

RESOLUTION 2024-073
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AUTHORIZING THE ASSIGNMENT OF THE CITY'S PRIVATE
ACTIVITY BOND ALLOCATION FOR 2024 TO HOUSING
CATALYST TO FINANCE THE CONSTRUCTION AND
REHABILITATION OF AFFORDABLE HOUSING UNITS

A. The City of Fort Collins is authorized and empowered under the laws of the State of Colorado to issue revenue bonds for purposes including the financing of affordable housing projects for low- and moderate-income persons and families.

B. The Internal Revenue Code of 1986, as amended (the "Code"), restricts the amount of tax-exempt bonds ("Private Activity Bonds") which may be issued in the State of Colorado (the "State Ceiling").

C. Pursuant to the Code, the Colorado General Assembly adopted the Colorado Private Activity Bond Ceiling Allocation Act, Part 17 of Article 32 of Title 24, Colorado Revised Statutes (the "Allocation Act"), providing for the allocation of the State Ceiling among various State and local governmental units, and further providing for the assignment of such allocations from such governmental units to any entity or person with the authority to issue bonds.

D. Pursuant to an allocation under Section 24-32-1706 of the Allocation Act, the City has received a direct allocation of the 2024 State Ceiling for the issuance of Private Activity Bonds in the aggregate principal amount of \$10,812,010 (the "2024 Allocation").

E. If the City does not issue bonds or assign its annual allocation to another entity by September 15 of each year, its allocation is relinquished to the statewide balance.

F. The City received applications for the 2024 Allocation from two entities: Housing Catalyst and CARE Housing.

G. The City's Private Activity Bond Committee considered the applications and recommends assigning the City's entire 2024 Allocation to Housing Catalyst.

H. Housing Catalyst proposes using the entire \$10,812,010 of the 2024 Allocation to develop its pipeline of qualifying affordable projects within the City of Fort Collins, which includes new affordable housing at the Village on Eastbrook (the "Housing Catalyst Projects").

I. Housing Catalyst has expressed its willingness to attempt to issue Revenue Bonds in the amounts proposed.

J. The City Council finds that the 2024 Allocation can be utilized most efficiently by assigning it to Housing Catalyst to issue Private Activity Bonds for financing

the Housing Catalyst Projects, and that such assignment will advance the City’s objective of increasing the availability of adequate affordable housing for low- and moderate-income persons and families within the City.

K. The Council wishes to assign the 2024 Allocation to Housing Catalyst, which assignment is to be evidenced by an Assignment of Allocation #1.

L. A draft of the proposed Assignment of Allocation #1 is attached as Exhibit “A” and incorporated herein by reference.

M. This Resolution shall not be construed as constituting City Council approval, support for approval, or waiver of any City regulatory requirement, including any development review process whether administrative or quasi-judicial, for any project referenced herein.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. The City Council hereby approves assignment to Housing Catalyst of TEN MILLION EIGHT HUNDRED TWELVE THOUSAND TEN DOLLARS (\$10,812,010) of the City’s 2024 Allocation for the Housing Catalyst Projects as described herein.

Section 2. The City Council hereby authorizes the Mayor to execute an Assignment of Allocation with Housing Catalyst in substantially the form attached as Exhibit “A” along with such other terms and conditions as the City Manager, in consultation with the City Attorney, determines are necessary or appropriate to protect the interests of the City or effectuate the purposes of this Resolution.

Passed and adopted on June 4, 2024.

Mayor

ATTEST:

Interim City Clerk

Effective Date: June 4, 2024
Approving Attorney: Ted Hewitt