

DUBOCE PARK LANDMARK DISTRICT





# What is the Mills Act?

- California economic incentive enacted in 1972.
- Grants participating local governments the authority to enter into contracts with historic property owners.
- Mills Act can offset the costs of owning a historic property.

# The Mills Act in San Francisco

Adopted: 1996 | Revised: 2012

- → **Encourages** small-scale residential property contracts
- → **Timeline** that ensures timely completion by city departments
- → **Lowered** application fees to \$2,500



# How does it work?

- The Mills Act allows the Assessor's Office to re-evaluate property taxes.
- The Mills Act assumes the property is an income-producing property.
- Re-calculates value based on current rental rates.
- The Mills Act will be most beneficial to property owners who have purchased their property in recent years.
- The contract will be renewed every year for years.





# How does it effect me?

- The Mills Act does not impose restrictions on property owners.
- It does not require that specific rehabilitation projects be completed.
- The Mills Act allows property owners to develop a maintenance and rehabilitation plans that is pre-approved by the City.
- Saves property owners the expenses associated with entitlements and permitting process.





# **Application Timeline**

	<b>Application Timeline</b>		YEAR							YEAR															
A			FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	ОСТ	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	ост	NOV	DEC
tment	Application submittal to the Plannning Department																								
Planning Department	Pre-Contract Inspections		Duboce Park deadline: Sept. 3																						
Planni	Planning Department Review																								
rder	Assessor-Recorder's Office Review																								
Assessor Recorder	Preliminary estimated provided to Historic Preservation Commission, Land Use Committee, Board of Supervisors																								
Asses	City Approval Process: Including Historic Preservation Commission, Land Use Committee, Board of Supervisors hearings									Sep	tember Decem	1 throu	ugh												
_	Mills Act Contract approved Must be approved by December 31 to meet ensuing lien date																								
Approva	Lien Date: January 1 The next lien date would be the following year: January 1																								
Mills Act Contract Approval	Contract is recorded and Assessor is notified no later than January 31																								
	Assessor-Recorders Office Reappraisal period Final Value Determined														Fe	bruary igh Apr	1 il 30								
_	Reassessed Property Tax Bill mailed in late October																								





Planning Department 1650 Mission Street Suite 400 San Francisco, CA 94103-9425

T: 415.558.6378 F: 415.558.6409

# APPLICATION PACKET FOR

# Mills Act Historical Property Contract

Chapter 71 of the San Francisco Administrative Code allows the City and County of San Francisco to enter into a preservation contract with local property owners who restore and preserve qualified historic properties. In exchange for maintaining and preserving a historic property, the owner receives a property tax reduction.

Planning staff are available to advise you in the preparation of this application. Call (415) 558-6377 for further information.

#### WHAT IS A MILLS ACT PROPERTY CONTRACT?

The Mills Act Contract is an agreement between the City and County of San Francisco and the owner of a qualified property based on California Government Code, Article 12, Sections 50280-50290 (Mills Act). This state law, established in 1976, provides for a property tax reduction for owners of qualifying historic properties who agree to comply with certain preservation restrictions and use the property tax savings to help offset the costs to restore, rehabilitate, and maintain their historic resource according to the Secretary of the Interior's Standards and the California Historical Building Code. The San Francisco Board of Supervisors approves all final contracts. Once executed, the contract is recorded on the property and leads to reassessment of the property the following year.

#### WHO MAY APPLY FOR A MILLS ACT PROPERTY CONTRACT?

The Mills Act is for property owners who are actively rehabilitating their properties or have recently completed a rehabilitation project compliant with the *Secretary of the Interior's Treatment of Historic Properties*, in particular the Standards for Rehabilitation, and the California Historical Building Code. Recently completed projects shall mean completed in the year prior to the application. Eligibility for Historical Property Contracts shall be limited to buildings or structures with a pre-contract assessed valuation of \$3,000,000 or less for residential buildings, and \$5,000,000 or less for commercial or industrial buildings, unless the individual property is granted an exemption from those limits by the Board of Supervisors.

Applicants who enter into a contract with San Francisco and fail to rehabilitate or maintain the property are subject to the City cancelling the contract and the Assessor collecting the 12.5 percent of current fair market value penalty against the property. All property owners must enter into the contract. The attached application has three separate entries for property owners if there are multiple. Please attach additional sheets if necessary.



**DEPARTMENT** 

# Application Checklist to be Submitted with all Materials

Utilize this list to ensure a complete application package is submitted.

1	Historical Property Contract Application  Have all owners signed and dated the application?	YES	NO 🗌
2	Priority Consideration Criteria Worksheet  Have three priorities been checked and adequately justified?	YES	NO 🗌
3	Exemption Form & Historic Structure Report  Required for Residential properties with an assessed value over \$3,000,000 and Commercial/Industrial properties with an assessed value over \$5,000,000 Have you included a copy of the Historic Structures Report completed by a qualified consultant?	YES X	NO 🗌
4	Draft Mills Act Historical Property Agreement  Are you using the Planning Department's standard form "Historical Property Contract?"  Have all owners signed and dated the contract?  Have all signatures been notarized?	YES <b>X</b>	NO 🗆
5	Notary Acknowledgement Form  Is the Acknowledgement Form complete?  Do the signatures match the names and capacities of signers?	YES X	NO 🗌
6	Draft Rehabilitation/Restoration/Maintenance Plan  Have you identified and completed the Rehabilitation, Restoration, and Maintenance Plan organized by contract year and including all supporting documentation related to the scopes of work?	YES X	NO 🗌
7	Historical Property Tax Adjustment Worksheet  Did you provide back-up documentation (for commercial property only)?	YES 💢	NO 🗌
8	Photographic Documentation  Have you provided both interior and exterior images?  Are the images properly labeled?	YES X	NO 🗆
9	Site Plan  Does your site plan show all buildings on the property including lot boundary lines, street name(s), north arrow and dimensions?	YES X	NO 🗌
10	Tax Bill Did you include a copy of your most recent tax bill?	YES [X	NO 🗌
11	Payment  Did you include a check payable to the San Francisco Planning Department?	YESX	NO 🗆



# **APPLICATION FOR**

# **Mills Act Historical Property Contract**

# 1. Owner/Applicant Information

TELEPHONE:	
( )	
EMAIL:	
TELEPHONE:	
( )	
EMAIL:	
1	
TELEPHONE:	
( )	
EMAIL:	
	( ) EMAIL:  TELEPHONE: ( ) EMAIL:  TELEPHONE: ( )

# 2. Subject Property Information

101 Duboce Park		ZIP CODE: 94114
	1	74114
PROPERTY PURCHASE DATE:	ASSESSOR BLOCK/LOT(S):	
May 2011	1234/001	
MOST RECENT ASSESSED VALUE:	ZONING DISTRICT:	
\$1.7 mill	RH-1	
Are taxes on all property owned within the City and County of	San Francisco paid to date?	YES X NO 🗆
Do you own other property in the City and County of San Fran If Yes, please list the addresses for all other property owned with on a separate sheet.		YES NOX
Property is designated as a City Landmark under Article 10 of	the Planning Code	YES X NO 🗆
Are there any outstanding enforcement cases on the property Planning Department or the Department of Building Inspection		YES 🗌 NO 🗶
I/we am/are the present owner(s) of the property described abov	e and hereby apply for an hist	orical property

Date:

Date:

Date:



contract.

Owner Signature:

Owner Signature:

Owner Signature:

# 3. Program Priority Criteria

The following criteria are used to rank applications. Please check the appropriate categories as they apply to your building. Use a separate sheet to explain why your building should be considered a priority when awarding a Mills Act Historical Property Contract. Buildings that qualify in three of the five categories are given priority consideration.

## 1. Property meets one of the six criteria for a qualified historic property:

Property is individually listed in the National Register of Historic Places	YES 🗌 NO 🗌
Property is listed as a contributor to an historic district included on the National Register of Historic Places	YES NO
Property is designated as a City Landmark under Article 10 of the Planning Code	YES 🗌 NO 🗌
Property is designated as a contributory building to an historic district designated under Article 10 of the Planning Code	YES 💢 NO 🗌
Property is designated as a Category I or II (significant) to a conservation district under Article 11 of the Planning Code	YES NO
Property is designated as a Category III or IV (contributory) to a conservation district under Article 11 of the Planning Code	YES NO

## 2. Property falls under the following Property Tax Value Assessments:

Residential Buildings: \$3,000,000	YESX	моХ
Commercial, Industrial or Mixed Use Buildings: \$5,000,000	YES 🗌	NO 🗌

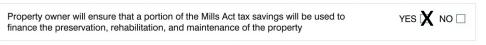
## 3. Rehabilitation/Restoration/Maintenance Plan:

A 10 Year Rehabilitation/Restoration/Maintenance Plan will be submitted detailing work to be performed on the subject property	YES 💢 NO 🗆

### 4. Required Standards:

Proposed work will meet the Secretary of the Interior's Standards for the Treatment of	YES X	NO [
Historic Properties and/or the California Historic Building Code.	0	

## 5. Mills Act Tax Savings:



Yes = Skip #4

No = Complete #4 & Submit HSR



PLANNING DEPARTMENT

<sup>\*</sup>If property value exceeds these values please complete Part 4: Application of Exemption

<sup>\*</sup>Detail how the proposed work meets the Secretary of Interior Standards on a separate sheet or include as part of Rehabilitation/Restoration/Maintenance Plan.

## 4. Application for Exemption from Property Tax Valuation

If answered "no" to either question under No. 2 "Property fall under the following Property Tax Value Assessments" in the Program Priority Criteria Checklist, on a separate sheet of paper, explain how the property meets the following criteria and should be exempt from the property tax valuations. Also attach a copy of the most recent property tax bill.

- 1. The site, building, or object, or structure is a particularly significant resource and represents an exceptional example of an architectural style, the work of a master, or is associated with the lives of significant persons or events important to local or natural history; or
- Granting the exemption will assist in the preservation of a site, building, or object, or structure that would otherwise be in danger of demolition, substantial alteration, or disrepair. (A historic structures report by a qualified consultant must be submitted to demonstrate meeting this requirement).

NAMES:		
Susan Parks		
TAX ASSESSED VALUE:		
\$3.2mill		
PROPERTY ADDRESS:		
101 Duboce Park		
	are the owner(s) of the structure referenced above and by a	
for exemption from the limitations certify, under the	he penalty of perjury, that the information attached and pro	vided i
accurate.		
Owner Signature:	Date:	
	_	
Owner Signature:	Date:	
Owner Signature:	Date:	



PLANNING DEPARTMENT

# Planning Department Staff Evaluation

THIS SECTION TO BE COMPLETED EXCLUSIVELY	BY PLANNING DEPARTMENT STAFF	
Exceptional Structure?  Specific threat to resource?  Complete HSR submitted?	YES NO YES NO YES NO	Percent above value limit:  No. of criteria satisfied:  Planner's Initial:

# 5. Draft Mills Act Historical Agreement

Please use the Planning Department's standard form "Historical Property Contract" located on the Planning Department's Forms page at www.sfplanning.org. Any modifications to the City's standard form contract made by the applicant or the submittal of an independently prepared contract shall be subject to approval by the City Attorney prior to consideration by the Historic Preservation Commission and the Board of Supervisors and may result in additional processing time.



# (Mills Act Historic Property Tax Contract Print and attach here)



# Why include Maintenance and Rehabilitation Plans?

- The rehabilitation and maintenance plans provide the City with information about your recently completed, current and future preservation projects.
- It provides a list of projects you have completed or want to complete with your tax savings.
- Your rehabilitation costs are not evaluated on a dollar-per-dollar basis.
- Qualifying projects are those that prolong the life of the building.





# What's the difference?

# Rehabilitation Plans include:

- Recently completed projects
- Short-term project goals

   (e.g. replacing the front stairs,
   improvements to brick foundation)
- Long-term project goals:

   (e.g. conservator analysis of historic paint colors, and repaint house accordingly)

# Maintenance Plan includes:

- On-going projects
  (e.g. inspecting and repairing all
  historic windows as funds are
  available)
  - Recurring maintenance
     (e.g. check roof for leaks, re-paint
     house, clean gutters and downspouts)







# **Qualifying Scopes of Work**

- Inspect and repair your historic windows
- Remove non-historic materials
- Restore missing features
- Repair/replace roof
- Install flashing
- Inspect and repair wood siding according to best practices
- Repair historic leaded glass
- Repair/ replace front steps in-kind
- Foundation repair or improvements
  - Repoint mortar/replace brick in-kind





# **Non-Qualifying Scopes of Work**

- Mechanical upgrades
- Electrical upgrades
- Plumbing upgrades
- New kitchens
- Additions
- New baths
- New deck



## 6. Rehabilitation/Restoration/Maintenance Plan

Use this form to outline your rehabilitation, restoration, and maintenance plan. Copy this page as necessary to include all items that apply to your property. Begin by listing recently completed work (if applicable) and continue with work you propose to complete within the next ten years arranging in order of priority.

Please note that all applicable Codes and Guidelines apply to all work, including the Planning Code and Building Code. If components of the proposed Plan requires approvals by the Historic Preservation Commission, Planning Commission, Zoning Administrator, or any other government body, these approvals must be secured prior to applying for a Mills Act Historical Property Contract.

This plan will be included along with any other supporting documents as part of the Mills Act historical Property contract.

Draft Rehabilitation/Restoration/Maintenance Scope

BUILDING FEATURE: ROOT			
Rehab/Restoration X	Maintenance	Completed	Proposed X
CONTRACT YEAR WORK COMPLETION:	2012		
TOTAL COST (rounded to nearest dollar):	\$6,000		
DESCRIPTION OF WORK:			
Repaired leak in roplywood substrate attic.	•	•	•

_			
BUILDING FEATURE: FOUN	dation		
Rehab/Restoration X	Maintenance	Completed	Proposed [X
CONTRACT YEAR WORK COMPLETION:	2014		
TOTAL COST (rounded to nearest dollar):	\$12,000		
DESCRIPTION OF WORK:			
Will work with strunger of possible, and replace	of building. Mas	onry will be repo	
THIS SECTION TO BE COMPLETED EXCL	USIVELY BY PLANNING DEPARTM	ENT STAFF	
Property Address:			



Block / Lot:

Board of Supervisors Ordinance Number:

Draft Rehabilitation/Restoration/Maintenance Scope Continued

BUILDING FEATURE: \A/ip do\A/C

historic in-kind.

BUILDING FEATURE:			
Rehab/Restoration	Maintenance	Completed X	Proposed
CONTRACT YEAR WORK COMPLETION:	2012		
TOTAL COST (rounded to nearest dollar):	\$5,000		
DESCRIPTION OF WORK:	γ5,000		
Repaired 6 histor façade. Inspected repainted using b	l window condition		

WIIIUU	VV.		
Rehab/Restoration	Maintenance	Completed	Proposed X
CONTRACT YEAR WORK COMPLETION:	2014		
TOTAL COST (rounded to nearest dollar):	\$8,000		
DESCRIPTION OF WORK:			
façade. Origina	ıl windows are no	•	windows on front leteriorated beyond indows to match

BUILDING FEATURE: WINDOWS			
Rehab/Restoration	Maintenance X	Completed	Proposed X
CONTRACT YEAR WORK COMPLETION:	Every 5 vea	ars after 201	15
TOTAL COST (rounded to nearest dollar):	\$5,000		
DESCRIPTION OF WORK:	45,000		
Window professi	onal to inspect al	I windows. Check	for dry rot, water

damage, infiltration. Repair wood and patch as required using best practices. Repair and replace glazing and re-putty as required.



# 7. Notary Acknowledgment Form

The notarized signature of the majority representative owner or owners, as established by deed or contract, of the subject property or properties is required for the filing of this application. (Additional sheets may be attached.)

State of California	
County of:	
On:	before me,,,
NOTARY PUBLIC personally appeared:	NAME(S) OF SIGNER(S)
the within instrument and acknowledged	actory evidence to be the person(s) who name(s) is/are subscribed to d to me that he/she/they executed the same in his/her/their authorized ignature(s) on the instrument the person(s), or the entity upon behalf the instrument.
I certify under PENALTY OF PERJURY utrue and correct.	nder the laws of the State of California that the foregoing paragraph is
WITNESS my hand and official seal.	
SIGNATURE	
	( PLACE NOTARY SEAL ABOVE )



## 8. Historical Property Tax Adjustment Worksheet Calculation

The following is an example showing the possible tax benefits to the historical property owner of an owner-occupied single-family dwelling. This form is a guideline only. Your reduced property tax under a Mills Act contract is not guaranteed to match this calculation.

#### **Determine Annual Income and Annual Operating Expenses**

An \$120,000 potential gross income less a vacancy and collection loss of \$2,400 and less \$17,640 annual expenses for maintenance, repairs, insurance, and utilities yields a net annual income of \$99,960. (Mortgage payments and property taxes are not considered expenses). Estimated vacancy and collection loss is based upon what is typically happening in the marketplace. It can be different for different properties (i.e. - residential properties generally have a lower vacancy and collection loss than commercial properties). The theory is that when estimating a property's value using the income approach (the approach required for Mills Act valuations) it is reasonable to assume some rent loss due to vacancy and inability to collect rents.

### **Determine Capitalization Rate**

Add the following together to determine the Capitalization Rate:

- The Interest Component is determined by the Federal Housing Finance Board and is based on conventional mortgages. While this component will vary from year to year, the State Board of Equalization has set this at 4.75% for 2012.
- The Historical Property Risk Component of 4% (as prescribed in Sec. 439.2 of the State Revenue and Tax Code) applies to owner-occupied single-family dwellings. A 2% risk component applies to all other Properties.
- The Property Tax Component (Post-Prop. 13) of .01 times the assessment ratio of 100% (1%).
- The Amortization Component is a percentage equal to the reciprocal of the remaining life of the structure and is set at the discretion of the County Assessor for each individual property. In this example the remaining life of the building is 60 years and the improvements represent 45% of the total property value. The amortization component is calculated thus:  $1/60 = .0167 \times .45 = .0075$ .

### Calculate New Assessed Value and Estimated Tax Reduction

The new assessed value is determined by dividing the annual net income (\$99,960) by the capitalization rate .1067 (10.67%) to arrive at the new assessed value of \$936,832.

Lastly, determine the amount of taxes to be paid by taking the current tax rate of 1.167 (1%) of the assessed value \$26,652. Compare this with the current property tax rate for land and improvements only (be sure not to include voter indebtedness, direct assessments, tax rate areas and special districts items on your tax bill).

In this example, the annual property taxes have been reduced by \$15,719 (\$26,652 – \$10,933), an approximately 40% property tax reduction.



#### EXAMPLE:

Simple Property Tax Calculation Current Assessed Value = \$2,283,810 Current Tax Rate = X 1.167% Current Property Taxes = @26,652

#### Assessment Using Mills Act Valuation Methodology

Property Tax Savings	\$15,719
New Tax Calculation	\$10,933
Current Tax Rate	X 1.167%
Historical Property Value	\$936,832
Restricted Capitalization Rate	10.67%
utilities, insurance, maintenance, management)  Net Income	\$99.960
Less Operating Expenses (i.e.	(\$17,640)
Effective Gross Income	\$117,600
Estimated Vacancy and Collection Loss of 2%	(\$2,400)
Potential Annual Gross Income Using Market Rent (\$10,000 per month X 12 months)	\$120,000

PROPERTY ADDRESS:		
PROPERTY DESCRIPTION:		

## STEP 1: Determine Annual Income of Property

OWNER OCCUPIED: YES \( \text{NO} \( \text{NO} \)

ANNUAL PROPERTY INCOME	CURRENT	EXPLANATION
1. Monthly Rental Income	\$ \$8,421	For owner-occupied properties estimate a monthly rental income. Include all potential sources of income (filming, advertising, photo shoots, billiboard rentals, etc.)
2. Annual Rental Income	\$ \$101,053	Multiply Line 1 by 12
3. Deduction for Vacancy	\$ \$96,000	5% (subtract %5 from line 2)

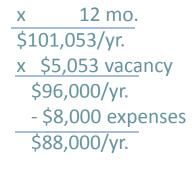
## STEP 2: Calculate Annual Operating Expenses

ANNUAL OPERATING EXPENSES	CURRENT	EXPLANATION
4. Insurance	\$	Fire, Liability, etc.
5. Utilities	\$	Water, Gas, Electric, etc
6. Maintenance*	\$	Maintenance includes: Painting, plumbing, electrical, gardening, cleaning, mechanical, heating repairs, structural repairs, security, and property management.
7. Management*	\$	
8. Other Operating Expenses	\$	Security, services, etc. Provide breakdown on separate sheet.
9. Total Expenses†	\$ \$8,000	Add Lines 4 through 8

- \* If calculating for commercial property, provide the following back-up documentation where applicable:
- Rent Roll (include rent for on-site manager's unit as income if applicable)
- Maintenance Records (provide detailed break-down; all costs should be recurring annually)
- Management Expenses (include expense of on-site manager's unit and 5% off-site management fee; and describe other management costs.
   Provide breakdown on separate sheet.)
- † Annual operating expenses do not include mortgage payments, property taxes, depletion charges, corporate income taxes or interest on funds invested in the property.

### STEP 3: Determine Annual Net Income

NET OPERATING INCOME	CURRENT	EXPLANATION
9. Net Operating Income	\$ \$88,000	Line 3 minus Line 9



\$8,421/mo.



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## **STEP 4: Determine Capitalization Rate**

CAPITALIZATION RATE	CURRENT	EXPLANATION
10. Interest Component	<sup>6.50%</sup> 3.75%	As determined by the State Board of Equalization for 2009/2010
11. Historic Property Risk Component	4.00%	Single-family home = 4% All other property = 2%
12. Property Tax Component	1%	.01 times the assessment ratio of 100%
13. Amortization Component (Reciprocal of life of property)	5.00%	If the life of the improvements is 20 years Use 100% x 1/20 = $5\%$
14. Capitalization Rate	13.75%	Add Lines 10 through 13

\$88,000 x 13.75% cap. Rate \$640,000 X 1%

\$6,400

\$20,500 current tax
- \$6,400 tax w/ MA
\$14,100 savings

## STEP 5: Calculate New Assessed Value

NEW ASSESSED VALUE	CURRENT	EXPLANATION
15. Mills Act Assessed Value	\$ \$640,000	Line 9 divided by Line 14

### STEP 6: Determine Estimated Tax Reduction

NEW TAX ASSESSMENT	CUF	RENT	EXPLANATION
Current Tax     (Exclude voter indebtedness, direct assessments, tax rate areas and special districts)	\$	\$20,500	General tax levy only – do not include voted indebtedness or other direct assessments
17. Tax under Mills Act	\$	\$6,400	Line 15 x .01
18. Estimated Tax Reduction	\$	\$14,100	Line 16 minus Line 17

The Assessor Recorder's Office may request additional information. A timely response is required to maintain hearing and review schedules.

x 10 yr. contract \$141,000 savings



DEPARTMENT



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PLANNING
PEPARTMENT

# Questions?

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Tim Frye, Preservation Coordinator tim.frye@sfgov.org | (415) 575-6822

