



## Legislation Details (With Text)

**File #:** 20-0094      **Version:** 1

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

**File created:** 1/27/2020      **In control:** Safety, Housing, Education & Homelessness Committee

**On agenda:** 2/18/2020      **Final action:** 2/18/2020

**Title:** A resolution approving a proposed Second Amendment and Modification Agreement between the City and County of Denver and Habitat for Humanity of Metro Denver, Inc. to amend and modify the terms and conditions of the loan to support the construction of 32 units of affordable for-sale houses located at 43rd & Elizabeth in Globeville-Elyria Swansea.  
Amends a loan agreement with Habitat for Humanity of Metro Denver to align requirements with Habitat’s new 90-year covenant, as well as allowing subsequent sales to households at or below 100% Area Median Income (AMI) immediately, not after 21 years, and adding an exhibit describing long term compliance requirements for funds that were used for land acquisition and hard construction costs to develop 32 homeownership units located at 43rd and Elizabeth Street in Council District 9. No change to agreement amount (OEDEV-201736287-02). The last regularly scheduled Council meeting within the 30-day review period is on 3-9-20. The Committee approved filing this item at its meeting on 2-5-20.

**Sponsors:**

**Indexes:** Emily Lapel

**Code sections:**

**Attachments:** 1. RR20 0094 HOST Habitat for Humanity 43rd and Elizabeth, 2. RR20 0094 HOST Habitat for Humanity 43rd and Elizabeth Info Sheet, 3. 20-0094 Filed Resolution\_Habitat for Humanity of Metro Denver, Inc. 202053100-02 Alfresco 201736278-02, 4. 20-0094 Second Amendment and Modification Agreement\_Habitat for Humanity of Metro Denver, Inc., 202053100-02 Alfresco 201736287-02, 5. 20-0094 Filed Resolution\_Habitat for Humanity of Metro Denver, Inc., 6. 20-0094 - signed

Date	Ver.	Action By	Action	Result
2/19/2020	1	Council President	signed	
2/18/2020	1	City Council	adopted	Pass
2/5/2020	1	Safety, Housing, Education & Homelessness Committee	approved by consent	Pass

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

**Date Submitted:** 1-27-20

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

**Subject Matter Expert Name:**

Name:	Jennifer Siegel
Email:	Jennifer.siegel@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 Second Amendment and Modification Agreement between the City and County of Denver and Habitat for Humanity of Metro Denver, Inc. to amend and modify the terms and conditions of the loan to support the construction of 32 units of affordable for-sale houses located at 43<sup>rd</sup> & Elizabeth in Globeville-Elyria Swansea.**

Amends a loan agreement with Habitat for Humanity of Metro Denver to align requirements with Habitat's new 90-year covenant, as well as allowing subsequent sales to households at or below 100% Area Median Income (AMI) immediately, not after 21 years, and adding an exhibit describing long term compliance requirements for funds that were used for land acquisition and hard construction costs to develop 32 homeownership units located at 43rd and Elizabeth Street in Council District 9. No change to agreement amount (OEDEV-201736287-02). The last regularly scheduled Council meeting within the 30-day review period is on 3-9-20. The Committee approved filing this item at its meeting on 2-5-20.

**Affected Council District(s) or citywide?** Council District 9

**Contract Control Number:** OEDEV-201736287-02

**Vendor/Contractor Name (including any "DBA"):** Habitat for Humanity of Metro Denver

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

In a loan agreement dated April 17, 2018 and a subsequent amendment on January 10, 2019, the City of Denver provided \$2,250,000 to Habitat for Humanity of Metro Denver ("Habitat") for land acquisition and hard construction costs to develop 32 homeownership units for sale to households at or below 80% of the Area Median Income ("AMI") at 43rd and Elizabeth St. for an affordability period of at least 60 years. In all Denver projects, Habitat records their City-approved covenant as the instrument of affordability. This loan agreement required all subsequent sales to be made to households at or below 80% of the AMI until the 21st anniversary of the recordation of the covenant. At that point, homes could be sold to households up to 100% AMI.

Since the loan agreement was executed, Habitat and the Department of Housing Stability have agreed to utilize a new Habitat covenant that extends the affordability period to 90 years but allows all subsequent sales to households at or below 100% AMI. This amendment will revise the loan agreement language to allow subsequent sales to households at or below 100% AMI immediately, not after 21 years, to align with Habitat's new 90-year covenant.

**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.)**