



Legislation Text

File #: 19-1117, Version: 1

**Other/Miscellaneous Request Template (Appointments; ROW; Code Changes; Zoning Action, etc.)**

**Date Submitted:** 10-14-19

**Requesting Agency:** Finance  
**Division:**

**Subject Matter Expert Name:**

|                                       |
|---------------------------------------|
| Name: Michael Kerrigan - Finance      |
| Email: michael.kerrigan@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 bill for an ordinance authorizing the issuance and sale of an amount not to exceed \$22,000,000 of City and County of Denver, Colorado Multifamily Housing Revenue Notes (The Stella Project) Series 2019 for the purpose of financing the construction, rehabilitation, improvement and equipping of a multifamily residential rental housing development to be occupied by low- and middle-income families and persons in the City and County of Denver, Colorado and to pay certain expenses of such Notes (as defined below) issue; approving and authorizing execution of a Funding Loan Agreement, a Project Loan Agreement and a Tax Regulatory Agreement (each as defined below) with respect to the Notes; making findings and determinations with respect to the Project (as defined below) and the Notes; authorizing the execution and delivery of related documents; and repealing all action heretofore taken in conflict herewith.**

Authorizes and approves the use of an amount not to exceed \$22,000,000 of Private Activity Bond Volume Cap Allocation to support the construction, rehabilitation, improvement and equipping of a multifamily residential rental

housing development known as the Stella Project, a residential 4-story building with 132 affordable housing units located at 5190 North Broadway in Council District 9. The Committee approved filing this item at its meeting on 10-23-19.

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

**Executive Summary with Rationale and Impact:**

*Detailed description of the item and why we are doing it. This can be a separate attachment.*

**EXECUTIVE SUMMARY**

**Project and Developer.** The proposed ordinance enables the City and County of Denver to utilize its Private Activity Bond Volume Cap Allocation in order to issue an amount not to exceed \$22,000,000 of its Multifamily Housing Revenue Notes (The Stella Project) Series 2019 for the proposed project located at 5190 N. Broadway.

The developer, Gorman & Company, LLC, secured a 99-year land lease for the project and created Laradon NW, LLC that includes the tax credit investors. The total development cost of the project is expected to be approximately \$42.5 million. The Stella will be a new construction mixed-use development in the Globeville neighborhood incorporating supportive social services for disabled residents through a partnership with Laradon Hall Society for Exceptional Children and Adults. The units are expected to be designed to function well for disabled residents and to create and maintain synergy to help individuals with intellectual and developmental disabilities thrive in an independent mixed-occupancy living environment.

The proposed project consists of the construction of a residential 4-story building with 132 affordable housing units. Below is the anticipated bedroom and AMI makeup for the project.

| <b># of Units of Each Type:</b> |                         |                         |                         |                         |              |
|---------------------------------|-------------------------|-------------------------|-------------------------|-------------------------|--------------|
| <b>AMI</b>                      | <b>1-Bedr<br/>Units</b> | <b>2-Bedr<br/>Units</b> | <b>3-Bedr<br/>Units</b> | <b>4-Bedr<br/>Units</b> | <b>Total</b> |
| <b>30%</b>                      | 6                       | 8                       | 2                       | 0                       | 16           |
| <b>60%</b>                      | 9                       | 44                      | 40                      | 4                       | 97           |
| <b>80%</b>                      | 0                       | 9                       | 7                       | 2                       | 18           |
| <b>Manager's Unit</b>           |                         | 1                       | 0                       | 0                       | 1            |
| <b>Total</b>                    | <b>15</b>               | <b>62</b>               | <b>49</b>               | <b>6</b>                | <b>132</b>   |

The City's issuance of these tax-exempt notes will allow the project to use approximately \$15.5 million of Federal low-income housing tax credits.

The project will leverage services and build capacity with the Laradon Hall Society, which is an educational and social institution with deep roots in the Globeville community. The project contributes to efforts to revitalize but not displace residents of the Globeville community. Multifamily Housing Revenue Notes. The requested note issue needs to meet the Federal government's rules for a tax-exempt private activity financing and be issued by a local or state government or agency for a project to be owned and operated by a private party. The interest paid on the Notes is exempt from Federal and Colorado state taxation. The issue requires a portion of the Private Activity Bond Volume Cap Allocation that the Federal government allots annually to each state. The State of Colorado, in turn, allocates a portion of such Private Activity Bond Volume Cap Allocation amount to each local government issuer based upon population. The State of Colorado's Department of Local Affairs has allocated Private Activity

Bond Volume Cap Allocation to the City. This ordinance authorizes allocation up to \$22,000,000 of the City's total and currently available Private Activity Bond Volume Cap Allocation of \$111,354,103 to be applied to the Notes and the proposed multifamily project at 5190 N. Broadway and is consistent with the City's Home Rule Charter, Colorado statutes, and the Internal Revenue Code.

The Multifamily Housing Revenue Notes are special limited obligations of the City and do not constitute a general 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 only sources of repayment of the Notes are the payments by the developer that are derived from the project. The owner of the project is solely responsible for all principal and interest payment on the Notes, as well as compliance with federal regulations for tax-exempt private activity obligations and the Low-Income Housing Tax Credit and Historic Tax Credit regulations.

The Multifamily Housing Revenue Notes are being purchased by JP Morgan Chase Bank via the Funding Loan Agreement, and concurrently, the City is making loan advances to Laradon NW, LLC via the Project Loan. The maximum amount of the Funding Loan to the City and the City's loan to Laradon NW, LLC is \$22,000,000. Laradon NW, LLC will use the Project Loan funds on a draw down basis for reimbursement of construction, rehabilitation, improvement and equipping of the Project. Laradon NW, LLC's repayment obligations will be evidenced by a Project Note and secured by a Security Instrument. Laradon NW, LLC's payments on the Project Note will repay the Funding Loan Agreement.

Upon completion of the project, a portion of the Multifamily Housing Revenue Notes will be paid down from tax credit proceeds. The Federal Home Loan Mortgage Corporation ("Freddie Mac") is expected to purchase the Notes from JPMorgan Chase Bank at that time.

The Notes will be a special limited obligation of the City payable solely from the revenues and other funds and money pledged from the Project. The Notes are not a debt or multiple fiscal-year financial obligation of the City.

Zions Bancorporation, National Association will act as the fiscal agent for the Notes.

**Address/Location (if applicable):**

**Legal Description (if applicable):**

**Denver Revised Municipal Code (D.R.M.C.) Citation (if applicable):**

**Draft Bill Attached?**