

**ORDINANCE NO. 096, 2019
OF THE COUNCIL OF THE CITY OF FORT COLLINS
APPROVING THE WAIVER OF CERTAIN FEES FOR THE
MASON PLACE AFFORDABLE HOUSING PROJECT**

WHEREAS, by adoption of Ordinance No. 065, 1999, the City Council exempted from the imposition of the City's capital improvement expansion fees the land development projects of housing authorities formed pursuant to the provisions of Section 29-4-101, et seq., and specified various other City fees from which such projects are also to be exempted; and

WHEREAS, the financial impact of such fee waivers on the City can be substantial, depending upon the size of the project that is exempted, and whether the lost fee revenues need to be replaced by the City; and

WHEREAS, on March 19, 2013, the City Council adopted Ordinance No. 037, 2013, making amendments to the City Code and Land Use Code limiting the types of projects for which housing authorities could request fee waivers, and specifying that those waivers are to be granted at the discretion of City Council upon a determination that proposed waivers will not jeopardize the financial interests of the City or the timely construction of capital improvements to be funded by the fees; and

WHEREAS, on November 21, 2017, the City Council adopted Ordinance No. 148, 2017 (the "2017 Ordinance"), which further amended the City Code and Land Use Code to create an incentive for all developers to provide housing units affordable to those making less than 30% of the area median income (AMI) by allowing all developers of units targeting that income bracket to request fee waivers for the affordable portions of their projects; and

WHEREAS, the 2017 Ordinance states that the City Council can waive, by ordinance, fees that would otherwise be imposed for an affordable housing project only if the City Council determines that: (1) the project is intended to house homeless or disabled persons, as such terms are defined by the Department of Housing and Urban Development (HUD), or households with an annual income that does not exceed 30% of the AMI for the applicable household size in the Fort Collins-Loveland metropolitan statistical area, as published by HUD; and (2) the proposed waiver will not jeopardize the financial interests of the City or the timely construction of the capital improvements to be funded by the fees for which a waiver is sought; and

WHEREAS, the Fort Collins Housing Authority, doing business as Housing Catalyst ("HC") is seeking the waiver of certain development and capital improvement expansion fees for Mason Place, an affordable housing project in Fort Collins that will provide 60 income-restricted units, all targeted to households making no more than 30% of AMI (the "Project"); and

WHEREAS, the City has established affordable housing production goals in the 2015-2019 Affordable Housing Strategic Plan with an annual production goal for this five-year plan of 188 units; and

WHEREAS, the Project will deliver 60 units, 32% of the City's current annual goal for new affordable housing units; and

WHEREAS, 100% of the Project units will be dedicated to households making no more than 30% of AMI; therefore, HC is requesting waivers for 100% of the total waivable Project fees based on the number of units eligible for such fee waivers; and

WHEREAS, the total fees for the Project are currently estimated at \$324,714, but this amount could change as the Project plans are finalized, so HC is asking that the City Council approve a waiver of 100% of the waivable fees for the Project but not to exceed \$330,000; and

WHEREAS, the Project fits the definition of a project eligible for fee waivers under the City Code and Land Use Code as amended by the 2017 Ordinance; and

WHEREAS, City Finance staff has determined that waiver of these fees will not jeopardize the financial interests of the City or the timely construction of the capital improvements to be funded by the fees for which the waiver is sought; and

WHEREAS, the Affordable Housing Board at its regular meeting on June 6, 2019, voted to support this waiver request; and

WHEREAS, the Council Finance Committee at its regular meeting on June 17, 2019, supported this waiver request.

NOW, THEREFORE, BE IT ORDAINED 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 City Council hereby finds that 100% of the Project is intended to house households with an annual income that does not exceed 30% of the area median income for the applicable household size in the Fort Collins-Loveland metropolitan statistical area, as published by HUD.

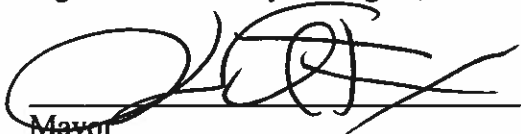
Section 3. That the City Council further finds that the fee waiver requested by HC will not jeopardize the financial interests of the City or the timely construction of the capital improvements to be funded by the fees for which a waiver is sought.

Section 4. That the City Council hereby approves the waiver of eligible fees for the Project in an amount not to exceed \$330,000, currently calculated as follows:

Development Review Fees	\$ 28,693
Building Fees	31,977
Capital Improvement Expansion Fees	<u>264,044</u>
Total:	\$ 324,714

Section 5. That the City Council hereby directs the City Manager, once the Project fees are finalized, to bring forward an ordinance appropriating funds to reimburse the appropriate funds for the fees waived by this Ordinance.

Introduced, considered favorably on first reading, and ordered published this 16th day of July, A.D. 2019, and to be presented for final passage on the 20th day of August, A.D. 2019.



Mayor

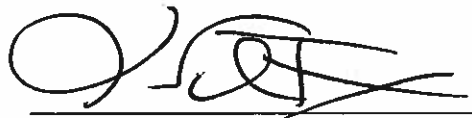
ATTEST:



City Clerk



Passed and adopted on final reading on the 20th day of August, A.D. 2019.



Mayor

ATTEST:



City Clerk

