

ORDINANCE NO. 070, 2021
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AUTHORIZING A FEE CREDIT AND APPROPRIATING PRIOR YEAR RESERVES IN
THE GENERAL FUND FOR THE HOUSING CATALYST
OAK 140 AFFORDABLE HOUSING DEVELOPMENT

WHEREAS, the Fort Collins Housing Authority, doing business as Housing Catalyst (“HC”), is currently developing Oak 140, a 79-unit affordable housing project at Oak and Remington Streets in downtown Fort Collins (the “Project”); and

WHEREAS, on November 17, 2020, the City Council passed Ordinance No. 137, 2020, establishing a flat, per-unit fee credit for the construction of qualifying affordable housing units, now codified in Chapter 7.5, Article VIII of the City Code (the “Fee Credit Ordinance”); and

WHEREAS, pursuant to the Fee Credit Ordinance, a developer of affordable housing units, prior to the issuance of certificates of occupancy, may apply to the City for funding that the City will use, at the direction of the developer, to pay all or a portion of City development and capital expansion fees on behalf of the developer; and

WHEREAS, the City Council may, by ordinance, approve a credit if the City Council determines that:

- (1) the affordable housing units are intended to house homeless or disabled persons, as such terms are defined by the United States Department of Housing and Urban Development, or households with an annual income that does not exceed 30% of the area median income (AMI) for the applicable household size in the Fort Collins-Loveland metropolitan statistical area; and
- (2) the proposed credit will not jeopardize the financial interests of the City.

WHEREAS, the maximum amount of the credit is \$14,000 per affordable unit for new construction projects and \$5,500 per affordable unit for adaptive reuse projects; and

WHEREAS, seven of the units in the Project qualify for fee credits because they will target households at or below 30% AMI, so HC has requested a fee credit of \$98,000, which amount is proposed to be appropriated from reserves in the General Fund; and

WHEREAS, this appropriation benefits public health, safety and welfare of the residents of Fort Collins and serves the public purpose of supporting the development of affordable housing for low-income residents in the downtown area; and

WHEREAS, the Affordable Housing Board and the Council Finance Committee have both recommended providing the fee credit described herein; and

WHEREAS, Article V, Section 9 of the City Charter permits the City Council, upon the recommendation of the City Manager, to appropriate by ordinance at any time during the fiscal

year such funds for expenditure as may be available from reserves accumulated in prior years, notwithstanding that such reserves were not previously appropriated; and

WHEREAS, the City Manager has recommended the appropriation described herein and determined that this appropriation is available and previously unappropriated from the General Fund and will not cause the total amount appropriated in the General Fund to exceed the current estimate of actual and anticipated revenues to be received in that Fund during this fiscal year, and will not jeopardize the financial interests of the City.

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 the fee credit of NINETY-EIGHT THOUSAND DOLLARS (\$98,000) requested by HC is for affordable housing units that are 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 and will not jeopardize the financial interests of the City.

Section 3. That there is hereby appropriated for expenditure from reserves in the General Fund the sum of NINETY-EIGHT THOUSAND DOLLARS (\$98,000) for a fee credit for the Project.

Section 4. That pursuant to Section 7.5-102 of the City Code, the funds appropriated herein are to be deposited into a trust account held by the City for the benefit of HC, from which HC may direct the City to pay balances due to the City for development review fees and capital expansion fees for the Project.

Introduced, considered favorably on first reading, and ordered published this 18th day of May, A.D. 2021, and to be presented for final passage on the 1st day of June, A.D. 2021.



Mayor

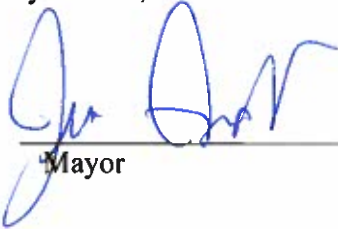
ATTEST:



City Clerk



Passed and adopted on final reading on the 1st day of June, A.D. 2021.



Mayor

ATTEST:



City Clerk

