

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: 9/3/2021

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:

2. Title: (Start with *approves*, *amends*, *dedicates*, etc., include name of company or contractor and indicate the type of request: grant acceptance, contract execution, contract amendment, municipal code change, supplemental request, etc.)

Grants approval of the First Amendment to the Commercial Contract to Buy and Sell Real Estate (from 1995) to amend the City Options Agreement and the City Use Restriction Agreement by and between The City and County of Denver ("CCD") and Forum Building Housing LP, as successor-in-interest to Forum Housing Corporation.
(FINAN-202159656)

3. Requesting Agency: Department of Finance, Division of Real Estate

4. Contact Person:

Contact person with knowledge of presented ordinance/resolution	Contact person to present item at Mayor-Council and Council
Name: Lisa Lumley, Director of Real Estate	Name: Lisa Lumley, Director of Real Estate
Email: Lisa.Lumley@denvergov.org	Email: Lisa.Lumley@denvergov.org

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

- In 1995, CCD sold The Forum Building located at 270 W. 14th Avenue ("Property") to Forum Housing Corporation, for \$10.00.
- The Property currently requires major maintenance, repairs and renovation. The current owner wishes to re-syndicate the property's Low-Income Housing Tax Credits (LIHTC) in order to fund a renovation. The LIHTC financing requires the use of a Private Activity Bond ("PAB"). This First Amendment will allow for the desired re-syndication by the owner in order to finance the renovation of the Property and will allow for continued use as affordable housing.
- Developer for this project is Colorado Coalition for the Homeless ("CCH") and its affiliates. The Forum Building is also operated CCH and they will continue operating the building after the renovation.
- CCD is presenting an amendment to the Commercial Contract to Buy and Sell Real Estate for the purposes of the two attached exhibits:
 - Exhibit A - Amends the City Option Agreement to terminate its options for repurchase and amend the first right of refusal. This is necessary improve project affordability terms contained in the original agreement to allow for the re-syndication of low-income housing tax credits (LIHTC) in order to fund a renovation of the property.
 - Exhibit B - Amend the City Use Restriction Agreement to extend the affordability provisions to guarantee the property will continue to provide affordable housing for 60 years. CCD also proposes to subordinate the Deed of Trust securing the City Use Restriction Agreement to the security interests of construction and permanent lenders and future refinancing, similar to how the Deed of Trust was subordinate to CHFA's liens under the original transaction.

To be completed by Mayor's Legislative Team:

Resolution/Bill Number: BR21 1041

Date Entered: _____

Revised 03/02/18

- Benefits to the City include extending term for an additional 60 years and increases required affordable units from 30% to 100% affordable units.

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

Eliot Schaefer

7. City Council District:

10 – Councilman Chris Hinds

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

Key Contract Terms

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

First Amendment to the Commercial Contract to Buy and Sell Real Estate with exhibits for the First Amendment to the City Option Agreement and the Amendment and Restatement of a City Use Restriction Agreement.

Vendor/Contractor Name: Forum Building Housing LP, a Colorado limited partnership

Contract control number: FINAN-202159656

Location: 270 West 14th Avenue, Denver, 80202

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

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

Original Commercial Contract to Buy and Sell Real Estate was recorded 11/30/1995.

City Option Agreement – Recorded 11/30/1995 – (#9500149114)

City Use Restriction Agreement – Recorded 11/30/1995 - (#9600149116)

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

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

Scope of work: N/A

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Was this contractor selected by competitive process? No

If not, why not? None

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

Source of funds:

No funds are needed for the amendment.

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

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