

1 **BY AUTHORITY**

2 ORDINANCE NO. _____
3 SERIES OF 2022

COUNCIL BILL NO. CB22-1043
COMMITTEE OF REFERENCE:
4 Land Use Transportation & Infrastructure

5 **A BILL**

6 **For an ordinance amending Article XIV (Downtown Historic District Property Tax
7 Rebate Incentive) of Chapter 53 of the Denver Revised Municipal Code.**

8
9 **BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:**

10 **Section 1:** D.R.M.C. § 53-531 is hereby amended by adding the underlined language and
11 deleting the stricken language to read as follows:

12 **Sec. 53-531. - Qualifying structures.**

13 To be a qualifying structure, a structure must:

- 14 (1) Be in the downtown historic district;
- 15 (2) Be certified by the landmark preservation commission (LPC) as qualifying based on
16 the following criteria:
- 17 a. The street elevation of the building must be in good repair;
 - 18 b. The street elevation of the building must be substantially ~~original in~~
19 ~~appearance~~ historic in appearance, or have alterations that complied with the
20 landmark design guidelines at the time of alteration, or remain unaltered since
21 designation of the historic district; and
 - 22 c. The building systems must be in good repair.

23 Nothing in the above criteria shall be read to require compliance with contemporary building
24 codes; and

- 25 (3) Have an authorized representative appointed for the structure. For the purposes of
26 this section 53-531(3) an "authorized representative" is the person or entity that will
27 make application to the city for a property tax rebate and the entity to which the
28 rebate will be paid. If there is but one owner that owner shall be the authorized
29 representative; if there is more than one owner, then the owners shall decide upon
30 an authorized representative.
- 31 (4) If the owners of such structure have received funds from DURA, the structure shall
32 not be a qualifying structure so long as funds are still being received from DURA or
33 the owners have any outstanding repayment obligations to DURA. Once the structure

1 ceases to receive DURA funding, all repayment obligations are satisfied, and (1) and
2 (2) above are met, the structure may then be certified as a qualifying structure.

3 **Section 2:** D.R.M.C. § 53-532 is hereby amended by adding the underlined language and
4 deleting the stricken language to read as follows:

5 **Sec. 53-532. - Annual certification by landmark preservation commission.**

6 Upon application for a property tax rebate by the authorized representative of a structure in
7 the downtown historic district, the LPC shall determine whether the structure meets the criteria of
8 [section] 53-531. To be considered for a rebate, all applications must be turned in to the LPC by
9 ~~September~~ December 1 of the year the taxes were due and paid. The LPC shall then compile a
10 list of the qualifying structures and shall certify annually a list of qualifying structures in the
11 downtown historic district.

12 **Section 3:** D.R.M.C. § 53-533 is hereby amended by adding the underlined language and
13 deleting the stricken language to read as follows:

14 **Sec. 53-533. - Payment from downtown historic district property tax rebate fund.**

15 The manager of finance, after receiving the list of qualifying structures from the LPC, shall
16 find and determine the eligibility of each qualified structure to payment of a rebate under this
17 article, and shall pay to said structure's authorized representative, such payment from the funds
18 appropriated to the downtown historic district property tax rebate fund, and no other, by the first
19 day of ~~September~~ December of the succeeding calendar year, provided, however, that:

- 20 (1) The authorized representative shall not be considered eligible to receive payment of
21 a rebate except on property taxes that have been paid;
- 22 (2) If an individual rebate payment would amount to less than one hundred dollars
23 (\$100.00), no payment shall be made;
- 24 (3) Property taxes paid after the due date for such payment shall not be eligible for a
25 rebate; and
- 26 (4) If the taxes on any separate ownership parcel of a qualifying structure are not paid as
27 of the due date, any rebate for the remainder of the qualifying structure shall be
28 made only on the portion of the qualifying structure for which taxes have been paid
29 by the due date.

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31 **REMAINDER OF PAGE INTENTIONALLY LEFT BLANK**
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1 COMMITTEE APPROVAL DATE: August 30, 2022
2 MAYOR-COUNCIL DATE: September 6, 2022 by Consent
3 PASSED BY THE COUNCIL: _____ September 19, 2022
4 _____ - PRESIDENT
5 APPROVED: _____ - MAYOR Sep 20, 2022
6 ATTEST: _____ - CLERK AND RECORDER,
7 EX-OFFICIO CLERK OF THE
8 CITY AND COUNTY OF DENVER
9 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____; _____
10 PREPARED BY: Charles T. Solomon, Assistant City Attorney DATE: September 8, 2022
11 Pursuant to section 13-9, D.R.M.C., this proposed ordinance has been reviewed by the office of the
12 City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
13 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to §
14 3.2.6 of the Charter.
15
16 Kristin M. Bronson, Denver City Attorney
17 BY: *Anshul Bagga*, Assistant City Attorney DATE: Sep 8, 2022