

1 **BY AUTHORITY**

2 RESOLUTION NO. CR23-0584
3 SERIES 2023

COMMITTEE OF REFERENCE:
Finance & Governance

4 **A RESOLUTION**

5 **Declaring the intent of the City and County of Denver, Colorado to use its best**
6 **efforts to issue housing revenue bonds or mortgage credit certificates to**
7 **provide financing of residential facilities for low- and middle-income families or**
8 **persons; approving the delegation and assignment of private activity bond**
9 **volume cap allocation to the Colorado Housing and Finance Authority for the**
10 **St. Francis Center West project; prescribing certain terms and conditions of**
11 **such bonds and certificates; and containing other provisions relating to the**
12 **proposed issuance of such bonds and certificates.**

13
14 **WHEREAS**, the City and County of Denver, Colorado (the “City”), is a legally and regularly
15 created, established, organized and existing home rule city, municipal corporation and political
16 subdivision under the provisions of Article XX of the Constitution of the State of Colorado (the “State”)
17 and the Home Rule Charter of the City (the “Charter”); and

18 **WHEREAS**, the City is authorized by its Charter and the County and Municipality
19 Development Revenue Bond Act, constituting Article 3, Title 29, Colorado Revised Statutes, as
20 amended (the “Act”), to finance one or more projects (which includes any land, building or other
21 improvement and real and personal properties) to the end that residential facilities for low- and
22 middle-income families or persons intended for use as the sole place of residence by the owners or
23 intended occupants may be provided, which promotes the public health, welfare, safety,
24 convenience and prosperity; and

25 **WHEREAS**, the City is further authorized by its Charter and the Act to issue revenue bonds
26 for the purpose of defraying the cost of financing any project, including the payment of principal and
27 interest on such revenue bonds for not exceeding three years, the funding of any reserve funds
28 which the governing body of the City may deem advisable to establish in connection with the
29 retirement of such revenue bonds or the maintenance of the project and all incidental expenses
30 incurred in issuing such revenue bonds, and to secure payment of such revenue bonds as provided
31 in the Act; and

32 **WHEREAS**, the City has received 2023 private activity bond volume cap allocation from the
33 Colorado Department of Local Affairs in the amount of \$42,903,655 (“2023 Allocation”); and

34 **WHEREAS**, the City wishes to declare its intention to use its best efforts to issue its housing
35 revenue bonds, in one or more series, or, in lieu of issuing all or any series of such housing revenue
36 bonds, to use its best efforts to issue, or to cause to be issued, mortgage credit certificates (the

1 “Certificates”), in connection with financing mortgage loans for residential facilities for low–and
2 middle–income families or persons intended for use as the sole place of residence by the owners or
3 intended occupants thereof; and

4 **WHEREAS**, this Resolution is being adopted to satisfy the requirements of the City with
5 respect to establishing its intent to use its best efforts to issue, or to cause to be issued, housing
6 revenue bonds or Certificates and with respect to establishing a carryforward purpose for private
7 activity bond volume cap allocation awarded to the City pursuant to the Colorado Private Activity
8 Bond Ceiling Allocation Act, constituting Article 32, Title 24, Part 17, Colorado Revised Statutes, as
9 amended (the “Allocation Act”); and

10 **WHEREAS**, the issuance of housing revenue bonds or Certificates for such purposes
11 constitutes a project under the Act; and

12 **WHEREAS**, the City will use its best efforts to cause such housing revenue bonds or
13 Certificates to be issued by the City in an amount not to exceed \$42,903,655 (plus any additional
14 amounts that the City may be awarded from the statewide balance pursuant to the Allocation Act),
15 which amount equals \$42,903,655 of its 2023 Allocation (the “Volume Cap Allocation”); and

16 **WHEREAS**, the City desires to assign \$11,498,524 of its 2023 Allocation (the “Assigned
17 Allocation”) to the Colorado Housing and Finance Authority (“CHFA”) pursuant to the Allocation Act
18 for the purpose of assisting in the financing of “projects,” including the St. Francis Center West
19 project, and an Assignment of Allocation (the “Assignment”), along with other related documents,
20 has been or will be executed by the appropriate City and CHFA signatories to memorialize such
21 Assignment.

22 **NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY AND COUNTY**
23 **OF DENVER, COLORADO:**

24 **Section 1.** In order to benefit the residents of the City, the City hereby declares its intent to
25 use its best efforts to issue its housing revenue bonds in one or more series (the “Bonds”) in an
26 aggregate principal amount not to exceed \$42,903,655 (plus any additional amounts that the City
27 may be awarded from the statewide balance pursuant to the Allocation Act), or, in lieu of issuing all
28 or any series of Bonds, to use its best efforts to issue, or to cause to be issued, the Certificates,
29 which shall be used in connection with financing mortgage loans for residential facilities for low–and
30 middle–income families or persons intended for use as the sole place of residence of the owners or
31 intended occupants thereof, which residential facilities shall be located within the boundaries of the
32 City.

1 **Section 2.** The City Council of the City (the “Council”) hereby authorizes the assignment of
2 the Assigned Allocation to CHFA for the purposes described above and in the Assignment.

3 **Section 3.** The form, terms and provisions of the Assignment hereby are approved; provided,
4 however, the appropriate officers of the City are hereby granted authority to negotiate and approve
5 such revisions to said Assignment as the appropriate officers determine are necessary or desirable
6 for the protection of the City, so long as the essential terms and conditions of the Assignment are
7 not altered.

8 **Section 4.** The appropriate officers of City are hereby authorized and directed to execute
9 and deliver the Assignment, with such changes therein as are approved by the officers of the City
10 executing the Assignment. In addition to the provisions of Section 9 below, any actions taken by the
11 officers of the City to execute and deliver the Assignment, with such changes therein as are approved
12 by the officers of the City executing the Assignment, prior to the date of this Resolution are hereby
13 expressly ratified, confirmed and approved. The execution of the Assignment shall be conclusive
14 evidence of the approval by the Council of such document in accordance with the terms hereof.

15 **Section 5.**The Council hereby finds, determines, recites and declares that the Bonds or the
16 Certificates or the Assignment of the Assigned Allocation shall not constitute the debt, multiple fiscal
17 year obligation or indebtedness of the City, the State or any political subdivision of the State within
18 the meaning of any provision or limitation of the State Constitution or statutes and shall not constitute
19 nor give rise to a pecuniary liability of the City or a charge against the City’s general credit or taxing
20 powers, nor shall the Bonds or the Certificates or the Assignment of the Assigned Allocation ever be
21 deemed to be an obligation or agreement of any officer, director, agent or employee of the City in
22 such person’s individual capacity, and none of such persons shall be subject to any personal liability
23 by reason of the issuance of the Bonds or the Certificates or the Assignment of the Assigned
24 Allocation.

25 **Section 6.** The Council hereby finds, determines, recites and declares that the issuance of
26 the Bonds, or in lieu of such Bonds, the Certificates, in connection with financing such residential
27 facilities will promote the public purposes set forth in the Act, including, without limitation, assisting
28 families or persons of low- and middle-income in obtaining adequate, safe and sanitary housing.

29 **Section 7.** The Council hereby finds, determines, recites and declares the City’s intent that
30 this Resolution constitutes an official indication of the present intention of the City to use its best
31 efforts to issue, or to cause to be issued, the Bonds or, in lieu of any such Bonds, the Certificates,
32 as herein provided.

