

RESOLUTION 2018-048  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
AUTHORIZING THE ASSIGNMENT OF THE CITY'S PRIVATE  
ACTIVITY BOND ALLOCATION FOR 2018 TO THE COLORADO HOUSING  
AND FINANCE AUTHORITY AND HOUSING CATALYST TO FINANCE  
THE REHABILITATION OR CONSTRUCTION OF AFFORDABLE HOUSING UNITS

WHEREAS, the City of Fort Collins is authorized and empowered under the laws of the State of Colorado (the "State") to issue revenue bonds for purposes including the financing of multi-family rental housing projects for low- and moderate-income persons and families; and

WHEREAS, the Internal Revenue Code of 1986, as amended (the "Code"), restricts the amount of tax-exempt bonds ("Private Activity Bonds" or "PAB") which may be issued in the State (the "State Ceiling"); and

WHEREAS, pursuant to the Code, the Colorado legislature adopted the Colorado Private Activity Bond Ceiling Allocation Act, Part 17 of Article 32 of Title 24, Colorado Revised Statutes (the "Allocation Act"), providing for the allocation of the State Ceiling among various State and local governmental units, and further providing for the assignment of such allocations from such governmental units to any entity or person with the authority to issue bonds; and

WHEREAS, pursuant to an allocation under Section 24-32-1706 of the Allocation Act, the City has received a direct allocation of the 2018 State Ceiling for the issuance of Private Activity Bonds in the aggregate principal amount of \$8,553,248 (the "2018 Allocation"); and

WHEREAS, if the City does not issue bonds or assign its annual allocation to another entity by September 15 of each year, its allocation is relinquished to the statewide balance; and

WHEREAS, the City received two applications for the 2018 Allocation; one from Housing Catalyst ("HC") and one from the Colorado Housing and Finance Authority ("CHFA"); and

WHEREAS, the City's PAB Committee reviewed the applications and recommends splitting the 2018 Allocation by assigning \$8,000,000 of it to CHFA and \$533,248 to HC, pursuant to Section 24-32-1706 of the Allocation Act; and

WHEREAS, CHFA intends to use its portion of the 2018 Allocation to issue PABs for financing the rehabilitation of DMA Plaza Apartments, an affordable housing project serving senior households (the "CHFA Project"); and

WHEREAS, HC is accumulating the PAB allocation needed to fund up to two future affordable housing construction or rehabilitation projects in the next three years, the specifics of which have not yet been finalized (the "HC Projects"), and its portion of the 2018 Allocation would be used for this purpose; and

WHEREAS, CHFA and HC have each expressed their willingness to attempt to issue

Revenue Bonds in an amount equal to or greater than the portions of the 2018 Allocation assigned to them herein; and

WHEREAS, the City has determined that the 2018 Allocation can be utilized most efficiently by assigning it to CHFA and HC to issue Private Activity Bonds for financing the CHFA Project and HC Projects; and

WHEREAS, the City has determined that such assignments to CHFA and HC will advance the City's objective of increasing the availability of adequate affordable housing for low- and moderate-income persons and families within the city; and

WHEREAS, the Council wishes to assign the 2018 Allocation to CHFA and HC, which assignments are to be evidenced by an Assignment of Allocation between the City and each recipient.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

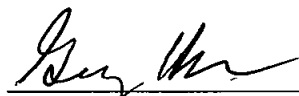
Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That the assignment to the Colorado Housing Finance Authority of \$8,000,000 of the City's 2018 Allocation for the CHFA Project as described herein is hereby approved.

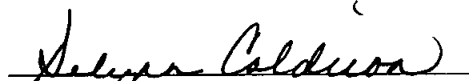
Section 3. That the assignment to Housing Catalyst of \$533,248 of the City's 2018 Allocation for the HC Projects as described herein is hereby approved.

Section 4. That the Mayor is hereby authorized to execute a separate Assignment of Allocation with each recipient on terms and conditions consistent with this Resolution, along with such other terms and conditions as the City Manager, in consultation with the City Attorney, determines are necessary or appropriate to protect the interests of the City or effectuate the purposes of this Resolution.

Passed and adopted at a regular meeting of the Council of the City of Fort Collins this 15th day of May, A.D. 2018.

  
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Mayor Pro Tem

ATTEST:

  
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City Clerk

