

ORDINANCE/RESOLUTION REQUEST

Please email requests to the Mayor's Legislative Team

at MileHighOrdinance@DenverGov.org by **3:00pm on Monday**. Contact the Mayor's Legislative team with questions

Date of Request: **February 27, 2023**

Please mark one: ☐ Bill Request or ☒ Resolution Request

1. Type of Request:

- ☐ Contract/Grant Agreement ☐ Intergovernmental Agreement (IGA) ☐ Rezoning/Text Amendment
- ☐ Dedication/Vacation ☐ Appropriation/Supplemental ☐ DRMC Change
- ☒ Other: Inducement Resolution

2. **Title:** Approving and evidencing the intention of the City and County of Denver, Colorado to issue an amount not to exceed \$12,500,000 of Multifamily Housing Revenue Bonds for the St. Francis Center West project to support the acquisition, construction, and equipping of an affordable housing project.

3. **Requesting Agency:** Department of Finance

4. Contact Person:

Contact person with knowledge of proposed ordinance/resolution	Contact person to present item at Mayor-Council and Council
Name: Michael Kerrigan	Name: Kiki Turner
Email: Michael.Kerrigan@denvergov.org	Email: Kiki.Turner@denvergov.org

5. General description or background of proposed request. Attach executive summary if more space needed:

The proposed resolution is being requested to evidence the City's intent to utilize a portion of the City's Private Activity Bond (PAB) Volume Cap Allocation to help finance affordable multifamily housing by The Saint Francis Center, or its affiliates, for the St. Francis Center West project located at 211 N. Federal Blvd., in Denver, Colorado. The PAB will be a part of the financing package for The Saint Francis Center, or its affiliates, to construct a new three-story, 60-unit affordable multifamily apartment complex serving seniors experiencing or at risk of experiencing homelessness. The intended units are anticipated to be 100% restricted to up to 30% of Area Median Income. The State of Colorado's Department of Local Affairs has allocated PAB Volume Cap Allocation to the City. This resolution allows for the use of up to \$12,500,000 of PAB Volume Cap Allocation to be applied to this project consistent with the City's Home Rule Charter, Colorado statutes, and the Internal Revenue Code.

6. City Attorney assigned to this request (if applicable):

Brad Neiman

7. City Council District:

District 3: Jamie Torres

8. ****For all contracts, fill out and submit accompanying Key Contract Terms worksheet****

N/A

To be completed by Mayor's Legislative Team:

Resolution/Bill Number: _____

Date Entered: _____

Executive Summary

The proposed resolution is to declare the *intent* of the City and County of Denver, Colorado to issue an amount not to exceed \$12,500,000 of its Multifamily Housing Revenue Bonds for the St. Francis Center West project located at 211 N. Federal Blvd. in Council District 3. The Multifamily Housing Revenue Bonds will be a part of the financing package for The St Francis Center, or its affiliates, to acquire, construct, equip, fund reserves, and pay issuance costs for a new 60-unit affordable multifamily apartment project.

The project is anticipated to be a 3-story 44,500 square foot apartment complex serving seniors and households experiencing homelessness located near multiple RTD bus lines. The units will have underlying AMI restrictions of up to 30%. The project is expected to include 51 one-bedroom and 9 two-bedroom units. The building is anticipated to be a 3-story building oriented north-south along Federal Blvd. designed in accordance with the local aesthetic and Trauma Informed Design principals. The units are anticipated to include high efficiency elements including high performing windows and insulation, and energy star rated lighting and appliances. The building is anticipated to include several community spaces, a small courtyard, kitchen and dining area, an activity/game room, business center/computer area, reception desk, leasing office, mail room, and laundry rooms on each floor. The construction of the project is expected to start in summer of 2023.

In general, a private activity bond (PAB) is a bond issued by a local or state government or agency for the purpose of financing a project to be owned and operated by a private party. The interest paid on the PABs is exempt from Federal and State of Colorado income taxation. The Federal government allots a PAB Volume Cap Allocation to each state. The State of Colorado, in turn, allocates a portion of such PAB Volume Cap Allocation to each local government issuer based upon their respective population. Any PAB Volume Cap Allocation that is unused or not carried forward reverts back to the Colorado Department of Local Affairs, and such reverted PAB Volume Cap is then awarded to local government issuers through a competitive process.

This resolution allows for an allocation of \$12,500,000 of the City's total and currently available PAB Volume Cap Allocation of \$104,945,322 to be applied to the proposed multifamily project known as St. Francis Center West, consistent with the City's Home Rule Charter, Colorado statutes, and the Internal Revenue Code.

PABs and PAB Volume Cap Allocation are utilized to finance various types of facilities owned or operated by private entities, including multifamily housing projects, single family and housing assistance, mortgage credit certificates, and industrial development uses. PAB issued by the City are special, limited obligations of the City and do not constitute a debt or indebtedness of the City and do not give rise to a charge against the general credit or taxing power of the City. The owner of the project financed with PAB is solely responsible for compliance related to regulations of the tax-exempt bond program, the Low-Income Housing Tax Credit program, and the principal and interest payments on the PAB once issued.

The approval of this inducement resolution will function like a reservation of PAB Volume Cap Allocation capacity specifically for the St. Francis Center West project. To issue PAB for this project, the City will need to pass a separate bond ordinance approving the terms of the PAB issuance and related financing agreements. The bond ordinance is expected to be presented to Council in the summer of 2023.

St Francis Center West PAB Inducement Resolution Action Items		
Item	Date	Notes
PAB Inducement Resolution: Resolution Request Deadline	2/27/2023	
PAB Inducement Resolution: FINGOV Committee	3/7/2023	Request consent agenda
PAB Inducement Resolution: Mayor Council	3/14/2023	
PAB Inducement Resolution: Deadline for CAO to file Resolution	3/15/2023	
PAB Inducement Resolution: City Council - First and only Reading	3/20/2023	

To be completed by Mayor's Legislative Team:

Resolution/Bill Number: _____

Date Entered: _____

Key Contract Terms

Type of Contract: (e.g. Professional Services > \$500K; IGA/Grant Agreement, Sale or Lease of Real Property):

N/A

Vendor/Contractor Name: N/A

Contract control number: N/A

Location: N/A

Is this a new contract? ☐ Yes ☐ No Is this an Amendment? ☐ Yes ☐ No If yes, how many? _____

N/A

Contract Term/Duration (for amended contracts, include existing term dates and amended dates):

N/A

Contract Amount (indicate existing amount, amended amount and new contract total): N/A

<i>Current Contract Amount</i> (A)	<i>Additional Funds</i> (B)	<i>Total Contract Amount</i> (A+B)
<i>Current Contract Term</i>	<i>Added Time</i>	<i>New Ending Date</i>

Scope of work: N/A

Was this contractor selected by competitive process? N/A If not, why not? N/A

Has this contractor provided these services to the City before? ☐ Yes ☐ No

N/A

Source of funds: N/A

Is this contract subject to: ☐ W/MBE ☐ DBE ☐ SBE ☐ XO101 ☐ ACDBE ☒ N/A

WBE/MBE/DBE commitments (construction, design, Airport concession contracts): N/A

Who are the subcontractors to this contract? N/A

To be completed by Mayor's Legislative Team:

Resolution/Bill Number: _____

Date Entered: _____