

**A RESOLUTION AUTHORIZING THE ASSIGNMENT TO THE COLORADO
HOUSING AND FINANCE AUTHORITY OF A PRIVATE ACTIVITY BOND
ALLOCATION OF COMMERCE CITY PURSUANT TO THE COLORADO
PRIVATE ACTIVITY BOND CEILING ALLOCATION ACT**

NO. 2023-091

WHEREAS, the City of Commerce City (“Commerce City”) is authorized and empowered under the laws of the State of Colorado (the "State") to issue revenue bonds for the purpose of financing qualified residential rental projects for low- and moderate-income persons and families;

WHEREAS, Commerce City is authorized and empowered under the laws of the State to issue revenue bonds for the purpose of providing single-family mortgage loans to low- and moderate-income persons and families;

WHEREAS, 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 to provide such mortgage loans and for certain other purposes;

WHEREAS, pursuant to the Code, the Colorado legislature 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 the Colorado Housing and Finance Authority (the "Authority") and other governmental units in the State, and further providing for the assignment of such allocations from such other governmental units to the Authority;

WHEREAS, pursuant to an allocation under Section 24-32-1706 of the Allocation Act, Commerce City has an allocation of the 2023 State Ceiling for the issuance of a specified principal amount of Private Activity Bonds prior to **September 15, 2023** (the "2023 Allocation");

WHEREAS, Commerce City has determined that, to increase the availability of adequate affordable housing for low- and moderate-income persons and families within Commerce City and elsewhere in the State, it is necessary or desirable to provide for the utilization of all or a portion of the 2023 Allocation;

WHEREAS, Commerce City has determined that the 2023 Allocation, or a portion thereof, can be utilized most efficiently by assigning it to the Authority to issue Private Activity Bonds for the purpose of financing one or more multi-family rental housing projects for low- and moderate-income persons and families or to issue Private Activity Bonds for the purpose of providing single-family mortgage loans to low- and moderate-income persons and families ("Revenue Bonds") or for the issuance of mortgage credit certificates; and

WHEREAS, the City Council of Commerce City has determined to assign \$3,869,551 of its 2023 Allocation to the Authority, which assignment is to be evidenced by an Assignment of Allocation between the City of Commerce City and the Authority (the "Assignment of Allocation"), substantially in the form attached hereto:

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COMMERCE CITY, COLORADO AS FOLLOWS:

1. The assignment to the Authority of \$3,869,551 of the City of Commerce City's 2023 Allocation be and hereby is approved.
2. The form and substance of the Assignment of Allocation be and hereby are approved; provided, however, that the City Manager and the City Attorney hereby are authorized to make such technical variations, additions or deletions in or to such Assignment of Allocation as they shall deem necessary or appropriate and not inconsistent with the approval thereof by this Resolution.
3. The Mayor and City Clerk of the City of Commerce City be and hereby are authorized to execute and deliver the Assignment of Allocation on behalf of the City of Commerce City and to take such other steps or actions as may be necessary, useful or convenient to effect the aforesaid assignment in accordance with the intent of this resolution.
4. If any section, paragraph, clause, or provision of this Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this resolution.

RESOLVED AND PASSED THIS 11TH DAY OF SEPTEMBER OF 2023.

CITY OF COMMERCE CITY, COLORADO

Benjamin A, Huseman, Mayor

ATTEST

Dylan A. Gibson, City Clerk