

The Charlevoix City Council met on Monday, June 1, 2026 with Mayor Lyle Gennett presiding. The following is an excerpt from the official records of said meeting.

Motion by Kalbfell, seconded by Spring to adopt Ordinance 872: City of Charlevoix Tax Exemption Ordinance: Charlevoix Apartments.

**CITY OF CHARLEVOIX
ORDINANCE NO. 872 of 2026**

AN ORDINANCE TO PROVIDE FOR A SERVICE CHARGE IN LIEU OF TAXES FOR A HOUSING PROJECT FOR LOW INCOME PERSONS AND FAMILIES TO BE FINANCED WITH A FEDERALLY AIDED MORTGAGE LOAN PURSUANT TO THE PROVISIONS OF THE STATE HOUSING DEVELOPMENT AUTHORITY ACT OF 1966 (PUBLIC ACT 346 OF 1966, AS AMENDED; MCL §125.1401 ET SEQ.; THE "ACT").

THE CITY OF CHARLEVOIX ORDAINS:

Section 1. Title.

This Ordinance shall be known and cited as the "City of Charlevoix Tax Exemption Ordinance – Charlevoix Apartments"

Section 2. Findings & Purpose.

The City Council of the City of Charlevoix ("City") hereby finds, determines, and acknowledges that it is a proper public purpose of the State of Michigan and its political subdivisions (including the City) to provide housing for its low-income persons and families and to encourage the development of such housing by providing for a service charge for public services in lieu of property taxes (a "payment in lieu of taxes" or "PILOT") in accordance with the Act. It is further determined and acknowledged that housing for persons of low income is a public necessity, and as the City will be benefitted and improved by such housing, the encouragement of same by providing certain real estate tax exemption(s) for such housing is a valid public purpose. It is further determined and acknowledged that the continuation of the provisions of this Ordinance for tax exemption and the service charge in lieu of all ad valorem taxes during the period contemplated in this Ordinance are essential to the determination of economic feasibility of the housing development project that is to be developed and financed in reliance upon such tax exemption and service charge.

The City acknowledges that LG Charlevoix 2 Limited Dividend Housing Association, LLC (the "Sponsor") has formed a limited dividend housing association limited liability company, and has offered, subject to receipt of an allocation under the Low Income Housing Tax Credit (LIHTC) Program (as defined in this Agreement) to own and operate the housing development project identified as "Charlevoix Apartments" on certain property located at 1003 May St within the City to serve low income persons and families, and that the Sponsor has offered to pay the City on account of this housing project an annual service charge for public services in lieu of all ad valorem property taxes.

Section 3. Definitions.

1. "Act" means Michigan's State Housing Development Authority Act (Michigan Public Act 346 of 1966, as amended; codified at MCL §125.1401 et seq.);
2. "Annual Shelter Rent" means the total collections during an agreed annual period from or paid on behalf of all low-income occupants of a Housing Development representing rent or occupancy charges, exclusive of charges for Utilities, as defined in this Agreement.
3. "Authority" (or "MSHDA") means the Michigan State Housing Development Authority, as referred to in Section 21 of the Act (MCL §125.1421).
4. "City" means the City of Charlevoix, a Michigan municipal corporation.
5. "Housing Development" at the Housing Development Location, means and refers to a building to include qualified low-income residential apartment units, including forty (40) units reserved for Low Income Persons, and such commercial, recreational, industrial, communal, and educational facilities as the Authority determines will improve the quality of the Housing Development Project as it relates to housing for persons of low income.
6. "Housing Development Location" means the following parcel of real estate within the City:

Beginning 660 feet South and 660 feet East of the Northwest corner of Section 35, Township 34 North, Range 8 West, City of Charlevoix, Charlevoix County, Michigan; thence South 165 feet; thence East 432 feet; thence North 105 feet; thence East 228 feet; thence North 60 feet; thence West 660 feet to the point of beginning, being a part of the Northwest 1/4 of the Northwest 1/4 of said Section 35
7. "Housing Development Project" means the Housing Development after completion of construction and issuance of certificates of occupancy for all units.
8. "Federally funded" means the Housing Development must be participating in the Low Income Housing Tax Credit (LIHTC) program, which restricts residency to persons of low income through a regulatory agreement between the Housing Development and the Authority.
9. "Persons of low income" (or "Low Income Persons and/or Families") means persons and families whose household incomes qualify for and meet those income limitations set by the federal government through the Department of Housing and Urban Development ("HUD").
10. "Utilities" means charges for fuel, water, heat, sanitary sewer service and/or electrical service furnished to the occupants which are paid by the Housing Development Project as defined in the Act.

All terms referenced in the Act but not defined in this Ordinance shall have the meanings given to them in the Act.

Section 4. Class of Housing Development.

It is determined that the class of Housing Developments to which the tax exemption shall apply and for which a service charge shall be paid in lieu of such taxes shall be Housing Developments which are financed or assisted pursuant to the Act. It is further determined that Charlevoix Apartments (the Housing Development Project) is of this class.

Section 5. Establishment of Annual Service Charge in lieu of property taxes.

1. Subject to the provisions of this Ordinance, the Housing Development Project known and identified as Charlevoix Apartments and the real property on which it is situated shall be exempt from all ad valorem property taxes from and after the commencement of construction for the period set forth in Section 9 below. The City acknowledges that the Sponsor and the Authority have established the economic feasibility of the Housing Development Project in reliance upon the enactment and continuing effect of this Ordinance, and the qualification of the Housing Development Project for the exemption from all ad valorem property taxes and a payment in lieu of taxes as established in this Ordinance. Therefore, in consideration of the Sponsor's offer to construct, own, and operate the Housing Development Project, the City agrees to accept payment of an annual service charge for public services in lieu of all ad valorem property taxes.
2. The annual service charge shall be equal to four (4%) percent of the difference between the Annual Shelter Rents actually collected and Utilities.

Section 6. Limitation on the Payment of the Annual Service Charge.

Notwithstanding Section 5, the service charge to be paid each year in lieu of taxes for the part of the Housing Development Project that is tax exempt and occupied by other than Low Income Persons shall be equal to the full amount of the taxes that would otherwise be due and payable on that portion of the Housing Development Project if the project were not tax exempt.

Section 7. Payment of Service Charge.

The Annual Service Charge in lieu of taxes as determined under this Ordinance shall be payable in the same manner as general property taxes are payable to the City and distributed to the several units levying the general property tax in the same proportion as prevailed with the general property tax in the previous calendar year, except that the annual payment shall be paid on or before July 1 of the year following the year upon which such charge is calculated. Collection procedures shall be in accordance with the provisions of Michigan's General Property Tax Act (Public Act 206 of 1893, as amended; codified at MCL §211.1 et seq).

Section 8. Contractual effect of Ordinance.

Notwithstanding the provisions of Section 15a(5) of the Act (MCL §125.1415a(5)) to the contrary, a contract between the City and the Sponsor with the Authority as a third-party beneficiary under said contract, to provide tax exemption and accept payments in lieu of taxes, as previously described, is effectuated by the enactment of this Ordinance.

Section 9. Duration; Commencement of Construction.

This Ordinance shall remain in effect and shall not terminate for fifteen (15) years, commencing with and including tax year 2026, provided that the Sponsor complies with the requirements of the Act and this Ordinance, and further provided that the Housing Development continues to be rented to Low Income Persons at rents determined under the low income housing tax credit program, as the same maybe further amended or superseded, or the authority or HUD has an interest in the property; but in no event beyond December 31, 2041. The failure to rent or list for rental the housing development to Low Income Persons during the duration of the project constitutes a material deficiency as set forth below.

During the term of this Ordinance, Sponsor shall make capital investments into the Housing Development in an amount equal to or greater than the cumulative difference between, (a) the ad valorem property taxes that would otherwise have been payable absent this Ordinance; and (b) the annual service charges actually paid under this Ordinance. Capital investments will be reported with receipts and submitted with payment of the annual service charge.

Such compliance shall be measured cumulatively over rolling three (3) year periods beginning January 1, 2026.

Qualifying capital investments shall include, without limitation (a) building renovations, (b) structural repairs, (c) mechanical, electrical, plumbing, HVAC, and life-safety improvements, (d) site improvements, (e) accessibility improvements, (f) rental unit improvements, (g) infrastructure improvements; and (h) other improvements reasonably related to the operation, preservation, rehabilitation, or enhancement of the Housing Development. The City may employ a contractor or consultant to review and verify the capital investments, and Sponsor shall reimburse the City for the costs of any verification by any third party contractor or consultant.

The City may not terminate this Ordinance or revoke the PILOT unless: (a) the City provides written notice specifying the alleged deficiency in reasonable detail; (b) Sponsor is provided not less than one hundred eighty (180) days to cure such deficiency; (c) Sponsor is provided an opportunity to appear before the City Council prior to any vote regarding termination; and (d) the alleged deficiency constitutes a material and uncured default under this Ordinance.

If the alleged deficiency is not reasonably capable of cure within the cure period, Sponsor shall not be deemed in default so long as Sponsor commences corrective action within the cure period and diligently pursues completion.

Any dispute regarding qualifying capital investments or calculation of tax savings shall first be submitted to non-binding mediation or review by an independent certified public accountant mutually acceptable to the parties prior to termination. If the dispute is not resolved by non-binding mediation or review by a mutually agreed on Certified Public Accountant, then jurisdiction shall be in Charlevoix Circuit Court.

Section 10. Severability.

The various sections and provisions of this Ordinance shall be deemed to be severable and should any section or provision of this Ordinance be declared by any court of competent jurisdiction to be unconstitutional or invalid the same shall not affect the validity of this Ordinance as a whole or any section or provision of this Ordinance other than the section or provision so declared to be unconstitutional or invalid.

Section 11. Inconsistent Ordinances.

All ordinances or parts of ordinances inconsistent or in conflict with the provisions of this Ordinance are repealed to the extent of such inconsistency or conflict.

Section 12. Effective Date.

This Ordinance shall become effective thirty (30) days after its enactment pursuant to the City Charter.

Ordinance No. 872 was adopted on the 1st day of June 2026 A.D., by the Charlevoix City Council as follows:

Motion by: Kalbfell

Seconded by: Spring

Yeas: Halverson, Parr, Kalbfell, Spring, Hagen

Nays: None

Motion carried.

State of Michigan } §
City of Charlevoix

Sarah J. Dvoracek

Clerk

Lyle Gennett

Mayor

CERTIFICATION

I, the undersigned, the City Clerk of the City of Charlevoix, Charlevoix County, Michigan, do hereby certify that the foregoing is a true and complete copy of Ordinance No. 872 adopted by the City Council of the City of Charlevoix, County of Charlevoix, State of Michigan, at a regular meeting held on June 1, 2026 the original of which is on file in the Clerk's office and available to the public. Public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, Act 267 of the Michigan Public Acts of 1976.

Dated: 06/02/2026

Sarah J. Dvoracek, City Clerk

Acknowledged and agreed to by:
LG CHARLEVOIX 2 LIMITED DIVIDEND
HOUSING ASSOCIATION, LLC,
a Michigan limited liability company

By: Steve Lyman
Its: Authorized Representative