- 2. Subject to Rose's compliance with Resolve Clause No. 5, and upon written verification from Rose to the County that qualified low-income buyer(s) have been approved and the sale of either Property No. 1 or Property No. 2 is in escrow and pending closing; the Chair or the Chair's designee is authorized to execute the appropriate instruments reasonably necessary to terminate the Trust Deed and the AHDP Agreement recorded against either Property.
- 3. Should the sale of either Property not close for any reason, all instruments signed by the Chair or Chair's designee in connection with said sale or any copies created thereof, shall be returned to the County.
- 4. Should a pending sale of Property No. 1 or Property No. 2 not close, the Chair or Chair's designee shall continue to have the authority provided in Resolve Clause No. 2 to execute any instruments for any new proposed sale undertaken in compliance with the requirements of this Resolution.

5. The County's commitment to cooperate with the marketing and the sale of Properties Nos. 1 and 2 and to execute the above noted instruments as provided herein is conditioned on Rose's successful relocation of any existing residents of Properties Nos. 1 and 2 to suitable replacement housing prior to the closing of the sale of either Property, in the event those residents are unable or chose not to purchase said Properties.

ADOPTED this ____ day of August, 2014

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Deborah Kafoury, Chair

REVIEWED:

JENNY M. MADKOUR, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By _____
Matthew O. Ryan, Assistant County Attorney

SUBMITTED BY: Department of County Human Services, KaRin Johnson