

ORDINANCE NO. _____

AN ORDINANCE TO AMEND SECTION 30-29 OF CHAPTER 30, COMMUNITY DEVELOPMENT, OF THE CODE OF ORDINANCES OF THE CITY OF ROCHESTER HILLS, OAKLAND COUNTY, MICHIGAN, TO UPDATE THE OWNER'S NAME FOR THE CLIFFVIEW TAX EXEMPTION; REPEAL CONFLICTING ORDINANCES, AND PRESCRIBE A PENALTY FOR VIOLATIONS.

THE CITY OF ROCHESTER HILLS ORDAINS:

Section 1. Section 30-29 of Chapter 30 of the Code of Ordinances of the City of Rochester Hills shall be amended as follows:

Sec. 30-29 – ~~Rochester Retirement Residence~~Cliffview II LDHALP (a/k/a Cliffview).

- (a) *Generally.* On December 31 of the year in which construction is completed and in which the completed affidavit form certified by the authority has been filed with the city assessor, as provided in Section 15a(1) of the Act (MCL 124.145a(1)), the housing development known as Cliffview (parcel #70-15-03-326-004) and the property on which it is located is determined to be a housing development qualifying for tax exemption and shall be exempt from all property taxes. This section is intended to evidence and constitute a contract between the city and Cliffview II LDHALP, with the authority as third party beneficiary, to provide tax exemption and accept service charges in lieu of taxes, as set forth in this section.
- (b) *Service charge imposed.* No annual service charge in lieu of taxes shall be charged, except that if Cliffview is sold to Cliffview II Limited Dividend Housing Association Limited Partnership (“Cliffview II LDHALP”) and Cliffview II LDHALP, or any successor or assign, fails to achieve 80 percent low income tenancy for any given tax year, a service charge shall be paid each year in lieu of taxes for that portion of the housing development in excess of 20 percent that is occupied by other than low income persons or families in order that the service charge paid for that portion shall be equal to the full amount of the taxes that would be paid on that portion of the development if the development was not tax exempt. For purposes of computing the service charge, if any, the percentage of low income persons or families shall be determined as of December 31 of the preceding year.
- (c) *Payment of service charge.* Any service charge in lieu of taxes shall be payable in the same manner as general property taxes are payable to the city, except that the annual payment shall be paid on or before December 1 of each year.
- (d) *Duration.* The provisions for Cliffview shall remain in effect for as long as the federally aided or authority aided mortgage or advance or grant from the authority remains

outstanding or the authority has any legal interest in the housing development, but not beyond the duration permitted under the Act, MCL 125.1415a(3).

Section 2. Severability. This ordinance and each article, section, subsection, paragraph, subparagraph, part, provision, sentence, word and portion thereof are hereby declared to be severable, and if they or any of them are declared to be invalid or unenforceable for any reason by a court of competent jurisdiction, it is hereby provided that the remainder of this ordinance shall not be affected thereby.

Section 3. Penalty. Except as otherwise provided therein, all violations of this ordinance shall be municipal civil infractions and upon a determination of responsibility therefore shall be punishable by a civil fine of \$500.

Section 4. Repeal, Effective Date, Adoption.

(1) Repeal. All regulatory provisions contained in other City ordinances, which are inconsistent with the provisions of this ordinance, are hereby repealed.

(2) Effective Date. This ordinance shall become effective on _____, 2020 following its publication in the *Oakland Press* on _____, 2020.

(3) Adoption. This ordinance was adopted by the City Council of the City of Rochester Hills at a meeting thereof held on _____, 2020.

Bryan K. Barnett, Mayor
City of Rochester Hills

CERTIFICATE

I HEREBY CERTIFY THAT THE FOREGOING ORDINANCE WAS ADOPTED BY THE CITY COUNCIL OF THE CITY OF ROCHESTER HILLS AT A MEETING THEREOF ON _____, 2020.

Tina Barton, Clerk
City of Rochester Hills