

ORDINANCE NO. 100, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
UPDATING VARIOUS PROVISIONS OF THE CODE OF THE
CITY OF FORT COLLINS RELATED TO AFFORDABLE HOUSING

A. The City seeks to update provisions in the Code relating to affordable housing. This Ordinance conforms usage of “affordable housing” in the City Code to the definition of that term in the Land Use Code, removes language for repealed affordable housing programs, and removes the codified \$50 fees for developers when requesting affordable housing fee delays.

B. Currently, both the Code and the Land Use Code provide benefits to the developers of affordable housing. These include fee credits and fee delays in Code and density and height bonuses in the Land Use Code. However, the Code and the Land Use Code define “affordable housing” differently. This Ordinance updates the definition of “affordable housing” within the Code to conform to the definition of “affordable housing” in the Land Use Code and applies the compliance, reporting, and monitoring requirements applicable to affordable housing developments under the Land Use Code to affordable housing developments under the Code.

C. This Ordinance also removes from Code references to two repealed programs: a sales and tax rebate program for affordable housing; and a fee waiver program for affordable housing developments.

D. Finally, this Ordinance also eliminates the Code provision setting \$50 fees for affordable housing developers when requesting a delay to pay capital expansion fees, utility development fees, and sales and use taxes, in order to allow such fees to be set administratively.

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

Section 1. Subsection 51 of Section 5-27 of the Code of the City of Fort Collins is hereby amended to read as follows:

51. A new CHAPTER 36 SUSTAINABLE BUILDING CONSTRUCTION PRACTICES is hereby added to read as follows:

...

3604.2 Definitions applicable to this Chapter:

Affordable Housing: Residential occupancies that meet the criteria established in the Land Use Code Article 5.2.1(C)-(G) and Land Use Code Article 7 as affordable housing.

...

Section 2. Section 7.5-26 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 7.5-26. - Deferral of fees for affordable housing.

With respect to any building permit for a dwelling unit which is contained within or which constitutes an *affordable housing development* as defined in Article 7 of the Land Use Code and that meets the requirements of Article 5.2.1(C) through (G) of the Land Use Code, any fees established under this Article shall, upon the request of the applicant, be deferred until the date of issuance of a certificate of occupancy (whether temporary or permanent) for such unit or until the first day of December of the year in which the deferral was obtained, whichever first occurs. Notwithstanding any provision in this Chapter to the contrary, in the event that, during the period of deferral, the amount of the deferred fee is increased by ordinance of the City Council, the fee rate in effect at the time of the issuance of the building permit shall apply. No person shall knowingly make any false or misleading statement of fact in order to obtain any deferral of fees under this Section.

Section 3. Section 7.5-71(c) of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 7.5-71. - Neighborhood parkland capital expansion fee.

(c) If any such dwelling unit is contained within or constitutes an *affordable housing development* as defined in Article 7 of the Land Use Code and that meets the requirements of Article 5.2.1(C) through (G) of the Land Use Code, the fee established in this Section shall, upon the request of the applicant, be deferred until the date of issuance of a certificate of occupancy (whether temporary or permanent) for such unit(s) or until the first day of December of the year in which the deferral was obtained, whichever first occurs. Any person requesting such deferral shall, as a condition precedent to obtaining the deferral, secure the future payment of the deferred fee(s) by providing the City with a letter of credit or certificate of deposit in a form and amount acceptable to the City. No person shall knowingly make any false or misleading statement of fact in order to obtain any deferral of fees under this Section.

Section 4. Section 7.5-101 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 7.5-101. - Definitions.

The following words, terms, and phrases, when used in this Article, shall have the meanings ascribed to them in this Section:

Affordable housing unit shall mean an affordable housing unit for rent or an affordable housing unit for sale, or both such units.

Affordable housing unit for rent and *affordable housing unit for sale* shall have the same meanings as set forth in Article 7 of the Land Use Code, provided the unit meets the requirements of Article 5.2.1(C) through (G) of the Land Use Code.

Credit shall mean funds designated and appropriated by the City Council to be applied towards the payment of fees as described in this Article.

Section 5. Chapter 25, Article II, Division 4 of the Code of the City of Fort Collins is hereby deleted in its entirety and held in reserve.

Section 6. Section 25-130 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 25-130. - Deferred sales and use tax payments for affordable housing projects.

All sales and use taxes for materials purchased and used in the construction of an *affordable housing development*, as this term is defined in Article 7 of the Land Use Code that meets the requirements of Article 5.2.1(C) through (G) of the Land Use Code, shall, upon the request of the applicant, be deferred until the date of issuance of the certificate of occupancy (whether temporary or permanent) for such affordable housing project, or portion thereof, or until the first day of December of the year in which the deferral was obtained, whichever first occurs. No person shall knowingly make any false or misleading statement of fact in order to obtain any deferral of taxes under this Section.

Section 7. The definition of *Affordable housing project* contained in Section 26-631 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 26-631. - Definitions.

Affordable housing development means an affordable housing development as defined in Article 7 of the Land Use Code that meets the requirements of Article 5.2.1(C) through (G) of the Land Use Code.

Section 8. The definitions of *Affordable housing unit for rent* and *Affordable housing unit for sale* contained in Section 26-631 of the Code of the City of Fort Collins are hereby deleted in their entirety.

Section 9. Section 26-632 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 26-632. - Deferral of fees.

With respect to any dwelling unit which is contained within or which constitutes an *affordable housing development*, the Water Plant Investment Fee ("WPIF"), Sewer Plant Investment Fee ("SPIF"), Stormwater Plant Investment Fee, the Water Supply Requirement Cash Payment, and the Electric Development Fees and Charges, as established in this Chapter, shall, upon the request of the applicant, be deferred until the date of issuance of a certificate of occupancy (whether temporary or permanent) for such unit(s) or until the first day of December of the year in which the deferral was obtained, whichever first occurs. Notwithstanding any provision in this Chapter to the contrary, in the event that, during the period of deferral, the amount of the deferred fee is increased by ordinance of the City Council, the fee rate in effect at the time of the issuance of the building permit shall apply. No person shall knowingly make any false or misleading statement of fact in order to obtain any deferral of fees under this Section.

Introduced, considered favorably on first reading on June 17, 2025, and approved on second reading for final passage on July 1, 2025.

Mayor Pro Tem

ATTEST:

City Clerk

Effective Date: July 11, 2025
Approving Attorney: Ted Hewitt

Exhibits: None