

**BY AUTHORITY**

1  
2 ORDINANCE NO. \_\_\_\_\_  
3 SERIES OF 2014

COUNCIL BILL NO. CB14-0625  
COMMITTEE OF REFERENCE:  
Safety & Well Being

**A BILL**

**For an ordinance to amend Article IV of Chapter 27 (Housing) of the Revised Municipal Code relating to affordable housing.**

10 **WHEREAS**, Article IV was first adopted in August of 2002 and amended in October of 2006  
11 and June of 2013; and

12 **WHEREAS**, the City and County of Denver has updated factual predicates and has  
13 completed a study and report to review the operations of the affordable housing program; and

14 **WHEREAS**, the study’s analysis of demographic and market trends indicates that a majority  
15 of new private development is geared toward high income households and does not serve  
16 households earning less than 95% of AMI; and

17 **WHEREAS**, the study shows incomes have not kept pace with the cost of housing, as  
18 incomes have fallen adjusted for inflation; and

19 **WHEREAS**, the study’s analysis of the distribution of households and home sales inventory  
20 in the City indicates a shortage of inventory below 95% of AMI; and

21 **WHEREAS**, the study shows that even with existing regulations and the affordable units  
22 generated through those requirements, production of affordable homes has not kept pace with  
23 need; and

24 **WHEREAS**, the study identifies areas of the city where, due to existing home prices, there  
25 is a greater need for new affordable housing, and where due to access to transit, the location of  
26 such housing is especially desirable for moderate income households, which research has  
27 demonstrated benefit from added mobility and reduced transportation costs when located near  
28 transit; and

29 **WHEREAS**, city data indicates that the existing ordinance with one set of incentives and  
30 alternatives for all developers across all the neighborhoods of the city has resulted in a trend of  
31 developers choosing instead of building units to request alternative contribution payments at higher  
32 rates in the areas of the city with the greatest need for affordable housing; and,

33 **WHEREAS**, the study shows providing a balance of incentives and alternatives to  
34 developers, based on level of need for affordable housing in various areas of the city, will assist

1 developers in providing more affordable housing units as a part of development, particularly in  
2 higher need areas of the city; and

3 **WHEREAS**, the study shows there is a continued need for moderately priced dwelling units  
4 based on a persistent gap between the incomes of Denver residents and the high price of new  
5 housing; and

6 **WHEREAS**, the study recommends tiered incentives and a tiered alternative contribution  
7 payment structure by neighborhood to improve the number of moderately priced dwelling units  
8 actually constructed in higher need areas, and to prioritize scarce city resources with regard to  
9 construction in lower need areas; and

10 **WHEREAS**, in order to increase the number of moderately priced dwelling units  
11 constructed in areas where they are most needed, and to balance incentives in the remaining  
12 areas, the City has determined that the following revisions are appropriate; and

13 **WHEREAS**, providing increased flexibility and graduated incentives to developers are  
14 anticipated to assist developers in providing the required percentage of affordable housing units as  
15 an integral part of neighborhood development.

16 **NOW THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF**  
17 **DENVER:**

18 **Section 1.** That Chapter 27-101, "Legislative findings", of the Revised Municipal Code is  
19 hereby amended by adding the language underlined and deleting the language stricken as follows:

20 **Sec. 27-101. Legislative findings.**

21 The city council hereby finds that a severe housing problem continues to exists within  
22 Denver with respect to the supply of housing relative to the need for moderately priced dwelling  
23 units or MPDUs. Specifically, the city council finds that:

24  
25 (a) Demographics and analyses of new housing indicate that a large majority of private  
26 development is geared toward high-priced housing development and does not serve households  
27 earning less than one hundred (100) percent of area median income;

28 (b) ~~Development trends/practices~~ produce the undesirable and unacceptable effects of  
29 limiting housing available to moderate and low-income households, thus failing to implement the  
30 housing goal of the Denver Comprehensive Plan 2000 and Blueprint Denver of dispersal of a  
31 diverse range of housing throughout the ~~city/metropolitan area~~;

32 (c) ~~The continuing high level of~~ Market forces including continued population growth and  
33 unmet demands for new housing, allows for housing result in highly priced housing to be highly  
34 priced, and a lack of economic incentive for developers to offer discourages developers from  
35 offering a more diversified price range of housing, and therefore such housing is not being created  
36 contributes to the unwillingness of developers to create moderately priced housing;

37 (d) Rapid regional growth and a strong housing demand have also combined to make  
38 land and construction costs higher, ~~causing a rise in the price of housing and causing~~ limiting the  
39 areas where affordable housing to be is located in limited areas;

1 (e) Income has not kept pace with this rapid and significant increase in the cost of  
2 housing in Denver;

3 ~~(f) Housing problems have escalated due to population increase and a limited supply of~~  
4 ~~developable land. The city seeks to assure~~ Ensuring a mix of incomes and access to home-  
5 ownership opportunities for moderate income families are high priorities for the city, and therefore  
6 the city has a strong interest in ensuring that the city's ~~that the limited supply of developable land~~  
7 provides housing opportunities for all incomes;

8 ~~(g) Providing incentives to developers will assist developers in providing a minimal~~  
9 ~~percentage of affordable housing units as an integral part of new developments;~~

10 ~~(h)~~ Developers of new housing are not meeting the need for moderately priced,  
11 affordable housing. The provision of only higher priced housing contributes to the lack of affordable  
12 housing;

13 ~~(ih)~~ Developers of new for sale housing are not meeting the need for dispersed,  
14 affordable housing. In reviewing public records for ~~1998—2000~~ and development trends from 2000-  
15 2014, the city council has ~~determined that less than two (2) percent of the new housing is~~  
16 ~~affordable in projects of thirty (30) or more for sale units without any incentives from the city. These~~  
17 ~~units were constructed primarily by one developer and concentrated in the far northeast sector of~~  
18 ~~the city. The provision of only a small number of affordable for sale units in only a single limited~~  
19 ~~area contributes to the city wide lack of dispersal and availability of affordable housing~~ concluded  
20 that average housing prices have increased forty eight (48) percent since 2000 for all housing, and  
21 sixty nine (69) percent for new housing, and that the affordability gap between median sale price  
22 and median income in Denver has widened by \$100,000 since 2000; and

23 ~~(ji)~~ Without a program requiring moderately priced housing to be built, it is unlikely based  
24 on current trends that developers will provide such housing on their own initiative, leaving Denver  
25 citizens without sufficient affordable housing- ; and

26 (j) Providing incentives and increased flexibility to developers will assist developers in  
27 providing a minimal percentage of affordable housing units as an integral part of new  
28 developments.

29  
30 **Section 2.** That Chapter 27-102, “Declaration of public policy”, of the Revised Municipal  
31 Code is hereby amended by adding the language underlined and deleting the language stricken as  
32 follows:

33 **Sec. 27-102. Declaration of public policy.**

34 The city council hereby declares it to be the public policy of the city to:

35  
36 (a) Implement the comprehensive plan goal of providing for a full range of housing  
37 choices, conveniently located in a suitable living environment, for all incomes, ages and family  
38 sizes;

39 (b) Increase the availability of additional low and moderate income housing to address  
40 existing and anticipated future housing needs in Denver;

41 (c) Assure that moderately priced housing is dispersed throughout Denver consistent  
42 with the Comprehensive Plan;

43 (d) Encourage the construction of moderately priced housing by offering incentives;

44 (e) Require that all development of thirty (30) or more detached for sale single-family  
45 dwelling units and all for sale attached or multifamily projects of thirty (30) or more units include a  
46 minimum number of moderately priced units;

47 (f) Allow developers of residential units in qualified projects flexibility to meet the broad  
48 objectives of the policies set forth herein by allowing a developer, under specified circumstances,

1 to comply with this article by, where approved by the city, voluntarily agreeing to build alternative  
2 moderately priced units or contributing to a special revenue fund;

3 (g) Assure that provision of moderately priced housing does not diminish existing  
4 resources which have previously been devoted to development of low and very low income  
5 housing in ~~neighborhoods designated by the city as "focus neighborhoods";~~ and

6 (h) Administer the special revenue fund for the purpose of providing future incentive  
7 payments to developers who build moderately priced units, and utilize ~~Direct~~ any amounts in the  
8 special revenue fund in excess of all obligations remaining for the next fiscal year, next to provide  
9 for the creation or preservation of affordable housing in accordance with applicable city plans, with  
10 consideration being given to create housing from funds that were generated from areas identified  
11 within this article as high need zones, in areas proximate to those same high need areas when  
12 practicable.

13  
14 **Section 3.** That Chapter 27-103, "Definitions", of the Revised Municipal Code is hereby  
15 amended by adding the language underlined and deleting the language stricken as follows:

16 **Section 27-103. Definitions.**

17 The following words and phrases, as used in this article, have the following meanings:

18  
19 (a) *AMI or adjusted median income or median income or area median income* means the  
20 median income for the Denver metropolitan area, adjusted for household size as calculated by  
21 HUD.

22 (b) *Applicant* means any person, firm, partnership, association, joint venture, corporation,  
23 or any other entity or combination of entities, or affiliated entities and any transferee of all or part of  
24 the real property at one location, which after this article takes effect develops a total of thirty (30) or  
25 more new for sale dwelling units at one location in Denver.

26 (c) *At one location* means all real property of the applicant if:

27 (1) The properties are contiguous at any point;

28 (2) The properties are separated only by a public or private right of way or utility  
29 corridor right-of-way, at any point; or

30 (3) The properties are separated only by other real property of the applicant which  
31 is not subject to this article at the time of any building permit, site plan, development or  
32 subdivision application by the applicant.

33 (d) *Available for development* means all real property:

34 (1) Owned by, or under contract to, the applicant;

35 (2) Zoned for residential development; and

36 (3) Which will use public water and sewerage.

37 (e) *Comprehensive plan* means the Denver Comprehensive Plan 2000.

38 (f) *Consumer Price Index* means the latest published version of the Consumer Price  
39 Index for All Urban Consumers (CPI-U) of the U.S. Department of Labor for the Denver  
40 metropolitan area, or any similar index selected by the director.

41 (g) *Control period* means the time an MPDU is subject to restrictions to insure the long-  
42 term affordability of the MPDU. The control period is no less than fifteen (15) years and begins on  
43 the date of initial sale as defined herein.

44 (h) *Date of initial sale* means the date of closing for initial purchase of a MPDU.

45 (i) ~~*Density bonus* means an increase in density above what is allowed; however, no~~  
46 ~~density bonus is available in the R-0, R-1, R-2 and R-2A zone districts or in planned unit~~  
47 ~~developments (PUDs), or in districts where there is no maximum floor area ratio, or in districts~~  
48 ~~where no residential use is permitted.~~

1 (j) *Director* means the director of OED or director's designee.

2 (kj) *Dwelling unit* means one or more habitable rooms constituting a unit for permanent  
3 occupancy, having but one kitchen together with facilities for sleeping and bathing, and which unit  
4 occupies a structure or portion of a structure, but does not include hotels or other lodging  
5 accommodation, hospitals, tents, or similar structures providing transient or temporary  
6 accommodation.

7 (lk) *Eligible household* means a household whose income qualifies the household to  
8 participate in the MPDU program, and who holds a valid verification of eligibility from OED which  
9 entitles the household to buy an MPDU. To be qualified to participate in the for sale MPDU  
10 program as an eligible household at initial sale, the household must be able to demonstrate that its  
11 total household income will allow it to pay the mortgage ~~or rent~~ on the unit and the household must  
12 earn no more than eighty (80) percent of AMI or if the MPDU is in a high cost structure ~~which~~  
13 ~~buildings are greater than three (3) stories, elevators are provided, and over sixty (60) percent of~~  
14 ~~the parking is structured,~~ no more than ninety-five (95) percent of AMI. To be qualified to  
15 participate in the MPDU program as an eligible household on a resale during the control period,  
16 the household must be able to demonstrate that its total household income will allow it to pay the  
17 mortgage or rent on the unit and the household must earn no more than the amount set forth in a  
18 schedule of eligibility provided by OED, which schedule may not under any circumstances exceed  
19 one hundred (100) percent of AMI. To be qualified to participate in the MPDU program as an  
20 eligible household for a rental MPDU, the household must be able to demonstrate that as of the  
21 date the lease is signed its total household income will allow it to pay the rent under the formula  
22 provided by OED for the unit and the household must earn no more than more than sixty-five (65)  
23 percent of AMI adjusted for household size or if the MPDU is in a high cost structure, no more than  
24 eighty (80) percent of AMI. Eligibility standards shall be based on the HUD AMI calculation. All  
25 nonprofit organizations designated by the director, governmental or quasi-governmental bodies  
26 who purchase MPDUs for the purpose of sale or rental under any city approved program designed  
27 to assist the construction or occupancy of housing for families of low or moderate income are  
28 deemed "eligible households" for the purposes of this article.

29 (ml) *Final MPDU sale* means the first resale within ten (10) years after the end of the  
30 control period.

31 (nm) *For sale dwelling unit* means a dwelling unit which is offered for sale any time up to  
32 two (2) years after completion of construction, as evidenced by a certificate of occupancy.

33 (n) *High cost structure* means a development in which buildings are greater than three  
34 stories, elevators are provided, and over 60% of the parking is structured. In the event a project is  
35 presented as high cost, the Director shall determine whether a project is qualified as high cost.

36 (o) *Household* means:

37 (1) A single person;

38 (2) Any number of persons bearing to each other the relationship of: husband,  
39 wife, mother, father, grandmother, grandfather, son, daughter, brother, sister, stepson,  
40 stepdaughter, stepbrother, stepsister, stepmother, stepfather, grandson, granddaughter,  
41 mother-in-law, father-in-law, sister-in-law, brother-in-law, daughter-in-law, son-in-law, uncle,  
42 aunt, nephew or niece, living together as a single nonprofit housekeeping unit; or

43 (3) Two (2) unrelated adults over the age of eighteen (18) years plus, if  
44 applicable, any persons bearing to either of the two (2) unrelated adults the relationship of  
45 son, daughter, stepson, stepdaughter, mother, father, grandmother, grandfather, grandson,  
46 granddaughter, sister, brother, living together as a single nonprofit housekeeping unit.

47 (p) *HUD* means the U.S. Department of Housing and Urban Development.

48 (q) *Initial sale* means the sale by an applicant to an eligible household.

49 (r) *Low and moderate income* means the level of income as defined by the AMI, as  
50 adjusted for household size, within the income range for low and moderate income established

1 from time to time by HUD for the Denver metropolitan area, under federal law.

2 (s) *Maximum purchase price* means the maximum amount for which an MPDU may be  
3 transferred, calculated in accordance with the covenants recorded against the property. Transfer  
4 fees shall never be charged for transfer of an MPDU and shall not be permitted to be included in  
5 any MPDU pricing calculation.

6 (t) *Memorandum of acceptance* means a document signed by each MPDU purchaser  
7 stating the purchaser is aware of and will be bound by the MPDU restrictions and providing an  
8 address for notices to the purchaser.

9 (u) *MPDU or moderately priced dwelling unit* means a dwelling unit which:

10 (1) Is offered to eligible households under the terms of this article or as an  
11 approved alternative under Section 27-106 and is priced at initial sale to be affordable to  
12 households earning no more than eighty (80) percent of AMI, adjusted for household size.  
13 For high cost structures developments in which buildings are greater than three (3) stories,  
14 elevators are provided, and over sixty (60) percent of the parking is structured, the unit shall  
15 be priced at initial sale to be affordable to households earning no more than ninety-five (95)  
16 percent of AMI, adjusted for household size; or

17 (2) Was constructed as an MPDU pursuant to a contractual commitment  
18 requesting incentives and entered into before December 1, 2014; Will not meet the  
19 requirements of this article but which has been determined under section 27-119 to be  
20 eligible for the incentives set forth in sections 27-107 and 27-108 and which contain, by  
21 virtue of the contractual commitment described in article 27-119 (d), the following  
22 characteristics with respect to the affordable dwelling units:

23 (A) ~~Price limitations on sales such that the units are affordable to those~~  
24 ~~averaging no more than eighty (80) percent of AMI (but in any event, no more than~~  
25 ~~one hundred (100) percent of the AMI), or for high cost structures no more than~~  
26 ~~ninety-five (95) percent of AMI (but in any event, no more than one hundred ten (110)~~  
27 ~~percent of the AMI) for developments in which buildings are greater than three (3)~~  
28 ~~stories, elevators are provided, and over sixty (60) percent of the parking is~~  
29 ~~structured, or rent limitations such that the rent shall not exceed thirty (30) percent of~~  
30 ~~an average of sixty five (65) percent of AMI, less a utility allowance as calculated by~~  
31 ~~HUD, provided that for high cost structures a development in which the building is~~  
32 ~~more than three stories, elevators are provided, and over sixty (60) percent of the~~  
33 ~~parking is structured, the rent shall not exceed thirty (30) percent of an average of~~  
34 ~~eighty (80) percent of AMI, less a utility allowance as calculated by HUD;~~

35 (B) ~~Eligibility restrictions to provide that eligible purchasers or~~  
36 ~~renters shall be limited to households earning no more than one hundred (100)~~  
37 ~~percent of AMI, or no more than one hundred ten (110) percent of AMI for~~  
38 ~~developments in which buildings are greater than three (3) stories, elevators are~~  
39 ~~provided, and over sixty (60) percent of the parking is structured;~~

40 (C) ~~A control period beyond the initial sale for a defined term~~  
41 ~~of not less than fifteen (15) years; and~~

42 (D) ~~An enforcement mechanism during the control period to~~  
43 ~~ensure long term affordability to eligible households or~~

44 (3) Is constructed pursuant to a customized alternative allowed under Section 27-  
45 106 as part of a master-planned development project that has either:

46 (A) a general development plan (GDP) or planned unit development (PUD)  
47 where the total mix of for sale dwelling units within the master planned area exceeds  
48 30 units; or

49 (B) where the total number of for sale dwelling units within the master-  
50 planned development project area exceeds 1000 units;

1 (v) *New development* means all residential development which is being constructed for  
2 the first time or existing buildings which are being substantially rehabilitated or remodeled to  
3 provide dwelling units.

4 (w) *OED* means the City and County of Denver's Office of Economic Development or its  
5 successor.

6 (x) *Owner* means any eligible household which purchases an MPDU from the applicant  
7 and any subsequent buyer, devisee, transferee, grantee, owner or holder of title of any MPDU.

8 (y) *Parking is structured* means parking that is not an open lot and that is not a carport or  
9 carports.

10 ~~(z) *Parking reduction* means a reduction of up to twenty (20) percent in the parking  
11 spaces required by the applicable zoning.~~

12 ~~(aa) *Pre-verified* means those households which have been verified as eligible  
13 households by OED and placed on a list to be kept by OED, for use as described in this article.~~

14 ~~(bbz) *Special revenue fund* means a fund established by the director for use for affordable  
15 housing purposes. Community Development Block Grant (CDBG) and HOME moneys may never  
16 be deposited into this fund. All incentive payments must be paid only from the special revenue  
17 fund. The director shall adopt procedures in the rules and regulations to determine whether there is  
18 adequate funding of the special revenue fund for the subsequent fiscal year and estimated  
19 incentive payments and all other affordable housing obligations for the subsequent fiscal year.  
20 Amounts in the special revenue fund exceeding adequate funding for the subsequent fiscal year  
21 may be expended to hire administration staff for affordable housing purposes or to purchase or  
22 create affordable housing. The director shall use the special revenue fund for the primary purpose  
23 of providing future incentive payments to applicants who build moderately priced units, and utilize  
24 any amounts in the special revenue fund in excess of all obligations remaining through the  
25 subsequent fiscal year, next for the creation or preservation of affordable housing in accordance  
26 with applicable city plans, with consideration being given to create housing from funds that were  
27 generated from areas identified within this article as high need zones, in areas proximate to those  
28 same high need areas when practicable. Amounts in the special revenue fund exceeding the  
29 adequate funding for these priorities through the subsequent fiscal year may be expended for the  
30 administration of this ordinance, up to a maximum of five (5) percent of the total amount of the  
31 balance in the fund on January 1 of each year.~~

32 ~~(aa) *Statistical neighborhood category* means a classification for a neighborhood into  
33 either a high need for affordable housing, an average need for affordable housing, or a low need  
34 for affordable housing. Classifications shall be assigned and set forth in rules and regulations by  
35 OED through periodically updated modeling of for sale housing prices and proximity to transit.~~

36 ~~(eebb) *Substantially rehabilitated or remodeled* means more than fifty (50) percent of an  
37 existing building is being rehabilitated or remodeled.~~

38 ~~(edcc) *Supplemental incentives* has the meaning set forth at section 27-108.~~

39 ~~(eedd) *Verified or verification* means that a household has been determined to be eligible to  
40 occupy an MPDU under this article.~~

41  
42 **Section 4.** That Chapter 27-105, "MPDU requirements", of the Revised Municipal Code is  
43 hereby amended by adding the language underlined and deleting the language stricken as follows:

44 **Sec. 27-105. MPDU requirements.**

45 (a) For new developments of thirty (30) or more for sale dwelling units, applicants shall  
46 create ten (10) percent of all the units as MPDUs which are priced at initial sale to be affordable to  
47 households earning no more than eighty (80) percent of AMI, adjusted for household size. For new  
48 developments of high cost structures in which buildings are greater than three (3) stories, elevators  
49 are provided, and over sixty (60) percent of the parking is structured, applicants shall create ten

1 (10) percent of all the units as MPDUs which are priced at initial sale to be affordable to  
2 households earning no more than ninety-five (95) percent of AMI, adjusted for household size.  
3 Maximum purchase prices for MPDUs shall be determined by the OED based on normal  
4 underwriting standards and a maximum down payment of five (5) percent. OED shall make  
5 available tables which show maximum purchase price

6 (b) The allowable prices for the MPDUs shall be adjusted for the number of bedrooms in  
7 the unit. This price adjustment shall be reflected in the tables provided by OED.

8 (c) Any homeowner association fees shall be included in the determination of  
9 affordability.

10 (d) If parking or additional amenities are being provided to the purchasers of the market  
11 rate units, the same parking and additional amenities must be offered to the purchasers of MPDUs  
12 and the pricing or fees for parking and additional amenities shall be included in the determination  
13 of affordability.

14 (e) In calculating the number of MPDUs to be created, rounding shall be used such that  
15 five-tenths (.5) or greater shall result in requiring that a whole unit shall be produced. For example,  
16 ten (10) percent of thirty-three (33) units calculates to three and three-tenths (3.3) units, which  
17 would require three (3) whole units to be MPDUs, but ten (10) percent of thirty-five (35) units  
18 calculates to three and five-tenths (3.5) units, which would require four (4) whole units to be  
19 MPDUs. ~~Cash in lieu~~ Alternative contribution payments for a unit required to be an MPDU solely as  
20 a result of rounding up may be offered in the affordable housing plan at the rate of ~~fifty (50) percent~~  
21 ~~of the established amount~~ under 27-106(b)(1)(C) for an cash in lieu alternative contribution  
22 payment.

23  
24 **Section 5.** That Chapter 27-106, “Plan to build MPDUs; alternatives”, of the Revised  
25 Municipal Code is hereby amended by adding the language underlined and deleting the language  
26 stricken as follows:

27 **Sec. 27-106. Plan to build MPDUs; alternatives.**

28 (a) Prior to obtaining a building permit, an applicant shall submit to OED a written MPDU  
29 plan. The director shall review the plan and approve, approve with conditions, or reject the MPDU  
30 plan. No permits, rezoning, or plans shall be approved or issued until approval of the MPDU plan is  
31 obtained. Each plan shall contain information as set forth in rules and regulations adopted by the  
32 director and a form of covenants to encumber the MPDUs, a statement that the terms of this plan  
33 will bind the applicant and will run with the land upon approval of OED and recording with the clerk  
34 and recorder of the City and County of Denver, and such other information as OED requires to  
35 determine the applicant's compliance with this article. The director shall provide written  
36 confirmation of approval of a MPDU plan to the manager of the department of community planning  
37 and development to allow building permits to be issued. For MPDU plans prepared as part of a  
38 customized alternative allowed under this section as part of a master-planned development project  
39 as defined in 27-103(u)(3), the MPDU plan shall be included as part of the development  
40 agreement, PUD, or GDP.

41 (b) Alternatives.

42 (1) In lieu of building the required number of MPDUs on site, when consistent with  
43 the plans, rules, regulations, and policies of the department of community planning and  
44 development and OED the director may approve an alternative defined in the MPDU plan  
45 customized to provide MPDUs at a different site that would ~~to~~:

46 (A) Build more total bedrooms or more MPDUs at one (1) or more other sites  
47 in the same or an adjoining proximate statistical neighborhood as defined ~~and~~  
48 approved by the director in the rules and regulations; or



1 (B) Build more total bedrooms or more MPDUs at one (1) or more other  
2 sites within five-tenths (.5) miles of a light rail or commuter rail station as defined and  
3 approved by the director in the rules and regulations; or

4 (C) Build more rental MPDUs at one or more other sites in the same or  
5 proximate statistical neighborhood or at one or more other sites within five-tenths (.5)  
6 miles of a light rail or commuter rail station as defined in rules and regulations.

7 (2) In lieu of building the required number of MPDUs on site, the director may  
8 approve an alternative defined in the MPDU plan customized to provide alternate MPDUs  
9 on the site if the alternate would:

10 (A) Build fewer MPDUs at affordability levels lower than the AMI required  
11 under section 27-105; or

12 (B) Build fewer MPDUs with more net bedrooms; or

13 (C) Build fewer MPDUs for populations of special need or high priority of the  
14 director; or

15 (D) Build fewer MPDUs for a longer control period; or

16 (E) Build more rental MPDUs at the site.

17 (3) In lieu of providing the required number of MPDUs, the director may approve  
18 an alternative defined in the MPDU plan to~~(C)~~ contribute to the special revenue fund an  
19 amount equal to ~~fifty (50) percent~~ a percentage up to one hundred (100) percent of the price  
20 per MPDU not provided but required under section 27-105. The percentage will be based on  
21 the statistical neighborhood category of low need, average need, or high need, in which the  
22 applicant proposes to construct the development. OED will categorize statistical  
23 neighborhoods as low, average or high, and the specific percentages associated with each  
24 statistical neighborhood category shall be defined in the rules and regulations. The  
25 contribution amount shall be calculated at the prices set forth on the then current table  
26 provided by OED under section 27-105 for the maximum sale prices without homeowners'  
27 association fees. This percentage and amount may be adjusted by the director on an annual  
28 basis using a formula set forth in the rules and regulations promulgated under this article.

29 (c) The approved MPDU plans shall be signed by the applicant and shall be recorded  
30 with the clerk and recorder of the City and County of Denver.

31 (d) OED shall assist applicants interested in any of the above alternatives explore  
32 options prior to submitting an MPDU plan.

33 (e) Final discretion for granting an alternative is solely with the director and the city is not  
34 liable nor shall there be any review for the director's decision to require an applicant to meet the  
35 standard obligations of this ordinance instead of granting an alternative.

36  
37 **Section 6.** That Chapter 27-107, "Incentive for producing MPDUs", of the Revised  
38 Municipal Code is hereby amended by adding the language underlined and deleting the language  
39 stricken as follows:

40 **Section 27-107. Incentive for producing MPDUs.**

41 (a) Standard incentive. The director is authorized to reimburse the applicant/producer of  
42 the MPDUs ~~five thousand five hundred dollars (\$5,500.00)~~ a tiered amount based on statistical  
43 neighborhood category as further defined in the rules and regulations up to twenty five thousand  
44 dollars (\$25,000) per MPDU built, up to fifty (50) percent of the total units in a development. and  
45 the director is further authorized to reimburse the producer of the MPDUs ~~ten an additional five~~  
46 thousand dollars (\$405,000.00) per MPDU built which is affordable to households earning no more  
47 than sixty (60) percent of AMI, adjusted for household size, up to fifty (50) percent of the total units  
48 in a development, unless the producer has provided MPDUs at this affordability level as a result of

1 an alternative being granted under 27-106, in which case the average need level incentive will  
2 apply. The amount of reimbursement to any one applicantproducer of MPDUs is limited to a  
3 maximum of two hundred fifty thousand dollars (\$250,000.00) per development per year; however,  
4 if a producer of MPDUs constructs MPDUs in a high cost structure, then this maximum yearly limit  
5 shall not apply. The amount of reimbursement is limited to the amount available in the special  
6 revenue fund. ~~This incentive will be provided to the applicant in a manner prescribed by the~~  
7 ~~director.~~ Furthermore, this incentive will only be made available to developments that provide the  
8 minimum number of MPDUs required by this article and at the tiered level for the statistical  
9 neighborhood category where the MPDU is constructed. The director is authorized to establish  
10 procedures through rules and regulations for reimbursement from the special revenue fund and for  
11 the manner of payment of incentives. The director may seek annual appropriation in order to  
12 adequately fund the special revenue fund.

13 (b) The standard incentive(s) set forth in this section shall be in addition to any  
14 supplemental incentives available, whether in this article, in other governmental incentive  
15 programs, or elsewhere.

16 (c) The standard incentive amount requested shall be set forth in the applicant's MPDU  
17 plan and if the applicant is not identical to the producer of MPDUs the applicant shall fully identify  
18 the producer.

19  
20 **Section 7.** That Chapter 27-108, "Supplemental incentives", of the Revised Municipal  
21 Code is hereby amended by adding the language underlined and deleting the language stricken as  
22 follows:

23 **Sec. 27-108. Supplemental incentives.**

24 (a) ~~Applicants~~Producers of the MPDUs will,~~may upon~~ request in the MPDU plan as set  
25 forth in section 27-106(a), ~~receive a density bonus or premium,~~ a parking reduction, and expedited  
26 processing as supplemental incentives set forth under the terms of this section, pursuant to the  
27 procedures set forth in the Denver zoning code, former Chapter 59, and in rules and regulations.  
28 The supplemental incentives will only be available to those producers of the MPDUs where the  
29 MPDUs are proposed to be constructed. The supplemental incentives requested shall be set forth  
30 in both the applicant's and the producer's MPDU plans. ~~The MPDU plan under 27-106 shall reflect~~  
31 ~~how the applicant will meet the additional MPDU requirements for any supplemental incentives.~~

32 (b) Density bonus. Except for R-0, R-1, R-2, R-2A, and R-2-B zone districts, or in  
33 planned unit developments (PUDs), or in districts where there is no maximum floor area ratio, or in  
34 districts where no residential use is permitted, ~~applicants~~producers of the MPDUs may be able to  
35 request a density bonus or premium ~~of up to ten (10) percent in select zone districts where~~  
36 allowed under the Denver zoning code or its equivalent in former Chapter 59 will be permitted.

37 (c) Parking reduction. Except for existing PUDs, reduced parking requirements ~~of up to~~  
38 ~~twenty (20) percent of the spaces required by the applicable zoning will be granted as~~ are available  
39 as provided by~~reflected at former Chapter 59 of the D.R.M.C. or the City~~Denver zoning code.

40 (d) Expedited processing.  
41 (1) Development Services shall provide a development review check list to a  
42 ~~applicant~~producer of the MPDUs, upon request.

43 (2) ~~Applicants~~Producers of the MPDUs who fully comply with all items on the  
44 development review check list in a completed application for site development plan review  
45 may request any expedited processing as set forth in~~shall receive review by Development~~  
46 ~~Services within one hundred eighty (180) days of the official acceptance date of the~~  
47 ~~application for site development plan review. The one hundred eighty (180) day time frame~~  
48 ~~shall not be applicable until the rules and regulations set forth in 27-108(a) have been fully~~

1 and finally adopted. The expedited processing ~~one hundred eighty (180) day~~ time frame  
2 excludes time not attributable to Development Services.

3 (3) To provide notice to Development Services, in addition to a request for  
4 expedited processing in the MPDU plan under ~~27-106~~, applicants/producers of the MPDUs  
5 shall file a written request for expedited processing with submission of the completed  
6 application for site development plan review.

7  
8 **Section 8.** That Chapter 27-109, "Eligibility standards", of the Revised Municipal Code is  
9 hereby amended by adding the language underlined and deleting the language stricken as follows:

10 **Sec. 27-109. Eligibility standards.**

11 (a) The standards of eligibility for households applying to purchase an MPDU shall be  
12 based on the AMI calculation adjusted for household size. The income levels required herein shall  
13 be reviewed by OED to be verified, or pre-verified. ~~OED may maintain a list of households pre-~~  
14 ~~verified as eligible.~~

15 (b) All nonprofit organizations designated by the director, governmental or quasi-  
16 governmental entities who purchase MPDUs for the purpose of sale or rental under any city  
17 approved program designed to assist the construction or occupancy of housing for families of low  
18 or moderate income are deemed eligible households for all purposes under this article.

19 (c) To be eligible to purchase an MPDU at initial sale, households must be earning no  
20 more than eighty (80) percent of the AMI, or no more than ninety-five (95) percent of the AMI for  
21 high cost structures/developments in which buildings are greater than three (3) stories, and  
22 elevators are provided, and over sixty (60) percent of the parking is structured. To be eligible to  
23 purchase an MPDU on a resale, the household must be earning no more than the amount set forth  
24 in a schedule of eligibility provided by OED, which schedule may not under any circumstances  
25 exceed one hundred (100) percent of AMI.

26 (d) The director shall adopt regulations for approving eligibility and for approving the sale  
27 or rental of MPDUs to eligible households.

28  
29 **Section 9.** That Chapter 27-112, "Final MPDU sale", of the Revised Municipal Code is  
30 hereby amended by adding the language underlined as follows:

31 **Sec. 27-112. Final MPDU sale.**

32 (a) *Right of OED to purchase.* The first resale within ten (10) years after the end of the  
33 control period shall be known as the "final MPDU sale." The covenant shall provide that the owner  
34 thirty (30) days before the final MPDU sale notify OED of the proposed offering and the date on  
35 which the owner will be ready to offer the property for sale. The property shall be offered as a  
36 single property for sale and shall be offered at fair market value with no extraordinary terms of sale.  
37 The notice shall set forth the number of bedrooms, and the floor area for the MPDU type, a  
38 description of the amenities offered in the MPDU. Within thirty (30) days from receipt of said written  
39 notice, OED shall notify the owner by written notice of the city's intent to purchase. Any sale under  
40 this subsection shall close within sixty (60) days of the notice of intent to purchase to the owner. If  
41 the property does not close within the sixty (60) days, the owner may proceed to sell the MPDU as  
42 provided by this subsection. Any property purchased by OED shall be used for affordable housing  
43 purposes.

44 (b) *Final MPDU payment.* In return for the benefits received by the owner in being able  
45 to purchase the MPDU, the owner shall upon the final MPDU sale pay to the city's affordable  
46 housing special revenue fund an amount equal to the following calculation:  
47 One-half (1/2) of the excess of the total resale price over the sum of:

- 1 (i) The prior purchase price (prior maximum purchase price);  
2 (ii) A percentage of the MPDU's prior purchase price equal to the increase in the  
3 cost of living since the MPDU was last sold, as determined by the Consumer Price Index;  
4 (iii) The fair market value of documented capital improvements made to the MPDU  
5 between the date of the last sale and the date of resale; and  
6 (iv) A reasonable sales commission and all reasonable costs of sale.  
7 (iv) In the event that the amount remaining after the calculation of items (i)--(iv)  
8 above, is less than twenty thousand dollars (\$20,000.00) the amount which shall be due to  
9 the special revenue fund shall be adjusted in each case so that the owner/seller will retain  
10 ten thousand dollars (\$10,000.00) or the entire amount, of the excess of the final MPDU  
11 sales price, which ever is less. This section does not apply to any designated non-profit  
12 organization, or any governmental entity, or any quasi-governmental entity which owns an  
13 MPDU.  
14

15 **Section 10.** That Chapter 27-114, "Voluntary opportunities for developers of rental dwelling  
16 units", of the Revised Municipal Code is hereby amended by adding the language underlined and  
17 deleting the language stricken as follows:

18 **Section 27-114. Voluntary opportunities for developers of rental dwelling units.**

19 (a) For new developments of rental dwelling units, a rental applicant may request the  
20 incentives described in ~~sections 27-107 and 27-108~~ this Chapter by voluntarily making application  
21 to the OED and submitting for approval a written MPDU plan which meets the requirements of  
22 section 27-106 and which provides that at least ten (10) percent of the units will be made available  
23 to households earning no more than sixty-five (65) percent of AMI, adjusted by household size, ~~;~~  
24 Such entities shall be considered "applicants" for all purposes of this article. ~~with a rent not~~  
25 ~~exceeding thirty (30) percent of sixty five (65) percent of AMI, less a utility allowance as calculated~~  
26 ~~by HUD. A high cost structured development in which the building is more than three stories,~~  
27 ~~elevators are provided, and over sixty (60) percent of the parking is structured,~~ may provide  
28 MPDUs for households earning no more than eighty (80) percent of AMI, ~~with a rent not~~  
29 ~~exceeding thirty (30) percent of eighty (80) percent of AMI.~~ Incentives shall not be available for  
30 rental units provided in lieu of affordable for sale units provided under section 27-106(b). A rental  
31 applicant may request the enhanced standard incentive of ~~ten~~ an additional five thousand dollars  
32 ~~(\$105,000.00) per by providing a rental MPDU unit made available to households earning no more~~  
33 ~~than fifty (50) percent of AMI, adjusted by household size, with a rent not exceeding thirty (30)~~  
34 ~~percent of fifty (50) percent of AMI, less a utility allowance as calculated by HUD.~~ The specific  
35 incentives requested shall be set forth in the MPDU plan. Rents shall be limited and the formula for  
36 determining allowed rent shall be set forth in rules and regulations.

37 (b) Definitions. The following words and phrases shall have the following meanings as  
38 used in connection with developers of rental dwelling units under this section.

39 (1) *Control period* means the time period an MPDU is subject to maximum rental  
40 rate requirements set forth in this section. The control period is no less than fifteen (15)  
41 years and begins on the date of initial rental as defined herein. If an individual rental MPDU  
42 is offered for sale during the control period, the unit shall be treated as a resale MPDU for  
43 purposes of pricing and eligibility.

44 (2) *Date of initial rental* means the date a certificate of occupancy is issued for a  
45 rental MPDU.

46 (3) ~~*Eligible household* means a household whose income qualifies the household~~  
47 ~~to participate in the MPDU rental program, and who holds a valid verification of eligibility~~  
48 ~~from a landlord which entitles the household to rent an MPDU. All nonprofit organizations~~

1 ~~designated by the director, governmental or quasi-governmental bodies who purchase or~~  
2 ~~lease MPDUs for the purpose of rental under any city approved program designed to assist~~  
3 ~~the construction or occupancy of housing for families of low or moderate income are~~  
4 ~~deemed "eligible households" for the purposes of this article.~~

5 (4) *Landlord* means the applicant and any subsequent owner or operator of a  
6 multi-family rental development which owns or operates a rental development containing  
7 MPDUs during the control period.

8 (54) *MPDU* in this section means a rental dwelling unit offered to eligible  
9 households for rent under this section, or rented under any government or city approved  
10 program designed to offer or support housing for families of low or moderate income. Units  
11 rented under a government program are deemed MPDUs but are not offered the incentives  
12 available under this article or subject to the requirements of this article.

13 (6) ~~*Rental applicant* means any person, firm, partnership, association, joint~~  
14 ~~venture, corporation, or any other entity or combination of entities, or affiliated entities and~~  
15 ~~any transferee of all or part of the real property at one location, who after this article takes~~  
16 ~~effect develops new rental dwelling units at one location in Denver and applies for~~  
17 ~~incentives under this article.~~

18 Other terms shall have the same meaning as assigned to them in section 27-103.

19 (c) ~~Eligibility standards. To be eligible to rent an MPDU, households must be earning no~~  
20 ~~more than sixty five (65) percent of AMI adjusted for household size, less a utility allowance as~~  
21 ~~calculated by HUD, or no more than eighty (80) percent of AMI for developments in which buildings~~  
22 ~~are greater than three (3) stories, elevators are provided, and over sixty (60) percent of the parking~~  
23 ~~is structured. Eligibility standards shall be based on the HUD AMI calculation. OED shall provide~~  
24 ~~an eligibility application form and may adopt rules and regulations for verification and leasing~~  
25 ~~consistent with those provided under section 27-109. Eligibility shall be determined as of the date a~~  
26 ~~lease is initially signed by the parties.~~

27 (d) *Covenants*. A rental applicant requesting incentives under this section, whose MPDU  
28 plan is approved by OED, shall enter into covenants as described in section 27-111 in order to  
29 receive the incentives requested. At a minimum the covenants will meet the following:

30 (1) The rental applicant shall execute and record with the clerk and recorder for  
31 the City and County of Denver a covenant on the MPDU property, which shall comply with  
32 the provisions in this section. Partnerships, associations or corporations shall not evade this  
33 section after receiving incentives through voluntary dissolution.

34 (2) The covenants shall contain at a minimum the information that the property is  
35 affordability restricted and shall set forth the control period, the rental pricing calculation, the  
36 eligibility and non-sublease requirements, penalties for violation, and any other restriction  
37 provided herein or in the rules and regulations hereto.

38 (ed) During the control period, all grantors of real property which contains rental MPDUs  
39 shall require the grantee to execute a memorandum of acceptance which states that the conveyed  
40 property contains rental MPDUs and is subject to the restrictions contained in the covenants  
41 required under this article.

42 (fe) The director shall release the covenants upon a finding that all amounts due the city's  
43 special revenue fund have been received and all other provisions of the covenant have been  
44 satisfied.

45 (gf) The director may waive the covenant restrictions on rental if the director finds that the  
46 restrictions conflict with regulations governing federal or state housing programs and thus prevent  
47 eligible households from renting such units under the MPDU program. Any waiver shall be in  
48 writing, shall reference the recorded covenant, and shall be recorded with the clerk and recorder  
49 for the City and County of Denver.

50 (h) ~~Offering of rental MPDUs.~~

1           ~~(1) In view of the critical, long term public need for housing for families of low and~~  
2 ~~moderate income, governmental entities or nonprofit organizations designated by the~~  
3 ~~director are deemed eligible renters and may lease rental MPDUs. The MPDUs so leased~~  
4 ~~may be rented to persons of low or moderate income who are eligible for assistance under~~  
5 ~~any federal, state, or local program or to eligible households as defined in this article.~~

6           ~~(2) Rental to eligible households.~~

7           ~~(A) Every rental MPDU provided under this section shall be offered solely~~  
8 ~~to eligible households for rental to be used for the renter's own primary residence.~~

9           ~~(B) The rental MPDUs shall be offered to the eligible households by the~~  
10 ~~landlord through a fair and equitable system.~~

11           ~~(C) The landlord shall use reasonable, good faith efforts to enter into leases~~  
12 ~~with eligible households and in marketing to eligible households.~~

13           ~~(D) A landlord shall not lease any unit without first verifying eligibility of the~~  
14 ~~renter.~~

15           ~~(i) A compliance report shall be provided to OED by the landlord on a form of a~~  
16 ~~compliance report under adopted rules and regulations.~~

17           **Section 11.** That Chapter 27-116, "Regulations; enforcement", of the Revised Municipal  
18 Code is hereby amended by adding the language underlined as follows:

19           **Sec. 27-116. Regulations; enforcement.**

20           (a) The director may, from time to time, adopt rules and regulations necessary to  
21 administer this article.

22           (b) OED shall maintain a list of all MPDUs constructed, sold or rented under this article.  
23 The list shall include the date of the expiration of the control period for each unit.

24           (c) If an applicant violates the requirements of section 27-101 et seq., the city may  
25 withhold any and all later building department permits to that applicant until the MPDUs required  
26 hereunder are built and offered for sale to eligible buyers.

27           (d) This article applies to all agents, successors and assigns of an applicant. A building  
28 permit shall not be issued, and a preliminary plan of subdivision, development plan, or site plan  
29 shall not be approved unless the applicant meets the requirements of this article. The city may  
30 deny, suspend or revoke any building or occupancy permit for a site where a violation is found  
31 upon finding a violation of this article. Any prior approval of a preliminary plan of subdivision,  
32 development plan or site plan may be suspended or revoked upon the failure to meet any  
33 requirement of this article.

34           (e) Any violation of this article or rules and regulations adopted hereunder is subject to  
35 the penalties described under D.R.M.C. section 1-13(c), except covenant violations shall be  
36 enforceable through the district court. Pursuant to D.R.M.C. § 1-13(c), the city may impose a civil  
37 fine on applicants in an amount up to one hundred fifty (150) percent of the value of the housing  
38 required but not provided.

39           (f) The director may take legal action to enjoin or void any transfer of an MPDU if any  
40 party to the transfer does not comply with all requirements of this article. The director may recover  
41 any funds improperly obtained from any sale or rental of an MPDU in violation of this article.

42           (g) In addition to or instead of any other available remedy, the director may take legal  
43 action to:

44           (1) Enjoin an MPDU owner who violates this article, or any covenant signed or  
45 order issued under this article, from continuing the violation; or

46           (2) Require an owner to sell an MPDU owned or occupied in violation of this  
47 article to an eligible household.  
48

1           **Section 12.** That Chapter 27-119, “Applicability”, of the Revised Municipal Code is hereby  
2 amended by adding the language underlined and deleting the language stricken as follows:

3 **Sec. 27-119. Applicability**

4           (a) This article applies to all applicants and housing units developed by applicants,  
5 where an application for approval of a site plan, development plan, or submission to the  
6 development review committee is requested after ~~the effective date of this article August 12, 2002.~~  
7 The amendments to this article apply to all applicants and housing units developed by applicants,  
8 where any application for approval of a site plan, development plan, or submission to the  
9 development review committee is requested on or after December 1, 2014.

10           (b) The requirements of this article shall not apply to planned unit developments (PUDs);  
11 adopted prior to ~~the effective date of this article August 12, 2002.~~ The amended requirements to  
12 this article shall not apply to planned unit developments (PUDs), adopted prior to December 1,  
13 2014.

14           (c) The requirements of this article shall not apply to any public or private developer who  
15 has, prior to ~~the effective date of this article August 12, 2002,~~ made a contractual commitment in a  
16 zoning application to the city for the provision of affordable housing. The amended requirements of  
17 this article shall not apply to any public or private developer who has, prior to December 1, 2014  
18 made a contractual commitment in a zoning application to the city for the provision of affordable  
19 housing.

20           (d) The requirements of the amendments to this article shall not apply to any public or  
21 private developer which prior to December 1, 2014 makes a contractual commitment to the city to  
22 construct ~~a minimum of two hundred (200) MPDUs as part of any master planned development~~  
23 ~~project under the terms of this Chapter 27, Article IV, as it existed prior to December 1, 2014., with~~  
24 ~~the specific number of MPDUs in a master planned development project to be determined in the~~  
25 ~~contractual commitment. In consideration for constructing the MPDUs, in the master planned~~  
26 ~~development project, developers with such contractual commitments shall be entitled to receive~~  
27 ~~the standard incentives set forth in section 27-107 up to a maximum of \$250,000.00 per year per~~  
28 ~~master planned development and the supplemental incentives set forth in section 27-108. These~~  
29 ~~incentives will be made available pursuant to rules and regulations adopted by the director.~~

30           (e) This article does not apply to:

31           (1) Applicants whose projects utilize private activity bond allocation and four (4)  
32 percent Low Income Housing Tax Credits (“LIHTC”) or nine (9) percent LIHTC.

33           (2) Governmental entities, or quasi governmental bodies which develop or  
34 construct dwelling units for the purpose of sale or rental under any government program that  
35 provides for equivalent or greater number of required dwelling units meeting the definition of  
36 MPDU and occupied as housing for persons of low or moderate income.

37  
38           **Section 13.** That Chapter 27-120, “Evaluation of article”, of the Revised Municipal Code is  
39 hereby amended by adding the language underlined and deleting the language stricken as follows:

40 **Sec. 27-120. Evaluation of article.**

41           (a) *General.* To achieve affordable housing within the City and County of Denver, it is  
42 contemplated that participation in this endeavor is not only the responsibility of the applicants but  
43 shall include the support and involvement of the Denver city government, other governmental  
44 entities, and the community as a whole.

45           (b) *Evaluation.* Every twelve (12) months, OED shall prepare a written report of OED’s  
46 ~~workforce housing activities and assess its progress toward the goals of this article. activities~~  
47 related to, and an assessment of outcomes and progress toward the goals of, this article. No later

1 than August of 2019, OED shall conduct a policy review of the ordinance, hold a public hearing to  
2 gather input for the review, and report the findings and any recommendations to the city council.

3  
4 ~~Every twelve (12) months from the effective date of the ordinance from which this article~~  
5 ~~derives through 2005 and in August of 2008, city council shall hold a public hearing to evaluate the~~  
6 ~~effectiveness of the article. As part of that evaluation, council shall consider the question of~~  
7 ~~whether to retain or repeal the provisions of this article. In conducting the public hearing, council~~  
8 ~~shall consider the following:~~

9 (1) ~~Testimony from OED, including a written report of OED's affordable housing~~  
10 ~~activities;~~

11 (2) ~~Testimony from the other appropriate city officials on how the city is meeting~~  
12 ~~its responsibilities as to:~~

13 (A) ~~Ensure compliance with the affordable housing ordinance by applicants~~  
14 ~~and subsequent owners of MPDUs;~~

15 (B) ~~Monitor availability of affordable housing produced under the terms of~~  
16 ~~this article;~~

17 (C) ~~Evaluate the continued level of the need for housing in the affordable~~  
18 ~~categories; and~~

19 (D) ~~Evaluate market factors; and~~

20 (3) ~~Testimony from the community as a whole, including the development~~  
21 ~~community and the housing community.~~

22 **Section 14.** That the amendments in this ordinance become effective at 12:00 a.m. on  
23 December 1, 2014.

24 COMMITTEE APPROVAL DATE: n/a

25 MAYOR-COUNCIL DATE: n/a

26 INTRODUCED BY: Robin L. Kneich, Councilwoman At Large: \_\_\_\_\_, 2014

27 PASSED BY THE COUNCIL: \_\_\_\_\_, 2014

28 \_\_\_\_\_ - PRESIDENT

29 APPROVED: \_\_\_\_\_ - MAYOR \_\_\_\_\_, 2014

30 ATTEST: \_\_\_\_\_ - CLERK AND RECORDER,  
31 EX-OFFICIO CLERK OF THE  
32 CITY AND COUNTY OF DENVER

33 NOTICE PUBLISHED IN THE DAILY JOURNAL: \_\_\_\_\_, 2014; \_\_\_\_\_, 2014

34 PREPARED BY: Adam C. Hernandez, Assistant City Attorney DATE: August 14, 2014

35 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of  
36 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed  
37 ordinance. The proposed ordinance IS NOT submitted to the City Council for approval pursuant to  
38 §3.2.6 of the Charter.

39 D. Scott Martinez, City Attorney,

40  
41  
42 BY: \_\_\_\_\_, Assistant City Attorney

DATE: \_\_\_\_\_, 2014