



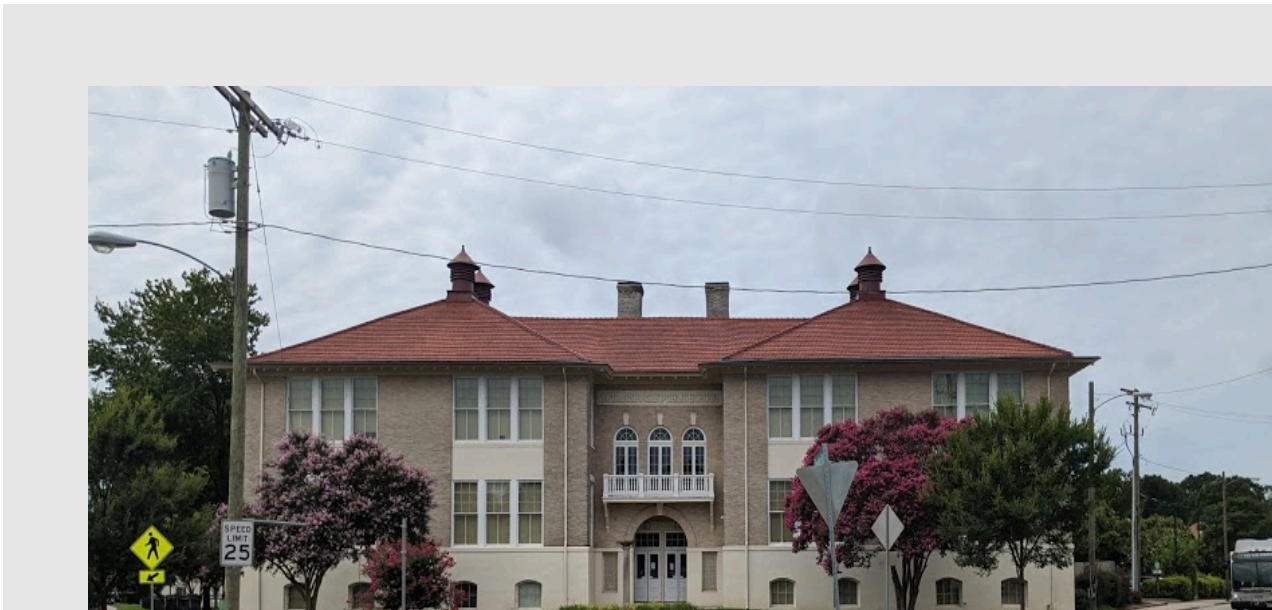
Department of Housing and Community Development



Affordable Housing Partial Tax Exemption Program Guidelines

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1. Program Description

The City of Richmond's **Affordable Housing Partial Tax Exemption Program (AHPTEP)** is available to assist property owners with a partial property tax abatement as a means to provide affordable housing for households earning up to 80% of the area median income (AMI). The program's mission is to relieve low-income households from being rent burdened by capping the maximum annual rental payment to no more than 30% of a household's gross household income.

The program offers a partial tax exemption to property owners who rehabilitate, renovate or replace their single-family or multi-family property and provide a minimum percentage of affordable housing to low-income households. This program utilizes the household income guidelines of the United States Department of Housing and Urban Development's (HUD) Richmond Petersburg Metropolitan Statistical Area (MSA).

The program is governed by **Chapter 26, Article V, Division 4 §26-409 - 26-419** of the Code of the City of Richmond (2015) as amended. The purpose of this program is to reduce or eliminate concentrations of blight, stimulate investment, and encourage the improvement of real estate property within the City of Richmond.

Applications will be accepted from property owners and/or their agents by the City of Richmond's Department of Housing and Community Development (HCD). Senior Project Development Manager, Leigh Kelley serves as the point of contact for this program. Mr. Kelley can be reached by telephone at 804-646-6428 or via email at Leigh.Kelley@Richmondgov.com.

All applications and supplemental documentation must be emailed to HCD@richmondgov.com.

1.1. Eligibility Guidelines

In order to be eligible for the partial exemption from real estate property taxation for real estate property by rehabilitation, renovation, or replacement, the following property criteria must be met:

- Either a single-family use (1 to 4 units) with an increase to the improved value by at least 20%, or a multi-family use (5 or more units) with an increase to the improved value by at least 40%;
- A minimum of 30% of the units must be restricted to individuals or families earning up to 80% of the AMI for the Richmond-Petersburg MSA. This is the only requirement that must be met for an owner-occupied, single-family dwelling;
- A maximum rental payment, calculated annually, no greater than 30% of the household's gross income. Not applicable to an owner-occupied unit, only units that are being rented to satisfy the 30% requirement;
- The rehabilitated, renovated or replacement structure must be in compliance with the character of the surrounding neighborhood, as determined by the Department of HCD;
- Minimum lease term of 12 months is required for the affordable rental units;
- Each owner of real estate property that has qualified for partial tax exemption of real property taxes shall annually file a renewal application with the Director of HCD.

- Verification is required that demonstrates the maximum rental payment does not exceed 30% of the household's income, and that at least 30% of the total number of dwelling units are affordable for households earning up to 80% of AMI. The preceding rent requirement does not apply to an owner-occupied single unit;
- The qualified structure must have been situated at its existing location for no less than 20 years;
Any portion of the single-family or multi-family structure that is commercial space shall not be eligible for the tax exemption; and
- The rehabilitation, renovation or replacement, as applicable, must be completed within two years of the date the building permit was issued. If a building permit is not required in accordance with applicable laws and regulations the rehabilitation, renovation or replacement must be completed within two years after the date of the application filed with the Department of (HCD).

1.2. Restrictions

- The partial tax exemption stays with the property, and runs with the land not the applicant.
- Annual renewal is required and compliance must be maintained with the income restriction, number of affordable units, and the maximum rent (where applicable).
- Any single-family dwelling or multi-family dwelling that does not meet the applicable minimum percentage for housing restricted to individuals or families making up to 80% of the AMI for the Richmond-Petersburg MSA, that exceeds the maximum rent set forth, or that does not have the dwelling units in such multi-family dwelling interspersed among dwelling units offered for rent to individuals or families making more than 80% of the area median income for the Richmond-Petersburg MSA shall not be eligible for the exemption.
- The total square footage of any replacement structure or addition shall not exceed the total square footage of the qualified structure or other improvements by more than 100%. If the total square footage of the structure or addition exceeds more than 100%, the rehabilitated, renovated or replaced qualified structure shall not be eligible for a partial exemption.
- In order for the partial exemption for a property to continue, such property shall maintain compliance with the provisions of the Virginia Uniform Statewide Building Code (VUSBC).
- The property must be current on non-exempt real estate property taxes.
- Extensions will not be granted. All work must be completed within 24 months of building permit issuance.
- For qualified structures in need of demolition, the total square footage of any such replacement structure or addition shall not exceed the total square footage of the qualified structure or other improvement by more than 100%. If the total square footage of the qualified replacement structure or addition exceeds the total square footage of the qualified structure by more than 100%, the rehabilitated, renovated or replaced qualified structure shall not be eligible for a partial exemption pursuant to this division. New construction must fit on the existing footprint foundation.
- The exemption provided in this program for demolition is not applicable to properties that are a Virginia Registered Landmark or is determined by the Virginia Department of Historic Resources (DHR) to contribute to the significance of a registered (local, state and federal) historic district.

1.3. Freedom of Information Act

The City of Richmond's Department of HCD is subject to, and will at all times comply with, the Virginia Freedom of Information Act ("FOIA"). HCD endeavors to protect from disclosure any financial information of the applicant and tenants, which is exempt from disclosure under FOIA.

2. Application Process

2.1. Application Requirements

An owner or an owner's agent must submit an application to the Department of HCD for partial property tax exemption prior to the start of construction.

Applications should be sent using the City's email: HCD@Richmondgov.com.

Please use the following as the subject: AFFORDABLE HOUSING PARTIAL TAX EXEMPTION. A completed application (a copy of which is provided in section 4.2 of this program guide) is required before the application can be processed.

Single-Family and Multi-family Dwelling Uses: The application shall include the following:

- A detailed description of the demolition and/or improvements to be completed.
- The documentation outlined below will be required at annual renewal. If the owner at the time of the initial application has any affordable units rented or reserved by an individual or family, the following information shall be submitted:
 - Proof of all sources of current year income (pay stubs, SSI annual benefit statement, retirement statement, bank statement, tax forms for self-employed tenants, etc.) for applicant and all others earning wages in the household.

Note: Please redact account numbers and social security numbers before submitting application. This information is not necessary for this program.

- Photographs of the existing property's conditions, exterior and interior conditions that reflect the need for rehabilitation.
- Please be sure to read and initial that you understand this section of the program guidelines outlined in the application.
- Provide legible email addresses and telephone numbers, so that we may follow-up if necessary.
- Include a copy of the Rental Lease Agreement (minimum lease term is 12 months). If unoccupied, please provide a blank copy of the lease agreement you will use to rent the units (minimum lease term is 12 months).

- Include a copy of your Certificate of Appropriateness (CAR), if required. **Only required for properties located in a City Old and Historic District.**
- The approved building permit and (if applicable demolition permit) number(s) and date must be provided on the application.
- A digital copy of demolition, construction plans or the work write-up that includes building layout.
- Provide evidence that all taxes on the property are current (receipt, billing statement reflecting current status, any other documentation that will provide evidence that there are no outstanding taxes dues).
- Income producing property must submit development and operating budgets showing all estimated revenues and expenses.

Application for Properties that are converted to Multi-family Dwelling Units using Low Income Housing Tax Credits

Applicants applying for the City's affordable housing partial property tax exemption for properties that may also be utilizing the federal government Low Income Housing Tax Credit program (LIHTC) by application to the Virginia Housing Development Authority (VHDA), the application shall include the following:

- A completed application for the City's Affordable Housing Partial Tax Exemption program (AHPTEP). Be sure to provide a detailed description of the demolition and or improvement to be completed.
- Photographs of the existing property's conditions, exterior and interior conditions that reflect the need for rehabilitation.
- Attach reservation letter(s) as well as the project's LIHTC development and operating budgets.
- The documentation provided to the State for annual certification will be accepted for the City's annual renewal, so long as the documentation includes the number of units set aside, the maximum rents charged and the income levels of the individuals and families renting the units.
- A copy of the rental lease agreement (minimum lease term is 12 months). If unoccupied, please provide a blank copy of the lease agreement you will use to rent the units (minimum lease term is 12 months).
- The approved building permit number and date must be provided on the application.
- A digital copy of demolition, construction plans or the work write-up that includes building layout.
- Proof that all taxes on the property are current (receipt, billing statement reflecting current status, any other documentation that will provide evidence that there are no outstanding taxes dues).
- Please be sure to read and initial that you understand this section of the program guidelines outlined in the application.
- Provide legible email addresses and telephone numbers, so that we may follow-up if necessary.

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- For properties located in the City's Old and Historic District, a copy of your Certificate of Appropriateness (CA).



2.2. Application Fee

The appropriate fee is paid once an invoice has been sent to the applicant requesting payment. This is a process that requires the applicant to create an account through the City’s **Online Permit Portal**. Specific instructions on how to register an account and pay an invoice is found below under the “**Payment Processing**” section. The fees are determined by the proposed use. For single-family dwellings (1 to 4 units) each application for such exemption shall be \$125.00. For multi-family dwellings (5 or more units), each application for such exemption, excluding condominiums, shall be \$250.00.

Note: Annual renewals require the same fee of \$125 for single-family and \$250 for multi-family dwellings.

Number of Units	Fee Required (Initial application and subsequent renewals)
1 to 4 units	\$125.00
5 or more units	\$250.00

Payment Processing

All payments for applications will be submitted and processed electronically. Please follow the instructions in the **City of Richmond Online Permit Portal User Guide**. The link is provided below.

The following pages of the guide are applicable to this program:

- Registering and Logging In Pages 9-12
- Paying an Invoice Pages 31-34

http://www.richmondgov.com/PlanningAndDevelopmentReview/documents/OPP_User_Guide_Packet.pdf

Payments are made here. Please go to this link to set up an account so that you can receive and pay your invoice.

https://energov.richmondgov.com/EnerGov_Prod/selfservice#/home

This is a three step process that requires an active email address. You will know that you have completed the process when you receive the email shown below.

Your Richmond Citizen Access account has been approved. Please visit https://energov.richmondgov.com/EnerGov_Prod/selfservice#/home and log in using your email and password.

2.3. Approval

Once HCD receives an application with the required documentation, an invoice is prepared and emailed to the applicant to pay the fee.

Once the fee is received, the application, and documentation is reviewed for completeness and to determine eligibility. HCD notifies the Assessor’s Office that an application has been received.

Once the application is deemed complete and the property is eligible, the applicant is provided within five (5) business days a letter via email with the next steps. Make sure the application includes a legible email address.

If an application is deemed incomplete, HCD staff will request the missing information via email. The applicant has ten (10) business days to provide the information. If the requested information is not received in ten (10) business days, the application will be deemed null and void. A new application and fee will be required. The base value report will be sent within 10 business days to the applicant listing their findings.

Upon confirmation from HCD that an application has been submitted and determined to be in compliance, the City Assessor shall conduct an inspection of the property and determine the base value.

Base value means the assessed value of real estate for which an application has been filed as set forth in the land book on January 1 of the tax year in which such application is filed.

An applicant cannot begin work (demolition or construction) until the Base Value Inspection has been completed by the City Assessor's Office.

The City Assessor shall provide written notification to the owner of the base value of the qualified structure. This notice shall also provide the appeal process, if any owner desires to appeal the base value in accordance with the applicable provisions of the code or state law, in which case, the base value determined by the City Assessor, the City of Richmond Board of Review of Real Estate Assessments or a court of competent jurisdiction upon such appeal, shall be the base value.

In addition to the City Assessor providing a copy of the Base Value Report to the owner, a copy is required to be submitted to the senior project development manager in HCD to be filed.

If an owner appeals the Base Value Report of the Assessor, the owner must also submit a copy of the appeal to the Senior Project Development Manager for the Department of (HCD).

The Senior Project Development Manager of HCD will send an approval letter once the Base Value Report has been determined to be satisfactory to the owner, and no appeal is filed.

The property owner has 24 months from the date of the issued building permit to complete the work and obtain a Certificate of Occupancy (CO) from the Permit and Inspections Division of the Department of Planning and Development Review(PDR).

2.4. Denial

The following are possible reasons for denial of an application:

- Any portion of a single-family or multi-family property that has commercial space, the commercial space shall not be eligible for the partial property tax exemption.

- Any single-family or multi-family property that does not meet the applicable minimum percentage for housing affordable to households earning up to 80% of the AMI shall not be eligible for the exemption.
- All rehabilitations, renovations or replacements must be completed within two years of the date of the approved building permit.
- The total square footage of the qualified replacement structure or addition cannot exceed the total square footage of the qualified structure by more than 100%.
- Any violations of the Virginia Uniform Statewide Building Code (VUSBC) and other applicable laws and regulations.
- No property shall be eligible for such exemption if any City inspector, City Assessor, or other City employee performing duties in accordance with this division or applicable provisions of this Code have been denied access to all or any portion of the subject property before, during or after the work for which a partial exemption has been applied.
- The making of any false statement in any application, affidavit or other information supplied for the purpose of eligibility determination under this division shall be cause for an application to be denied, and shall constitute a Class 2 misdemeanor.

2.5. Completion of Work

The rehabilitation, renovation, or replacement, work must be completed within 24 months of the date the building permit has been issued. If a building permit is not required in accordance with applicable laws and regulations, the rehabilitation renovation or replacement must be completed within 24 months after the date of the application filed with the Department of HCD.

Upon completion of the work and once the Certificate of Occupancy is issued. The applicant must request the Final Valuation Inspection from the Assessor's Office. The Assessor's office is required to submit the final valuation inspection report to the Senior Project Manager in Department of HCD.

A final valuation inspection can also be requested if the completed work occurs less than 24 months from the date of the issued building permit, in the case where no permit is required, from the date of the application for partial tax exemption.

An "Early Release" form will be required if a request is made to the Assessor's Office for a final valuation prior to 24 months from the date of the issuance of a building permit. This form will be processed by the City Assessor, and a copy forwarded to the Department of HCD.

2.6. Calculation of the Partial Tax Exemption

The amount of the partial exemption from real estate property taxation shall be an amount equal to the increase in the assessed value resulting from the rehabilitation, renovation, or replacement of a qualified structure for single-family and multifamily dwelling use, as determined by the City Assessor.

This amount will be on a fixed basis, and shall constitute the exemption, notwithstanding subsequent market appreciation or depreciation, assessment, reassessment, or future improvements.

In no event shall the partial property tax exemption exceed the increase in assessed value resulting from the rehabilitation, renovation, or replacement of a qualified structure for single-family or multifamily dwelling use, as determined by the City Assessor.

The partial property tax exemption shall commence on January 1st of the year following the completion of the rehabilitation, renovation, or replacement of the qualified structure and shall run with the real estate property for 15 years.

No partial exemption shall be issued during the construction phase of the rehabilitation, renovation, or replacement of a qualified structure for single or multi-family use.

Prior to completion of the construction work, taxes shall be based upon the full assessed value of the property when assessed.

Once all construction work is completed and a Certificate of Occupancy (CO) has been issued by the Commissioner of Buildings, then the final valuation of the improved property will be conducted by the Tax Assessor's Office.

2.7. Annual Renewal

In order to retain the partial exemption, each owner of real estate property that has qualified for partial exemption of real estate taxes shall annually file a renewal application with the Department of HCD. The "Renewal Application" form shall be submitted along with the required documentation to certify compliance with the unit, income and maximum rent restrictions. Renewal applications are due by November 1st, preceding the exemption commencement date of January 1.

- For example: If you complete your rehabilitation work in June, and receive the final valuation and approved for the partial exemption. Your partial exemption will commence on the following January 1st. You will be required to renew by November 1st of that same year and every year afterwards for 15 years.

If an applicant fails to renew, this will result in termination from the program for failure to comply with the requirements.

The Housing and Community Development Senior Program Manager is required to provide annually to the City Assessor's office the list of all eligible property owners for the Affordable Housing Partial Tax Exemption. The Assessor shall include in the tax exemption program

all eligible property owners as of December 31st of each year for the exemption to continue on January 1st of the following year.

Renewal applications should be sent using the City's email of HCD@Richmondgov.com. Please use the following as the subject: AFFORDABLE HOUSING PARTIAL TAX EXEMPTION RENEWAL. The application should include the following:

- The number of affordable dwelling units and the number of market rate units within the property.
- Proof of all sources of current year income (pay stubs, SSI annual benefit statement, retirement statement, bank statement, tax forms for self-employed tenants, etc.) for applicant and all others earning wages in the household. **Note:** Please mark out account numbers and social security numbers before submitting application: this information is not necessary for this program.
- A copy of the lease agreement with a minimum lease term of 12 months.
- Proof that all taxes on the property are current (receipt, billing statement reflecting current status, any other documentation that will provide evidence that there are no outstanding taxes dues).
- An invoice will be emailed to the applicant once the application has been submitted (electronically). All applications should be sent to HCD@richmondgov.com in the subject line please include the following: AFFORDABLE HOUSING PARTIAL TAX EXEMPTION RENEWAL. The renewal process follows the same payment process as the initial application. See Section 2.2 for the payment process.
- Any vacancies in affordable units will render a project ineligible for meeting the qualifications of the Affordable Housing Partial Tax Exemption Renewal.

Note: The intent of the program is to provide affordable housing for persons earning 80% or less of AMI; therefore in order to continue participation in this program, the units must be rented to persons meeting the criteria. An owner-occupied single-family unit is not subject to the rental requirements.

2.8. Annual Renewal for LIHTC Credit Projects

Renewal for properties with LIHTC Credit, the annual renewal application must include the following:

In cases where the applicant has been awarded credits through the Virginia LIHTC program, and received an annual certification letter from VHDA. This letter will be sufficient for the City's program as documentation so long as the letter includes the unit mix, the income of the renters, and the number of set aside units for persons earning at or below 80% of the area median income. If a certification letter is not provided, the renewal application must contain all required documentation providing evidence of the following:

- Total number of units and number of affordable units. Proof of all sources of current year income (pay stubs, SSI annual benefit statement, retirement

statement, bank statement, tax forms for self-employed tenants, etc.) for applicant and all others earning wages in the household.

Note: Please redact account numbers and social security numbers before submitting application. This information is not necessary for this program.

- A copy of the 12 month lease agreement is required.
- Proof that all taxes on the property are current (receipt, billing statement reflecting current status, any other documentation that will provide evidence that there are no outstanding taxes dues).
- An invoice will be emailed to the applicant once the application has been submitted (electronically). All applications should be sent to HCD@richmondgov.com in the subject line please include the following: AFFORDABLE HOUSING PARTIAL TAX EXEMPTION RENEWAL. The Renewal process follows the same payment process, as the initial application. See section 2.2 for payment processing.
- Any vacancies in affordable units will render a project ineligible for meeting the qualifications of the Affordable Housing Partial Tax Exemption Renewal.

Note: The intent of the program is to provide affordable housing for persons earning 80% or less of AMI; therefore in order to continue participation in this program, the units must be rented to persons meeting the criteria.

2.9. Future Program Evaluation

The Affordable Housing Partial Tax Exemption Program shall be evaluated the fifth year after the ordinance providing for this program becomes effective. The Chief Administrative Officer (CAO), shall evaluate the partial tax exemption program herein created by no later than June 30th every five years that the program established is in effect and shall make a recommendation and present the program evaluation results to the City Council as to whether or not the partial tax exemption program established by this program as outlined in City Code should continue.

The evaluation criteria shall include, but not necessarily be limited to:

1. The number of applications submitted;
2. The number of applications approved for consideration by the City Assessor and the Director of Housing and Community Development;
3. The number, type and description of properties qualifying for partial tax exemption under this program;
4. The total dollar amount of the resulting assessment credit ordered;
5. The revenue impact on the City both with and without the existence of the Program; and any other quantifiable data that can be used to measure the overall effect of the program.



3. Penalties for Nonpayment of Real Estate Taxes

Penalty for nonpayment of real estate taxes; forfeiture of exemption.

Whenever the owner of real estate property which has qualified for partial exemption of real estate taxes under this program fails to pay one-half of the non-exempted amount of real estate taxes on the property on or before January 14 of any tax year or the remaining one-half of such amount on or before June 14 of any tax year:

- A penalty of 10% shall be applied to any such installment due on the taxes the partial exemption for that tax year and all subsequent years of any remaining exemption period shall be forfeited.
- The annual credit issued for that tax year and all subsequent years of any remaining exemption period shall be canceled and shall be of no effect.
- The partial exemption claimed for any tax year shall be retained if payment of the nonexempt amount, plus the ten percent late payment penalty and interest at 10% per annum on the non-exempt amount due, is received by the Collections Division of the Department of Finance on or before June 30, or the last business day preceding June 30 of the tax year in question if June 30 falls on a weekend.

HCD will provide written notification to any applicant who is noncompliance with this requirement and inform them of forfeiture of their right to participate in the program.

4. Program Documents

4.1 Application Checklist

Applicants should complete this checklist to ensure that all documentation is provided.

- Own the building;
- Building must be 20 years or older;
- Renovations must be at least 20% for single-family and 40% for multi-family of the property's Base Value;
- Approved building permit/demolition permit (if applicable);
- Floor and architectural plans or write-up with floor plans;
- Created an account through the online portal; the application fee;
- Completed application;
- Minimum 30% of units must be affordable housing for individuals or families earning up to 80% AMI of the Richmond-Petersburg MSA;
- Maximum rent must not exceed 30% of the occupant's monthly adjusted gross income (an owner-occupied single-family dwelling unit is excluded from this requirement); and
- Any portion of the structure that is for a commercial use is not eligible under this program.

4.2 Application

This is the official application required for the Affordable Housing Partial Tax Exemption Program. The application can be accessed here or contact Leigh Kelley at (804) 646-6428 to obtain a copy.

[OneDrive - City of Richmond\Documents\Partial Tax Rehab SF-MF Dwellings\Application for Single and Multi-Family Partial Tax Exemption final.docx](#)

4.3 Compliance and Renewal Certification.

- Properties that are cited for a violation may have their eligibility terminated if not addressed.
- Property owners must file a renewal application yearly with the Director of HCD before the November 1st yearly deadline.
- The applicants bear the burden of proof to demonstrate that their units are meeting program guidelines of set-aside units, tenant's incomes and monthly rents (where applicable).
- A third party certification will be accepted so long as the program criteria is demonstrated to be in compliance.
- Documentation from Virginia Housing demonstrating compliance with the LIHTC program will also be accepted and sufficient for renewal. The information must not be older than 12 months, and include the required documentation needed for this program.

4.4 Documents

- Application
- HUD FY2021 Income Limits (may change from year to year)
- HUD Fair Market Rent (may change from year to year) Information Only
- Request for an Early Release Form
- Assessor's Evaluation Form
- Base Value Summary Sheet

4.5 Definitions

The words, terms and phrases used in this guide, shall have the meanings ascribed to them in the city's code section 26-408.2.

Addition: an increase in the square footage of a qualified structure that expands the utility of such structure.

Base value: the assessed value of real estate for which an application has been filed, as set forth in the land book on January 1 of the tax year in which such application is filed.

Linear feet: the shortest distance from one point to another, measured horizontally in feet, where one foot is equal to 12 inches.

Multi-family dwelling: land containing a structure or other improvement of five or more units constructed or used for residential purposes.

Qualified structure: a structure or other improvement no less than 20 years of age that has qualified for rehabilitation, renovation or replacement.

Rehabilitation: the process of restoring a qualified structure through:

- (1) Renovation;
- (2) Replacement; or
- (3) Renovation and the construction of an addition.

Renovation: the process of updating the utility of a qualified structure, in whole or in part, including, but not limited to, the partial destruction and rebuilding of such structure.

Replacement: the process of demolishing a qualified structure for which an application has been filed, and subsequently replacing such structure by constructing a new structure on the same real estate upon which the qualified structure was situated.

Single-family dwelling: land containing a structure or other improvement of one to four units constructed or used for residential purposes.

Square footage: the area of a structure or other improvement measured in square feet.

Substantially rehabilitated: rehabilitation of a qualified structure so as to increase the assessed value of the qualified structure over the base value of the qualified structure by no less than 40 percent of the base value for multi-family dwellings and by no less than 20 percent of the base value of the structure for a single-family dwelling.