



**Item:** Public Hearing - Meeting a community need – Voyager Apartments Assisted Living, 1630 Division Rd., Block 1 Lot 5, Division Addition, Great Falls, Cascade County

**From:** Craig Raymond, CBO, Director of Planning and Community Development

**Initiated By:** Accessible Space, Inc.

**Presented By:** Craig Raymond, CBO, Director of Planning and Community Development

**Action Requested:** Conduct Public Hearing to solicit comment on whether the Voyager Apartments, a senior low-income housing development, meets a community need.

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**Public Hearing:**

1. Mayor opens public hearing to solicit comment on whether the Voyager Apartments, a senior low-income housing development, meets a community need.
2. Mayor closes public hearing.

**Suggested Motions:**

No action is required by the City Commission. A record of the public hearing will be forwarded to the Montana Board Housing.

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**Staff Recommendation:** Pursuant to Section 15-6-221, MCA, Exemption for rental housing providing affordable housing to lower-income tenants, staff requests City Commission conduct a public hearing to solicit comment on whether the proposed qualifying low-income rental housing property meets a community need. No action is required by the City Commission. A record of the public hearing will be forwarded to the property owners.

**Background:** Voyager Apartments is a 38-unit multi-family development located at 1630 Division Road, just north of Great Falls Clinic Northwest. Voyager Apartments provides long-term accessible, affordable rental housing for low and very-low income seniors and the disabled that earn 60% or less of the Area Median Income. The property meets the public purpose as defined in Section 15-6-221, MCA, as a minimum of 50% of the units in the property are income-restricted and rent-restricted to 50% of the median family income.

Accessible Space, Inc. (ASI) is a national, nonprofit organization that provides accessible, affordable housing to income qualifying adults with physical disabilities, brain injuries and seniors, including the frail elderly. Incorporated in 1978, ASI is now the largest provider of HUD Section 811 accessible, affordable housing in the nation with an annual budget of \$33 million and over 550 dedicated employees.

ASI currently operates 11 accessible, affordable and supportive housing developments in Montana including three apartment buildings in Great Falls. Meadow Lark Apartments and Southwinds Estates are designed for very low income adults with physical disabilities. ASI's other apartment building in Great Falls, The Portage, is a 48-unit wheelchair accessible, affordable apartment building for seniors age 62 and older, including frail elderly. The Portage opened in 2001 and was made possible through funding grants from the U.S. Department of Housing and Urban Development Section 202 Program and the City of Great Falls HOME Program

Section 15-6-221, MCA reads:

**15-6-221. Exemption for rental housing providing affordable housing to lower-income tenants.**

(1) That portion of residential rental property that is dedicated to providing affordable housing for lower-income persons is exempt from property taxation in any year that:

(a) the property is owned and operated by an entity, including but not limited to a limited partnership, limited liability corporation, or limited liability partnership in which a general partner is a nonprofit corporation exempt from taxation under section 26 U.S.C. 501(c)(3), as amended, and incorporated and admitted under the Montana Nonprofit Corporation Act as provided in Title 35, chapter 2, or is a housing authority as defined in 7-15-4402 and the nonprofit general partner actively participates in accordance with the definition found in 26 U.S.C. 469(i). Section 26 U.S.C. 469(i) is applicable without reference to section 26 U.S.C. 469(i)(6).

(b) the board of housing, established in 2-15-1814, has allocated low-income housing tax credits to the owner under 26 U.S.C. 42, which requires that:

(i) at least 20% of the residential units in the property are rent-restricted, as defined in 26 U.S.C. 42, and rented to tenants whose household incomes do not exceed 50% of the median family income, adjusted for family size, for the county in which the property is located; or

(ii) at least 40% of the residential units in the property are rent-restricted, as defined in 26 U.S.C. 42, and rented to persons whose household incomes do not exceed 60% of the median income, adjusted for family size, for the county in which the property is located;

(c) a deed restriction or other legally binding instrument restricts the property's usage and provides that the units designated for use by lower-income households must be made available to or occupied by lower-income households for the period required to qualify for low-income housing tax credits at rents that do not exceed those prescribed by the terms of the deed restriction or other legally binding instruments;

(d) the property meets a public purpose in providing housing to an underserved population and provides a minimum of 50% of the units in the property to tenants at 50% of the median family income for the area, with rents restricted to a maximum of 30% of 50% of median family income, as calculated under 26 U.S.C. 42; and

(e) the owner's partnership or operating agreement or accompanying document provides that at the end of the compliance period, as that term is defined in 26 U.S.C. 42, the ownership of the property may be transferred to the nonprofit corporation or housing authority general partner as provided for in 26 U.S.C. 42(i)(7).

(2) Prior to the allocation of low-income housing tax credits to the owner, as provided in subsection (1)(b), the unit of local government where the proposed project is to be located shall give due notice, as defined in 76-15-103, and hold a public hearing to solicit comment on whether the proposed qualifying low-income rental housing property meets a community housing need. A record of the public hearing must be forwarded to the board of housing for consideration in granting the allocation of tax credits.

(3) For purposes of this section the following definitions apply:

(a) "Median family income" means the household income, adjusted for family size, determined annually by the United States department of housing and urban development, or its successor agency, to be the median family income for persons residing within each county of the state.

(b) A residential unit is "rent-restricted" if it satisfies the criteria of 26 U.S.C. 42(g)(2).

Pursuant to the public notice requirements in 76-15-103, MCA, public hearing notices have been published in the *Great Falls Tribune* Legal Section on August 8, 2014, and August 23, 2014.

**Fiscal Impact:** Voyageur Apartments will be exempt from property taxes, but will pay special assessments. The foregone taxes serve as the required match for the federal HOME Investment Partnership Program funding from the Montana Department of Commerce for the project.

**Alternatives:** The City Commission is required to hold a public hearing pursuant to 15-6-221, MCA.