



## Legislation Details (With Text)

**File #:** 19-1230      **Version:** 1

**Type:** Resolution      **Status:** Adopted

**File created:** 11/1/2019      **In control:** Safety, Housing, Education & Homelessness Committee

**On agenda:** 12/2/2019      **Final action:** 12/2/2019

**Title:** A resolution approving a proposed First Amendment and Modification Agreement between the City and County of Denver and 101 Apartment Developers, LLC to add language allowing the City's loan to take a subordinate position to the Colorado Housing and Finance Authority Land Use Restriction Agreement to support the construction of 102 units of income-restricted housing through a redevelopment of the historic 101 South Broadway building located at 21 W. 1st Avenue in the Baker neighborhood.

Amends a loan agreement with 101 Apartment Developers, LLC to add language allowing the City's loan to take a subordinate position to the Colorado Housing and Finance Authority's (CHFA) Land Use Restriction Agreement (LURA) to support the construction of 102 units of income-restricted housing for residents earning 60% of area median income located at 21 West 1st Avenue in Council District 7. No change to agreement amount or duration (OEDEV-201738188-00). The last regularly scheduled Council meeting within the 30-day review period is on 12-23-19. The Committee approved filing this item at its meeting on 11-13-19.

**Sponsors:**

**Indexes:** Emily Lapel

**Code sections:**

**Attachments:** 1. RR19 1230 HOST 101 Broadway Amendment, 2. Amendment re CHFA LURA 111319, 3. 19-1230 Filed Resolution\_101 Apartment Developers, LLC 201952558-01 Alfresco 201738188-01, 4. 19-1230 First Amendment and Modification Agreement\_101 Apartment Developers LLC 201952558-01 Alfresco 201738188-01, 5. 19-1230 Filed Resolution\_101 Apartment Developers, LLC, 6. 19-1230 - signed

Date	Ver.	Action By	Action	Result
12/3/2019	1	Council President	signed	
12/2/2019	1	City Council	adopted	Pass
11/13/2019	1	Safety, Housing, Education & Homelessness Committee	approved for filing	Pass

### Contract Request Template (Contracts; IGAs; Leases)

**Date Submitted:** 11-1-19

**Requesting Agency:** Department of Housing Stability  
**Division:**

**Subject Matter Expert Name:**

Name: Susan Liehe    720-913-1689
Email: susan.liehe@denvergov.org

**Item Title & Description:**

(Do not delete the following instructions)

These appear on the Council meeting agenda. Initially, the requesting agency will enter a 2-3 sentence description. Upon bill filling, the City Attorney's Office should enter the title above the description (the title should be in **bold** font).

Both the title and description must be entered between the red "title" and "body" below. Do **not** at any time delete the red "title" or "body" markers from this template.

**A resolution approving a proposed First Amendment and Modification Agreement between the City and County of Denver and 101 Apartment Developers, LLC to add language allowing the City's loan to take a subordinate position to the Colorado Housing and Finance Authority Land Use Restriction Agreement to support the construction of 102 units of income-restricted housing through a redevelopment of the historic 101 South Broadway building located at 21 W. 1<sup>st</sup> Avenue in the Baker neighborhood.**

Amends a loan agreement with 101 Apartment Developers, LLC to add language allowing the City's loan to take a subordinate position to the Colorado Housing and Finance Authority's (CHFA) Land Use Restriction Agreement (LURA) to support the construction of 102 units of income-restricted housing for residents earning 60% of area median income located at 21 West 1st Avenue in Council District 7. No change to agreement amount or duration (OEDEV-201738188-00). The last regularly scheduled Council meeting within the 30-day review period is on 12-23-19. The Committee approved filing this item at its meeting on 11-13-19.

**Affected Council District(s) or citywide?** Council District 7

**Contract Control Number:** OEDEV-201738188-00

**Vendor/Contractor Name (including any "DBA"):** 101 Apartment Developers, LLC

**Type and Scope of services to be performed:**

EXECUTIVE SUMMARY

On December 13, 2018, the city executed a loan agreement authorizing a \$2,300,000 loan for the development of 101 Broadway, a 102 micro-unit project affordable to tenants at or below 60% AMI. The construction is completed, and the property has begun leasing units.

Because the property is now leasing, it is required to submit a "Placed in Service Application" to the Colorado Housing and Finance Authority (CHFA). The Placed in Service Application provides information CHFA needs to finalize and record its planned Land Use Restriction Agreement (LURA) for the project.

The recording of the LURA allows the project's investor to claim tax credits for units occupied in 2019. Our recorded covenant will need to be subordinated to CHFA's LURA. The city's original loan agreement does not authorize the subordination of the city's recorded covenant to CHFA's LURA, and thus requires the requested amendment.

There is no change in loan duration or financial impact to this amendment.

**Location (if applicable):**

**WBE/MBE/DBE goals that were applied, if applicable (construction, design, Airport concession contracts):**

**Are WBE/MBE/DBE goals met (if applicable)?**

**Is the contract new/a renewal/extension or amendment?**

**Was this contractor selected by competitive process or sole source?**

**For New contracts**

**Term of initial contract:**

**Options for Renewal:**

**How many renewals (i.e. up to 2 renewals)?**

**Term of any renewals (i.e. 1 year each):**

**Cost of initial contract term:**

**Cost of any renewals:**

**Total contract value council is approving if all renewals exercised:**

**For Amendments/Renewals Extensions:**

**Is this a change to cost/pricing; length of term; terms unrelated to time or price (List all that apply)?**

***If length changing***

**What was the length of the term of the original contract?**

**What is the length of the extension/renewal?**

**What is the revised total term of the contract?**

***If cost changing***

**What was the original value of the entire contract prior to this proposed change?**

**What is the value of the proposed change?**

**What is the new/revised total value including change?**

***If terms changing***

**Describe the change and the reason for it (i.e. compliance with state law, different way of doing business etc.)**