

# The Forum PAB



**Finance and Governance Committee**

**Michael Kerrigan, Financial Analyst Specialist**

# Legislative Summary

**Resolution request to approve and evidence the intention of the City and County of Denver to issue an amount not to exceed \$10M of Multifamily Housing Revenue Bonds for The Forum project to support the acquisition and renovation of an affordable housing project.**

- The Forum project is an acquisition and renovation of an existing 100 unit affordable housing project located at 250 W. 14<sup>th</sup> Avenue.
- Developer is The Colorado Coalition for the Homeless and its affiliates.
- The project is a 10-story, 100 unit affordable housing project. The units are restricted to 40% of Area Median Income.
- Renovation scope includes updates to the building exterior, building systems, common areas, and residents' units.
- The project fulfills a City goal by preserving affordable housing in the downtown area of the City.

# PAB Overview

## Private Activity Bond (PAB) capacity

- PABs are tax-exempt bonds issued by or on behalf of the City, often to help attract investments into projects with a public benefit, like affordable housing.
- Through PABs, the City can borrow at tax-exempt rates for entities to lower the borrowing costs, but the City does not pledge its credit for these bonds.
- PABs allow entities to access Low-Income Housing Tax Credits (LIHTC), which further reduces the borrowing costs.
- The Internal Revenue Service allows a limited amount of tax exempt PABs to be issued, thus creating a PAB allocation process based on a state's population.
- PABs are not voter approved bonds pledging the City's full faith and credit.



# PAB Financing

## City intends to use a portion of its PAB capacity for the project

- **PAB is a tax-exempt borrowing tool for a privately-owned project which meets a qualified public purpose – in this case long-term affordable rental housing.**
  - Interest paid on the bonds is exempt from federal taxation, thus lowering the interest rate and costs for the project.
  - If a multi-family project is awarded 4% LIHTCs, the IRS requires at least 50% of the project costs to be financed with PABs.
  - The amount of PABs that can be issued in a state is limited under federal law based on the state's population; the issuer must therefore allocate a portion of the limited PAB capacity to the financing.
- **PAB issuance typically requires two legislative actions:**
  1. Inducement Resolution- reserves the PAB capacity for the project.
  2. Bond Ordinance- approves the bonds and related financing documents.

# Inducement Resolution

- Officially reserves \$10,000,000 of PAB capacity specifically for The Forum project.
- Requires the project to come back to City Council to issue the bonds and approve all necessary financing documents.
- After passage the Inducement Resolution sets a date of reference for IRS regulations.
  - Costs incurred 60 days prior to the Inducement Resolution become eligible bond expenses.

# Anticipated Timeline

- **Inducement resolution timeline**
  - 3/8/2021- Resolution request deadline
  - 3/16/2021- FINGOV Committee or consent
  - 3/23/2021- Mayor Council
  - 3/30/2021- City Council meeting
- **Fall-**  
Come back to City Council for bond ordinance approval and committee presentation.



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# Questions:

[Michael.Kerrigan@denvergov.org](mailto:Michael.Kerrigan@denvergov.org)

**720-913-5550**

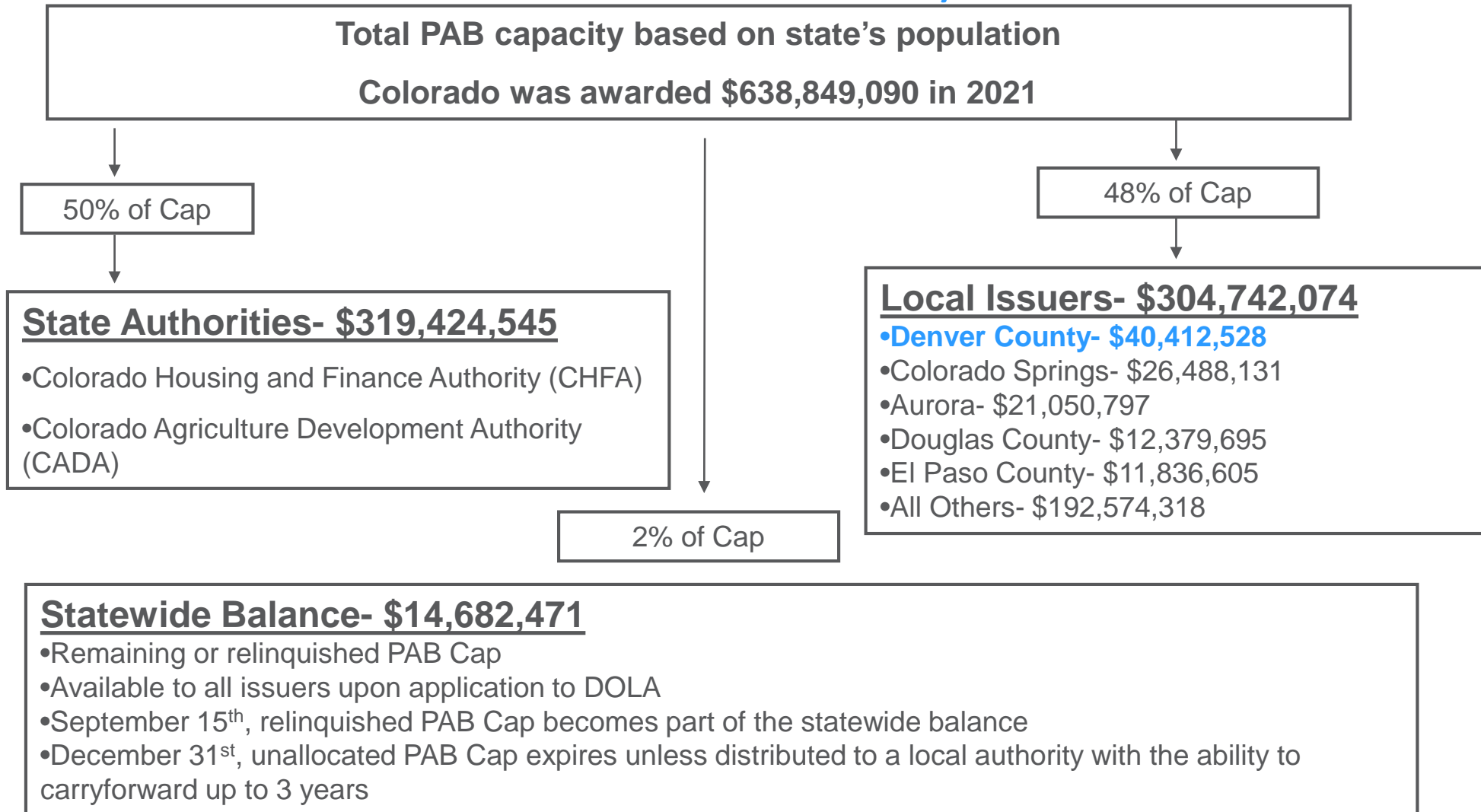
# Appendix



## What is a PAB?

- A bond issued by local and state governments and agencies for the purpose of financing a project that is owned and operated by a private party.
- The interest paid on the bonds is exempt from Federal taxation.
- Essentially a PAB lowers the financing costs for a project.
  - Provides opportunities for affordable housing projects to be completed.
- The Internal Revenue Service allows a limited amount of tax exempt PABs to be issued, thus creating the PAB allocation process based on a state's population.

# PAB Allocation Process- administered by DOLA



## PAB Allocation Parameters

- Once local government is awarded the PAB allocation, the IRS allows the PAB allocation to be carried forward up to 3 years.
- By Feb. 15 each year the IRS requires issuers to make an irrevocable election for the carryforward from the previous year.
  - Issuers elect to carry forward their PAB into “buckets”. Historically Denver has designated its carryforward towards Single Family Mortgage/MCC and Multifamily uses.
- Typically the City applies for and receives additional PAB allocation from the unused Statewide Balance.

## City Use of PABs

- Typically in Denver PABs have been used for:
  - Affordable Housing Projects
  - Mortgage Credit Certificate Programs

## City's PAB Partners

- Denver Housing Authority
  - Provides affordable housing options to citizens
- Colorado Housing Finance Authority
  - Provides affordable housing and financing options for income restricted housing units
- Private Developers
  - Provides Low Income Housing Tax Credit projects creating income restricted housing units.

# Denver's Current PAB Allocations as of March 2021

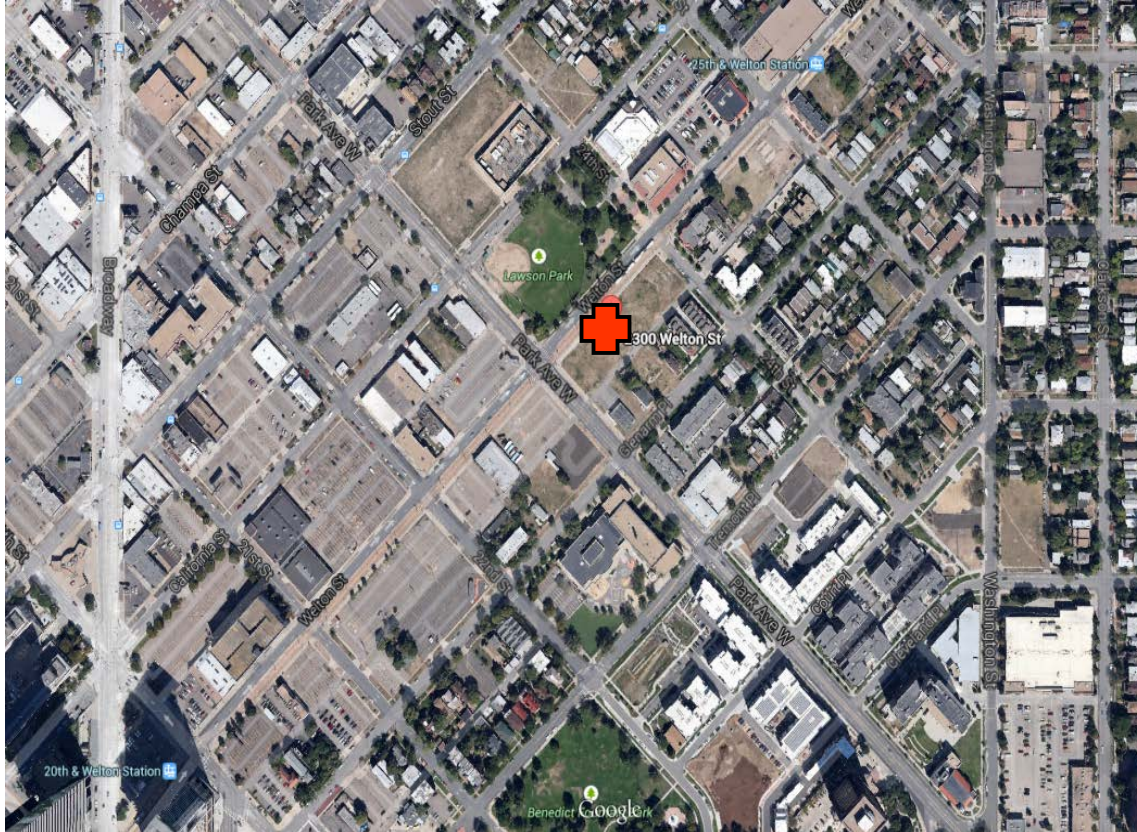
Sources and Uses of PAB Allocation							
PAB Year	Sources	Uses	Source/Use Description	Remaining PAB	Current Carryforward Amounts Remaining		Expiration
					Single Family & MCC	Multifamily	
2021	\$ 40,412,528		Direct Allocation for 2021	\$ 40,412,528	TBD in Feb. '22	TBD in Feb. '22	12/31/2024
2020		\$ (2,000,000)	Additional \$2MM assignment to DHA for Thrive	\$ 37,480,648	\$ -	\$ 37,480,648	12/31/2023
	\$ 1,370,000		Delegation Agreement from CHFA for Freshlo				
	\$ 38,110,648		Direct Allocation for 2020				
2019		\$ (10,000,000)	\$10.0MM- CCH The Forum	\$ 5,271,105	\$ -	\$ 30,271,105	12/31/2022
		\$ (15,000,000)	\$15.9MM- Mercy 8315 E. Colfax				
		\$ (14,200,000)	\$14.2MM- Gorman Avenida del Sol				
		\$ (211,222)	\$27MM- DHA Thrive delegation				
	\$ 7,117,002		2019 Statewide Balance Award				
	\$ 37,565,325		Direct Allocation for 2019				
2018		\$ (26,788,778)	\$27MM- DHA Thrive delegation	\$ -	\$ -	\$ -	12/31/2021
		\$ (21,545,881)	\$25MM- DHA Broadway & DHA Studebaker assignment				
	\$ 11,936,829		2018 Statewide Balance Award				
	\$ 36,397,830		Direct Allocation for 2018				
<b>Total PAB Allocation Capacity:</b>				<b>\$ 83,164,281</b>	<b>\$ -</b>	<b>\$ 67,751,753</b>	

- This color represents proposed PAB uses & sources

## Recent Projects/Programs Supported by Denver's PAB Allocation

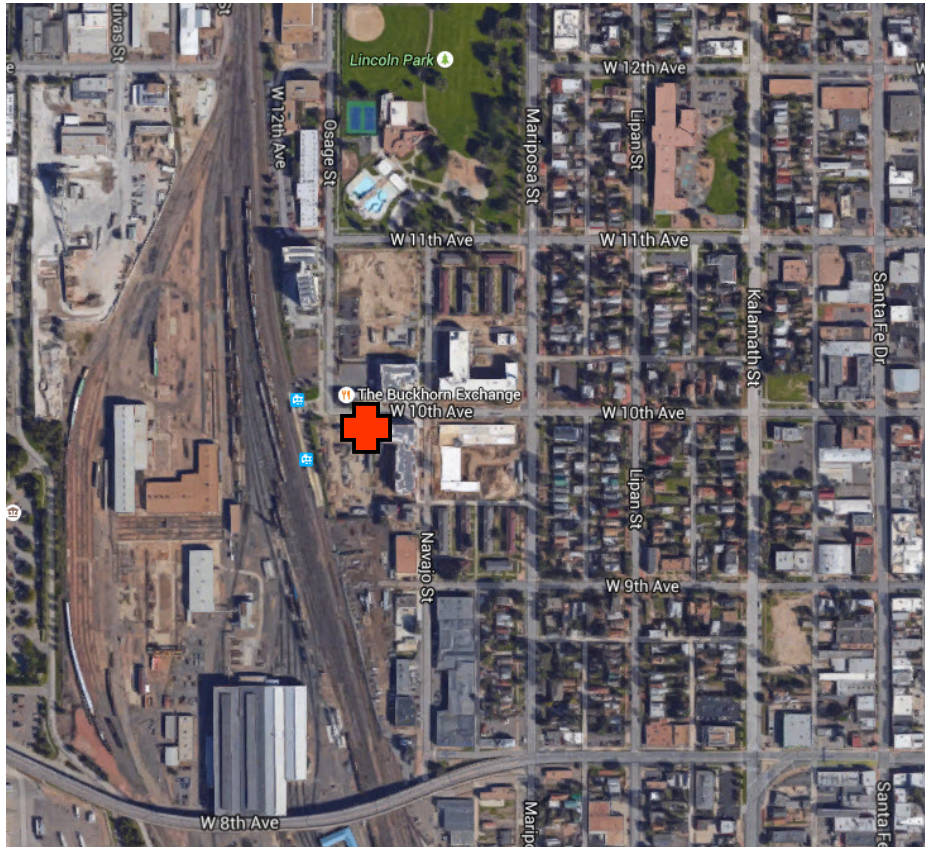
- 2300 Welton
- Mariposa Phase VII
- The Colburn
- The Stella
- Avenida Del Sol
- Various CHFA Projects
- Various DHA Projects
- Various MCC Programs

# Welton Corridor- 2300 Welton



- 233 Units in 2 buildings
  - 11 units @ 30% AMI
  - 212 units @ 60% AMI
- Approximately 268,000 square feet
  - Studio, 1 bed, 2 bed, and 3 bed unit mix

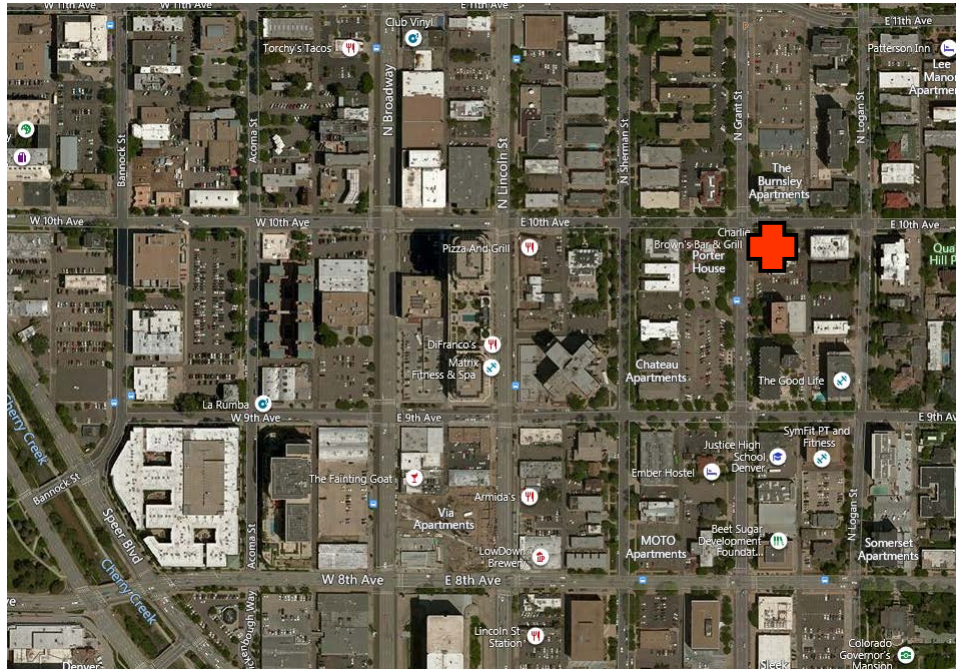
# Mariposa Phase VII- 10<sup>th</sup> and Osage



- Phase VII is a project in the larger Mariposa Development
- Mix of 45 senior/disabled apartment housing units.
- All 45 units are ADA assessable
  - 10 units @ 50% AMI
  - 35 units @ 60% AMI



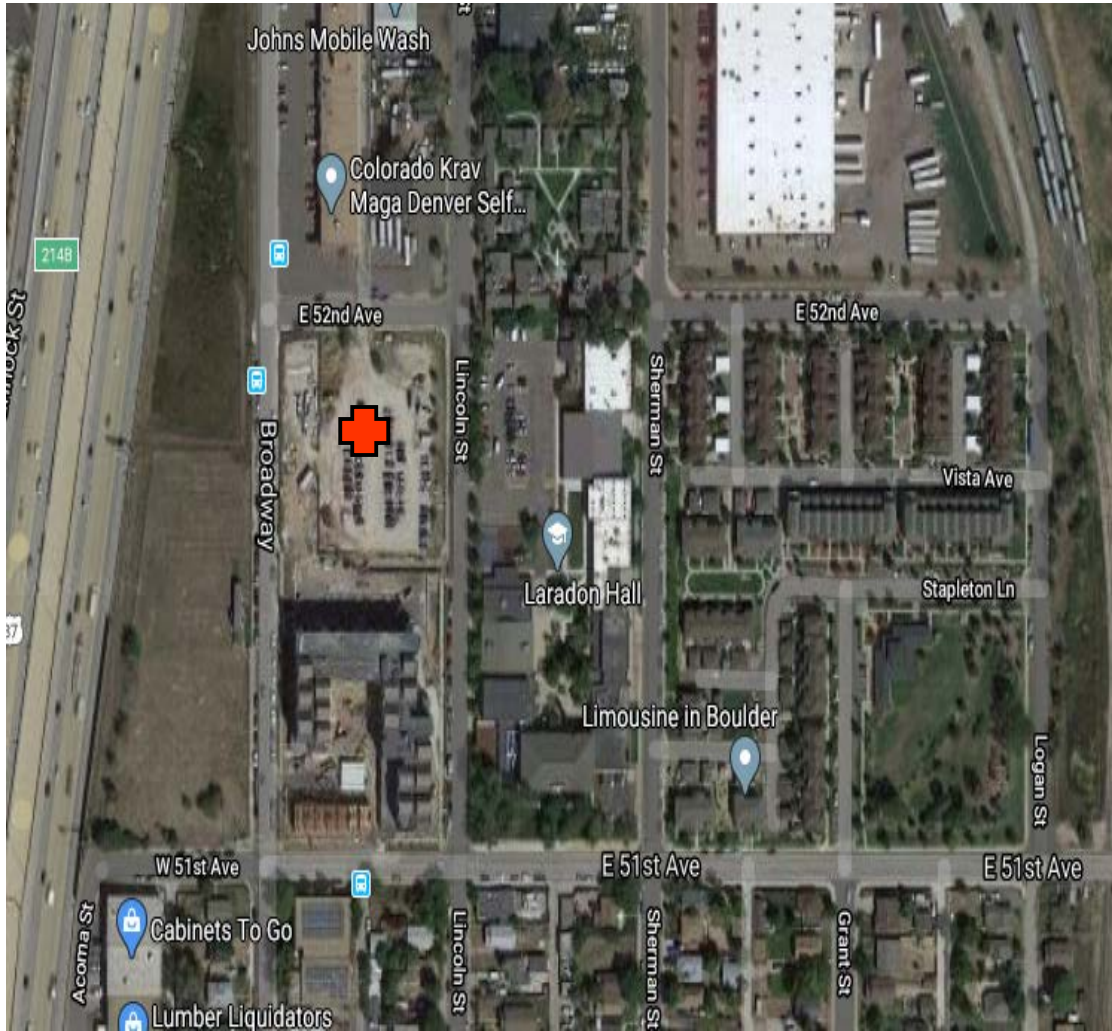
# The Colburn- 980 Grant St.



- Preservation and rehabilitation project
- 91 one-bed efficiency apartment housing units.
  - 23 units @ 30% AMI
  - 68 units @ 60% AMI
- 60 year covenant period due to \$3.45M City loan

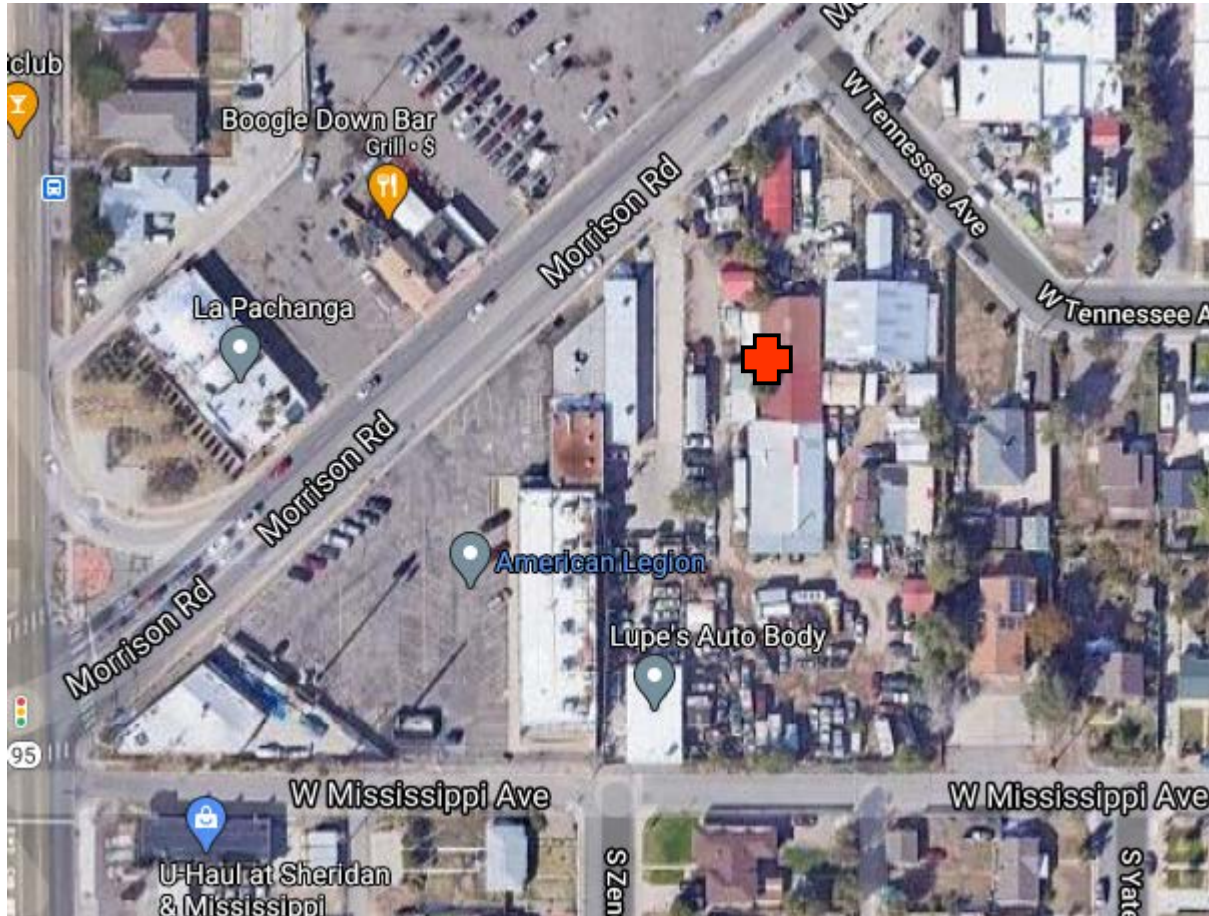


# The Stella- 5190 N. Broadway



- New construction project
- 132 unit apartment housing units.
  - 16 units @ 30% AMI
  - 97 units @ 60% AMI
  - 18 units @ 80% AMI
- 60 year covenant period due to \$3.5M City loan

# Avenida del Sol- 5190 N. Broadway



- New construction project
- 80 unit apartment housing units.
  - 4 units @ 30% AMI
  - 18 units @ 40% AMI
  - 37 units @ 60% AMI
  - 20 units @ 80% AMI
- 50 year covenant period due to \$1.4M City loan

## Various CHFA Projects- Statewide

Project	PAB Allocation Used	# of Units	Type of Units
Copper Peak Apartments Project	\$21,956,795	240	Low income housing units
Northfield at Stapleton Project	\$8,000,000	84	Low income housing units
Renaissance at North Colorado Station Project	\$3,000,000	24	Low income housing units
Westlake Towers Apartments Project	\$5,000,000	50	Low income housing units
13th Avenue II Apartments Project	\$14,000,000	117	Low income housing units
Federally Insured Multi-Family Housing Loan Program Pass-Through Revenue Bonds (Crisman Apartments Project), Series 2016-II	\$10,000,000	114	Low income housing units
Multifamily Note (Manor I and Manor II Apartments Project) Series 2016	\$6,000,000	76	Rehab of low income housing units
Multifamily Revenue Note (Maryel Manor Project) Series 2016	\$2,500,000	50	Low income rental housing units
Multifamily Housing Revenue Bond (Broadway Lofts Project) Series 2016	\$14,000,000	111	Low income housing units
Multifamily Mortgage Revenue Bonds (Centennial Park Apartments Project) Series 2016A & Multifamily Housing Revenue Draw Down Bond (Centennial Park Apartments Project) Series 2016B	\$20,000,000	140	Low income housing units
Multifamily Housing Revenue Note (Congress Park Commons Project), Series 2016	\$3,500,000	32	Low income housing units
Multifamily Housing Revenue Note (Shorter Arms Apartments Project), Series 2016	\$5,000,000	43	Low income housing units
Multi-Family Housing Loan Program Pass-Through Revenue Bonds (Willow Street Residences Project), Series 2016-III	\$5,000,000	80	Rental housing facility
Multifamily Housing Revenue Note (Del Corazon Project), Series 2016	\$13,493,558	197	Rental housing facility
<b>Total</b>	<b>\$131,450,353</b>	<b>1,358</b>	

# Various DHA Projects- Citywide

Project	PAB Allocation Used	# of Units	Type of Units
Platte Valley and Gateway North	\$30,000,000	163	Low income housing units
Vida	\$20,000,000	112	Low income housing units
Lowry	\$11,000,000	72	Low income housing units
Mariposa	\$7,500,000	45	Low income housing units
Broadway & Studebaker	\$25,000,000	192	Low income housing units
<b>Total</b>	<b>\$93,500,000</b>	<b>584</b>	

# Various MCC Programs- Citywide

MCC Program	PAB Allocation Used	# of MCCs Granted	Program Highlights
2009 MCC Program	\$25,000,000	130	20% credit, no maximum
2012 MCC Program	\$25,000,000	139	30% credit up to \$2,000 maximum
2015 MCC Program	\$37,500,000	165	30% credit up to \$2,000 maximum
2016 MCC Program	\$40,000,000	164	25% credit up to \$2,000 maximum
2017 MCC Program	\$65,000,000	252	25% credit up to \$2,000 maximum
<b>Total</b>	<b>\$192,500,000</b>	<b>990</b>	