

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

REENGROSSED

*This Version Includes All Amendments
Adopted in the House of Introduction*

LLS NO. 22-0966.01 Megan McCall x4215

SENATE BILL 22-232

SENATE SPONSORSHIP

Bridges and Moreno, Coleman, Simpson, Zenzinger, Buckner, Donovan, Fields, Ginal,
Jaquez Lewis, Lee, Story, Winter

HOUSE SPONSORSHIP

Herod,

Senate Committees

State, Veterans, & Military Affairs
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE PROVISION OF WORKFORCE HOUSING THROUGH THE**
102 **CREATION OF THE MIDDLE-INCOME HOUSING AUTHORITY, AND,**
103 **IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill creates the Colorado workforce housing trust authority (authority) for the purpose of acquiring, constructing, rehabilitating, owning, operating, and financing affordable rental housing projects for middle-income workforce housing. The authority is governed by a board of directors composed of appointees by the governor with the consent of

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

SENATE
Amended 3rd Reading
May 6, 2022

SENATE
Amended 2nd Reading
May 5, 2022

the senate. The bill specifies requirements governing the appointment of board members and other administrative details. The board must solicit project proposals by October 1, 2022. Rental units in affordable rental housing projects must provide middle-income workforce housing with stable rents.

The authority is a "public entity" and is a "special purpose authority" for the purpose of TABOR.

The authority is authorized to exercise the powers necessary to acquire, construct, rehabilitate, own, operate, and finance affordable rental housing projects, including but not limited to:

- The power to issue bonds payable solely from revenues from affordable rental housing projects and with no recourse to the state;
- The power to enter into public-private partnerships and to contract with experienced real estate professionals to develop and operate affordable rental housing projects;
- The power to employ its own personnel or contract with public or private entities, or both, for services necessary or convenient to the conduct of all of the authority's activities;
- To provide assistance to tenants in its rental housing to enable a transition to home ownership; and
- To establish one or more controlled entities to carry out its activities.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 24-77-102, **add**
3 (15)(b)(XX) as follows:

4 **24-77-102. Definitions.** As used in this article 77, unless the
5 context otherwise requires:

6 (15)(b) "Special purpose authority" includes, but is not limited to:

7 (XX) THE MIDDLE-INCOME HOUSING AUTHORITY CREATED IN
8 SECTION 29-4-1104 (1).

9 **SECTION 2.** In Colorado Revised Statutes, **add** part 11 to article
10 4 of title 29 as follows:

11 **PART 11**

12 **==**

1 MIDDLE-INCOME HOUSING AUTHORITY

2 **29-4-1101. Short title.** THE SHORT TITLE OF THIS PART 11 IS THE
3 "MIDDLE-INCOME HOUSING AUTHORITY ACT".

4 **29-4-1102. Legislative declaration.** (1) THE GENERAL ASSEMBLY
5 FINDS AND DECLARES THAT:

6 (a) THERE IS AN ACUTE SHORTAGE OF AFFORDABLE
7 MIDDLE-INCOME HOUSING IN THE STATE, PARTICULARLY IN FAST-GROWING
8 AREAS WHERE JOBS ARE BEING CREATED. HOUSING IS INCREASINGLY NOT
9 AFFORDABLE FOR ESSENTIAL WORKERS SUCH AS NURSES, TEACHERS,
10 FIREFIGHTERS, AND OTHER MEMBERS OF COMMUNITIES WHO EARN TOO
11 MUCH TO QUALIFY FOR GOVERNMENTAL HOUSING SUBSIDIES AND FOR
12 WHOM THE MARKET IS NOT BUILDING NEW HOUSING.

13 ==

14 (b) FOR MOST OF COLORADO'S POST-WAR HISTORY, THE PRIVATE
15 MARKET PROVIDED AN ABUNDANT SUPPLY OF STARTER HOMES FOR
16 MIDDLE-INCOME EARNERS. AS COSTS HAVE ESCALATED IN HIGH-COST
17 HOUSING MARKETS, PRIVATE INVESTORS HAVE SHIFTED THEIR FOCUS TO
18 FINANCING HOUSING FOR ONLY THE TOP EARNERS IN THE MARKETPLACE,
19 WHERE HIGH RETURNS ON INVESTMENT CAN STILL BE ACHIEVED. IN THE
20 DENVER METRO AREA, NOT ONLY ARE THERE FEWER AFFORDABLE RENTAL
21 UNITS BUILT EVERY YEAR, BUT THERE ARE ALSO FEWER AFFORDABLE
22 RENTAL PROPERTIES IN TOTAL. THIS SAME TREND IS OCCURRING IN ALL
23 HIGH-COST COMMUNITIES ACROSS THE STATE.

24 (c) THERE ARE ESTABLISHED MARKETS TO RAISE CAPITAL TO
25 FINANCE AFFORDABLE HOUSING FOR LOW-INCOME INDIVIDUALS WHO
26 QUALIFY FOR GOVERNMENTAL HOUSING SUBSIDIES, GENERALLY THOSE
27 WHOSE INCOME IS SIXTY PERCENT, OR IN SOME CASES EIGHTY PERCENT, OR

1 LESS OF AREA MEDIAN INCOME, THROUGH THE SALE OF FEDERAL AND
2 STATE LOW-INCOME HOUSING TAX CREDITS AND TAX-EXEMPT BONDS;

3 (d) EVEN WITH HISTORIC STATE INVESTMENT THIS YEAR OF
4 HUNDREDS OF MILLIONS OF DOLLARS FOR AFFORDABLE HOUSING, THE
5 STATEWIDE NEED IS IN THE BILLIONS; EVEN WITH THE GENERAL
6 ASSEMBLY'S INVESTMENT, THERE SIMPLY IS NOT ENOUGH CAPITAL
7 AVAILABLE TO FINANCE THE MIDDLE-INCOME WORKFORCE HOUSING,
8 LEAVING A DAMAGING VOID OF HOUSING SUPPLY FOR MIDDLE-INCOME
9 INDIVIDUALS, FAMILIES, AND COMMUNITIES;

10 (e) IN ORDER TO SOLVE FOR THE ACUTE SHORTAGE OF AFFORDABLE
11 MIDDLE-INCOME HOUSING, A MECHANISM IS NEEDED THAT WILL
12 ROBUSTLY INCREASE THE SUPPLY OF AFFORDABLE MIDDLE-INCOME
13 HOUSING BY RAISING LARGE AMOUNTS OF PRIVATE SECTOR CAPITAL TO
14 FINANCE PROJECTS THAT CAN BE PLACED INTO SERVICE QUICKLY AND
15 EFFICIENTLY. THE CREATION OF THE MIDDLE-INCOME HOUSING AUTHORITY
16 IS SUCH A MECHANISM.

17 (f) THE AUTHORITY WILL BE ABLE TO PLACE PROJECTS INTO
18 SERVICE QUICKLY AND EFFICIENTLY BECAUSE IT WILL RELY ON THE
19 EXPERTISE OF LOCAL GOVERNMENTS, NONPROFIT ORGANIZATIONS, AND
20 EXPERIENCED REAL ESTATE INDUSTRY PROFESSIONALS TO IDENTIFY,
21 PROPOSE, DEVELOP, AND OPERATE ITS PROJECTS;

22 (g) THE AUTHORITY'S HOUSING UNITS WILL REMAIN AFFORDABLE
23 WITH STABLE RENTS BECAUSE THEY WILL BE OWNED BY THE AUTHORITY
24 AND OPERATED BY EXPERIENCED AND COMPETENT OPERATORS AT THE
25 AUTHORITY'S DIRECTION, IN PERPETUITY; AND

26 (h) INCREASING AFFORDABLE RENTAL WORKFORCE HOUSING
27 THROUGH THE ACTIVITIES OF THE AUTHORITY AND THE EXERCISE OF ITS

1 PLENARY POWERS PURSUANT TO THIS PART 11 IS IN THE PUBLIC INTEREST
2 AND IS A MATTER OF STATEWIDE CONCERN. THE ACTIVITIES OF THE
3 AUTHORITY WILL COMPLY WITH FAIR HOUSING LAWS AND PROMOTE A
4 SUBSTANTIAL, LEGITIMATE, AND NONDISCRIMINATORY INTEREST OF THE
5 STATE THAT CANNOT BE SERVED BY ANOTHER PRACTICE THAT HAS A LESS
6 DISCRIMINATORY EFFECT.

7 **29-4-1103. Definitions.** AS USED IN THIS PART 11, UNLESS THE
8 CONTEXT OTHERWISE REQUIRES:

9 (1) (a) "AFFORDABLE RENTAL HOUSING PROJECT" MEANS REAL
10 PROPERTY THAT HAS THE PRIMARY PURPOSE OF PROVIDING RENTAL
11 HOUSING FOR MIDDLE-INCOME INDIVIDUALS AND FAMILIES, WHICH
12 PROPERTY IS SELECTED BY THE AUTHORITY AND OWNED BY THE
13 AUTHORITY IN ACCORDANCE WITH THE PROVISIONS SET FORTH IN SECTION
14 29-4-1107.

15 (b) AN "AFFORDABLE RENTAL HOUSING PROJECT" MAY INCLUDE
16 COMMERCIAL SPACE IF THE BOARD DETERMINES THAT THE COMMERCIAL
17 SPACE IS INCIDENTAL TO THE HOUSING COMPONENT OF THE PROJECT.

18 (2) "AUTHORITY" MEANS THE MIDDLE-INCOME HOUSING
19 AUTHORITY CREATED BY THIS PART 11.

20 (3) "BOARD" MEANS THE BOARD OF DIRECTORS OF THE
21 AUTHORITY.

22 (4) "BOND" MEANS ANY BOND, NOTE, OR OTHER OBLIGATION OF
23 THE AUTHORITY AUTHORIZED TO BE ISSUED UNDER THIS PART 11.

24 (5) "CONTROLLED ENTITY" MEANS AN ENTITY ESTABLISHED BY
25 THE AUTHORITY IN ACCORDANCE WITH SECTION 29-4-1106 (1)(g).

26 (6) "FAIR HOUSING LAWS" MEANS THE FEDERAL "FAIR HOUSING
27 ACT", 42 U.S.C. SEC. 3601 ET SEQ., AS AMENDED, ANY COMPARABLE LAW

1 OF THE STATE, AND ANY COMPARABLE ORDINANCE, RESOLUTION, OR
2 OTHER LAW OF ANY LOCAL GOVERNMENT THAT PROPERTY OF THE
3 AUTHORITY IS SUBJECT TO AND THE REGULATIONS AND RULES
4 PROMULGATED UNDER THIS PART 11.

5 (7) "MIDDLE-INCOME INDIVIDUALS AND FAMILIES" MEANS, ONLY
6 FOR PURPOSES OF THIS PART 11, INDIVIDUALS AND FAMILIES WITH ANNUAL
7 INCOME OF THE HOUSEHOLD BETWEEN EIGHTY PERCENT AND ONE
8 HUNDRED TWENTY PERCENT OF THE AREA MEDIAN INCOME OF THE
9 HOUSEHOLDS OF THAT SIZE IN THE COUNTY IN WHICH THE AFFORDABLE
10 RENTAL HOUSING PROJECT IS LOCATED; EXCEPT THAT, FOR
11 MIDDLE-INCOME INDIVIDUALS AND FAMILIES RESIDING IN A RURAL RESORT
12 COUNTY, THE ANNUAL INCOME OF THE HOUSEHOLD SHALL BE BETWEEN
13 EIGHTY PERCENT AND ONE HUNDRED FORTY PERCENT OF THE AREA
14 MEDIAN INCOME OF THE HOUSEHOLDS OF THAT SIZE IN THE COUNTY IN
15 WHICH THE AFFORDABLE RENTAL HOUSING PROJECT IS LOCATED, AS
16 MODIFIED, IN EXCEPTIONAL CIRCUMSTANCES, BY THE BOARD PURSUANT TO
17 SECTION 29-4-1107 (2)(c).

18 **29-4-1104. Middle-income housing authority - creation - board**
19 **of directors - meetings - records - tax exempt - audit - report.**

20 (1) THERE IS CREATED THE MIDDLE-INCOME HOUSING AUTHORITY, WHICH
21 IS A BODY CORPORATE AND A POLITICAL SUBDIVISION OF THE STATE,
22 WHICH SHALL NOT BE AN AGENCY OF STATE GOVERNMENT, AND SHALL
23 NOT BE SUBJECT TO ADMINISTRATIVE DIRECTION BY ANY DEPARTMENT,
24 COMMISSION, BOARD, BUREAU, OR AGENCY OF THE STATE.

25 (2) (a) THE POWERS OF THE AUTHORITY ARE VESTED IN THE
26 GOVERNING BODY OF THE AUTHORITY, WHICH IS A BOARD OF DIRECTORS.

27 (b) THE BOARD CONSISTS OF THIRTEEN PERSONS, EACH APPOINTED

1 BY THE GOVERNOR AND WITH THE CONSENT OF THE SENATE. IN ADDITION
2 TO ANY OTHER REQUIREMENT SET FORTH IN THIS SUBSECTION (2)(b),
3 WHEN MAKING APPOINTMENTS TO THE BOARD, REASONABLE EFFORTS
4 MUST BE MADE TO APPOINT MEMBERS THAT REFLECT THE GEOGRAPHIC
5 AND DEMOGRAPHIC DIVERSITY OF THE ENTIRE STATE. THE APPOINTMENTS
6 MUST REFLECT THE FOLLOWING REQUIREMENTS:

7 (I) AT LEAST ONE MEMBER MUST BE EXPERIENCED IN ONE OF EACH
8 OF THE FOLLOWING AREAS:

9 (A) THE DEVELOPMENT OF RENTAL HOUSING;

10 (B) REAL ESTATE TRANSACTIONS; AND

11 (C) PUBLIC FINANCE; AND

12 (II) AT LEAST ONE MEMBER MUST MEET ONE OF EACH OF THE
13 FOLLOWING CRITERIA:

14 (A) BE THE DIRECTOR OF A LOCAL HOUSING AUTHORITY;

15 (B) BE AN ELECTED COUNTY COMMISSIONER FROM A COUNTY IN
16 THE STATE;

17 (C) BE AN ELECTED MEMBER ON THE GOVERNING BODY OF A
18 MUNICIPALITY IN THE STATE;

19 (D) BE A REPRESENTATIVE FROM A NONPROFIT ORGANIZATION
20 THAT HAS EXTENSIVE EXPERIENCE DEVELOPING HOUSING AT EIGHTY
21 PERCENT TO ONE HUNDRED TWENTY PERCENT AREA MEDIAN INCOME;

22 (E) BE THE DIRECTOR OF THE OFFICE OF ECONOMIC DEVELOPMENT
23 ESTABLISHED IN SECTION 24-48.5-101 (1), OR THE DIRECTOR'S DESIGNEE;

24 AND

25 (F) BE THE DIRECTOR OF THE DIVISION OF HOUSING ESTABLISHED
26 IN SECTION 24-32-704, OR THE DIRECTOR'S DESIGNEE.

27 (c) EACH MEMBER IS APPOINTED FOR A TERM OF FOUR YEARS;

1 EXCEPT THAT THE FIRST APPOINTED MEMBERS SHALL SERVE INITIAL TERMS
2 AS FOLLOWS:

3 (I) FOUR MEMBERS SHALL SERVE A TWO-YEAR TERM;

4 (II) FOUR MEMBERS SHALL SERVE A THREE-YEAR TERM; AND

5 (III) FIVE MEMBERS SHALL SERVE A FOUR-YEAR TERM.

6 (d) A MEMBER HOLDS OFFICE FOR THE MEMBER'S TERM UNTIL A
7 SUCCESSOR IS APPOINTED. ANY MEMBER IS ELIGIBLE FOR REAPPOINTMENT,
8 BUT MEMBERS ARE NOT ELIGIBLE TO SERVE MORE THAN TWO
9 CONSECUTIVE FULL TERMS. MEMBERS OF THE BOARD SERVE WITHOUT
10 COMPENSATION FOR SUCH SERVICES BUT SHALL BE REIMBURSED FOR THEIR
11 NECESSARY EXPENSES WHILE SERVING AS A MEMBER OF THE BOARD. ANY
12 VACANCY MUST BE FILLED IN THE SAME MANNER AS THE ORIGINAL
13 APPOINTMENT FOR THE UNEXPIRED TERM. ANY MEMBER MAY BE REMOVED
14 BY THE GOVERNOR FOR MISFEASANCE, MALFEASANCE, WILLFUL NEGLECT
15 OF DUTY, OR OTHER CAUSE.

16 (3) (a) THE FIRST MEETING OF THE BOARD MUST BE HELD ON OR
17 BEFORE SEPTEMBER 1, 2022, AND SUBSEQUENT MEETINGS SHALL BE SET
18 BY THE CHAIRPERSON OF THE BOARD.

19 (b) ALL MEETINGS OF THE BOARD ARE OPEN TO THE PUBLIC. NO
20 BUSINESS OF THE BOARD SHALL BE TRANSACTED EXCEPT AT A REGULAR OR
21 SPECIAL MEETING AT WHICH A QUORUM CONSISTING OF AT LEAST A
22 MAJORITY OF THE TOTAL MEMBERSHIP OF THE BOARD IS PRESENT. ANY
23 ACTION OF THE BOARD REQUIRES THE AFFIRMATIVE VOTE OF A MAJORITY
24 OF THE MEMBERS PRESENT AT THE MEETING.

25 (c) ONE OR MORE MEMBERS OF THE BOARD MAY PARTICIPATE IN
26 ANY MEETING AND MAY VOTE THROUGH THE USE OF
27 TELECOMMUNICATIONS DEVICES, INCLUDING A CONFERENCE TELEPHONE

1 OR SIMILAR COMMUNICATIONS EQUIPMENT. PARTICIPATION THROUGH
2 TELECOMMUNICATIONS DEVICES CONSTITUTES PRESENCE IN PERSON AT
3 THE MEETING. USE OF TELECOMMUNICATIONS FOR PARTICIPATION DOES
4 NOT SUPERSEDE ANY REQUIREMENTS FOR OPEN MEETINGS OTHERWISE
5 PROVIDED BY LAW.

6 (4) (a) ALL RESOLUTIONS AND ORDERS OF THE BOARD MUST BE
7 RECORDED AND AUTHENTICATED BY THE SIGNATURE OF THE SECRETARY
8 OR ANY ASSISTANT SECRETARY OF THE BOARD. EVERY LEGISLATIVE ACT
9 OF THE BOARD OF A GENERAL OR PERMANENT NATURE MUST BE BY
10 RESOLUTION. THE BOOK OF RESOLUTIONS, CORPORATE ACTS, AND ORDERS
11 IS A PUBLIC RECORD. A PUBLIC RECORD MUST ALSO BE MADE OF ALL
12 OTHER PROCEEDINGS OF THE BOARD, MINUTES OF THE MEETINGS, ANNUAL
13 REPORTS, CERTIFICATES, CONTRACTS, AND BONDS GIVEN BY OFFICERS,
14 EMPLOYEES, AND ANY OTHER AGENTS OF THE AUTHORITY. THE ACCOUNT
15 OF ALL MONEY RECEIVED BY AND DISBURSED ON BEHALF OF THE
16 AUTHORITY IS A PUBLIC RECORD.

17 (b) ALL PUBLIC RECORDS OF THE AUTHORITY ARE SUBJECT TO THE
18 "COLORADO OPEN RECORDS ACT", PART 2 OF ARTICLE 72 OF TITLE 24.
19 ALL RECORDS ARE SUBJECT TO ANY BUDGET AND AUDIT LAWS APPLICABLE
20 TO THE AUTHORITY AND MAY BE SUBJECT TO REGULAR AUDIT TO THE
21 EXTENT REQUIRED BY LAW.

22 (5) ANY BOARD MEMBER, EMPLOYEE, OR OTHER AGENT OR
23 ADVISER OF THE AUTHORITY WHO HAS A DIRECT OR INDIRECT INTEREST IN
24 ANY CONTRACT OR TRANSACTION WITH THE AUTHORITY SHALL DISCLOSE
25 THIS INTEREST TO THE AUTHORITY. THIS INTEREST MUST BE SET FORTH IN
26 THE MINUTES OF THE AUTHORITY, AND NO BOARD MEMBER, EMPLOYEE, OR
27 OTHER AGENT OR ADVISER HAVING SUCH INTEREST SHALL PARTICIPATE ON

1 BEHALF OF THE AUTHORITY IN THE AUTHORIZATION OF ANY SUCH
2 CONTRACT OR TRANSACTION.

3 (6) NO PART OF THE REVENUES OR ASSETS OF THE AUTHORITY
4 SHALL INURE TO THE BENEFIT OF, OR BE DISTRIBUTED TO, ITS MEMBERS OR
5 OFFICERS OR ANY OTHER PRIVATE PERSONS OR ENTITIES.

6 (7) THE AUTHORITY SHALL NOT DISCRIMINATE BASED ON RACE,
7 CREED, COLOR, NATIONAL ORIGIN, ANCESTRY, RELIGION, SEX, GENDER,
8 SEXUAL ORIENTATION, GENDER IDENTITY, GENDER EXPRESSION, MARITAL
9 STATUS, FAMILIAL STATUS, MILITARY STATUS, HANDICAP, OR PHYSICAL OR
10 MENTAL DISABILITY AND WILL OTHERWISE COMPLY WITH FAIR HOUSING
11 LAWS.

12 (8) BONDS, CONTRACTS, AND ANY OTHER OBLIGATION OR
13 LIABILITY OF THE AUTHORITY ARE SPECIAL LIMITED OBLIGATIONS OF THE
14 AUTHORITY AND ARE NOT BONDS, CONTRACTS, OBLIGATIONS, OR
15 OTHERWISE LIABILITIES OF THE STATE. THE STATE HAS NO OBLIGATION OR
16 LIABILITY WITH RESPECT TO ANY BONDS, CONTRACTS, OR OTHER
17 OBLIGATION OR LIABILITY OF THE AUTHORITY.

18 (9) THE AUTHORITY IS A "PUBLIC ENTITY" AS SET FORTH IN
19 SECTIONS 24-10-103 (5) AND 11-57-203 (3) AND A "SPECIAL PURPOSE
20 AUTHORITY" AS SET FORTH IN SECTION 24-77-102 (15).

21 (10) THE AUTHORITY AND ITS CORPORATE EXISTENCE CONTINUES
22 UNTIL TERMINATED BY LAW; EXCEPT THAT NO SUCH LAW SHALL TAKE
23 EFFECT SO LONG AS THE AUTHORITY HAS BONDS, NOTES, OR OTHER
24 OBLIGATIONS OUTSTANDING, UNLESS ADEQUATE PROVISION HAS BEEN
25 MADE FOR THE PAYMENT OF SUCH OBLIGATIONS. UPON TERMINATION OF
26 THE EXISTENCE OF THE AUTHORITY, ALL ITS RIGHTS AND PROPERTIES IN
27 EXCESS OF ITS OBLIGATIONS SHALL PASS TO AND BE VESTED IN THE STATE.

1 (11) (a) THE INCOME AND REVENUE OF THE AUTHORITY, ALL
2 PROPERTY AT ANY TIME OWNED BY THE AUTHORITY, ALL BONDS ISSUED BY
3 THE AUTHORITY, THE INTEREST ON AND OTHER INCOME FROM SUCH
4 BONDS, AND THE TRANSFER OF SUCH BONDS ARE EXEMPT FROM INCOME
5 TAXATION, REAL AND PERSONAL PROPERTY TAXATION, AND ALL OTHER
6 TAXATION AND ASSESSMENTS IN THE STATE. THE PURCHASE AND USE OF
7 PROPERTY BY OR FOR THE BENEFIT OF THE AUTHORITY ARE EXEMPT FROM
8 SALES AND USE TAXES IMPOSED BY THE STATE, A COUNTY, A CITY AND
9 COUNTY, A CITY, ANY OTHER POLITICAL SUBDIVISION OF THE STATE, OR
10 LOCAL GOVERNMENT ENTITY. IN THE RESOLUTION OR INDENTURE
11 AUTHORIZING BONDS, THE AUTHORITY MAY WAIVE THE EXEMPTION FROM
12 FEDERAL INCOME TAXATION FOR INTEREST ON THE BONDS. THE
13 AUTHORITY MAY AGREE TO MAKE PAYMENTS IN LIEU OF PROPERTY OR
14 SALES AND USE TAXES TO THE STATE, A COUNTY, A CITY AND COUNTY, A
15 CITY, ANY POLITICAL SUBDIVISION OF THE STATE, OR LOCAL GOVERNMENT
16 ENTITY.

17 (b) PROPERTY SOLD BY THE AUTHORITY OR OTHERWISE NOT
18 OWNED BY THE AUTHORITY, A CONTROLLED ENTITY, OR OTHER
19 GOVERNMENTAL ENTITY EXEMPT FROM TAXATION SHALL BE SUBJECT TO
20 ALL TAXATION AND ASSESSMENTS IMPOSED BY THE STATE, A CITY, A
21 COUNTY, A CITY AND COUNTY, ANY OTHER POLITICAL SUBDIVISION OF THE
22 STATE, OR A LOCAL GOVERNMENTAL ENTITY.

23 (12) A GIFT OR CONTRIBUTION TO OR FOR THE USE OF THE
24 AUTHORITY FOR USE IN CONNECTION WITH THE ACTIVITIES OF THE
25 AUTHORITY IS TREATED AS A GIFT TO A POLITICAL SUBDIVISION OF THE
26 STATE MADE EXCLUSIVELY FOR PUBLIC PURPOSES.

27 (13) (a) THE AUTHORITY SHALL CONDUCT AN ANNUAL AUDIT OF

1 ITS FINANCES AND SHALL ADOPT A BUDGET AND WORK PLAN FOR EACH
2 FISCAL YEAR. THE AUTHORITY SHALL SUBMIT TO THE GOVERNOR, THE
3 STATE AUDITOR, AND THE GENERAL ASSEMBLY WITHIN SIX MONTHS AFTER
4 THE END OF THE STATE FISCAL YEAR A REPORT THAT SHALL SET FORTH A
5 COMPLETE AND DETAILED OPERATING AND FINANCIAL STATEMENT OF THE
6 AUTHORITY DURING SUCH YEAR. THE REPORT MAY ALSO INCLUDE ANY
7 RECOMMENDATIONS FOR LEGISLATION OR OTHER ACTION THAT MAY BE
8 NECESSARY TO CARRY OUT THE PURPOSES OF THE AUTHORITY.

9 (b) ON A QUARTERLY BASIS, THE AUTHORITY SHALL SUBMIT A
10 REPORT TO THE GOVERNOR, TO THE STATE AUDITOR, AND TO THE SENATE
11 COMMITTEES ON FINANCE AND HEALTH AND HUMAN SERVICES OR ANY
12 SUCCESSOR COMMITTEE, AND THE HOUSE OF REPRESENTATIVES
13 COMMITTEES ON FINANCE, HEALTH AND INSURANCE AND PUBLIC AND
14 BEHAVIORAL HEALTH AND HUMAN SERVICES OR ANY SUCCESSOR
15 COMMITTEES. ANY DEVELOPER OR OPERATOR OF AN AFFORDABLE RENTAL
16 HOUSING PROJECT MUST PROVIDE TO THE AUTHORITY INFORMATION
17 REQUIRED BY THIS SUBSECTION (13)(b). THE REPORT SHALL INCLUDE FOR
18 EACH AFFORDABLE RENTAL HOUSING PROJECT:

19 (I) THE NUMBER OF UNITS DEVELOPED AND MUST SPECIFY AT
20 WHAT AREA MEDIAN INCOME LEVELS;

21 (II) THE NUMBER OF UNITS OCCUPIED;

22 (III) THE AVERAGE AREA MEDIAN INCOME BEING SERVED;

23 (IV) THE ACTUAL RENTS CHARGED FOR EACH UNIT;

24 (V) ACTUAL INCOMES OF HOUSEHOLDS RESIDING WITHIN THE
25 UNITS AND LENGTH OF OCCUPANCY;

26 (VI) THE AVERAGE MARKET RENT FOR A UNIT OF THE SAME TYPE,
27 SIZE, AND AMENITIES PRIOR TO THE DEVELOPMENT OF AN AFFORDABLE

1 RENTAL HOUSING PROJECT; AND
2 (VII) THE AVERAGE MARKET RENT FOR A UNIT OF THE SAME TYPE,
3 SIZE, AND AMENITIES AFTER ONE YEAR OF OCCUPANCY OF AT LEAST 50%
4 OF THE UNITS DEVELOPED IN THE AFFORDABLE RENTAL HOUSING PROJECT,
5 AND FOR EACH YEAR THEREAFTER.

6 **29-4-1105. General powers.** (1) IN ADDITION TO ANY OTHER
7 POWERS GRANTED TO THE AUTHORITY IN THIS PART 11, THE AUTHORITY
8 HAS THE FOLLOWING POWERS:

9 (a) TO HAVE THE DUTIES, PRIVILEGES, IMMUNITIES, RIGHTS,
10 LIABILITIES, AND DISABILITIES OF A BODY CORPORATE AND POLITICAL
11 SUBDIVISION OF THE STATE;

12 (b) TO HAVE PERPETUAL EXISTENCE AND SUCCESSION;

13 (c) TO ADOPT, HAVE, AND USE A SEAL AND TO ALTER THE SAME AT
14 ITS PLEASURE;

15 (d) TO SUE AND BE SUED;

16 (e) TO ENTER INTO ANY CONTRACT OR AGREEMENT NOT
17 INCONSISTENT WITH THIS PART 11 OR THE LAWS OF THE STATE;

18 (f) TO BORROW MONEY AND TO ISSUE BONDS EVIDENCING THE
19 SAME;

20 (g) TO PURCHASE, LEASE, LEASE WITH AN OPTION TO PURCHASE,
21 TRADE, EXCHANGE, OR OTHERWISE ACQUIRE, MAINTAIN, HOLD, IMPROVE,
22 MORTGAGE, LEASE, ENCUMBER, AND DISPOSE OF REAL PROPERTY AND
23 PERSONAL PROPERTY, WHETHER TANGIBLE OR INTANGIBLE, AND ANY
24 INTEREST THEREIN, INCLUDING EASEMENTS AND RIGHTS-OF-WAY,
25 WITHOUT RESTRICTION OR LIMITATION;

26 (h) TO ACQUIRE OFFICE SPACE, EQUIPMENT, SERVICES, SUPPLIES,
27 AND INSURANCE NECESSARY TO CARRY OUT THE PURPOSES OF THIS PART

1 11;

2 (i) TO DEPOSIT ANY MONEY OF THE AUTHORITY IN ANY BANKING
3 INSTITUTION WITHIN OR WITHOUT THE STATE OR IN ANY DEPOSITORY
4 AUTHORIZED IN SECTION 24-75-603, AND TO APPOINT, FOR THE PURPOSE
5 OF MAKING SUCH DEPOSITS, ONE OR MORE PERSONS TO ACT AS
6 CUSTODIANS OF THE MONEY OF THE AUTHORITY, WHO SHALL GIVE SURETY
7 BONDS IN SUCH AMOUNTS AND FORM AND FOR SUCH PURPOSES AS THE
8 BOARD REQUIRES;

9 (j) TO CONTRACT FOR AND TO ACCEPT ANY GIFTS, GRANTS, AND
10 LOANS OF FUNDS, PROPERTY, OR ANY OTHER AID IN ANY FORM FROM THE
11 FEDERAL GOVERNMENT, THE STATE, ANY STATE AGENCY, OR ANY OTHER
12 SOURCE, OR ANY COMBINATION THEREOF, AND TO COMPLY, SUBJECT TO
13 THE PROVISIONS OF THIS PART 11, WITH THE TERMS AND CONDITIONS OF
14 SUCH CONTRACTS OR THE ACCEPTANCE OF SUCH ITEMS;

15 (k) TO HAVE AND EXERCISE ALL RIGHTS AND POWERS NECESSARY
16 OR INCIDENTAL TO OR IMPLIED FROM THE SPECIFIC POWERS GRANTED IN
17 THIS PART 11, WHICH SPECIFIC POWERS SHALL NOT BE CONSIDERED AS A
18 LIMITATION UPON ANY POWER NECESSARY OR APPROPRIATE TO CARRY OUT
19 THE PURPOSES AND INTENT OF THIS PART 11;

20 (l) TO FIX THE TIME AND PLACE OR PLACES AT WHICH ITS REGULAR
21 AND SPECIAL MEETINGS ARE TO BE HELD;

22 (m) TO ADOPT AND FROM TIME TO TIME AMEND OR REPEAL
23 BYLAWS AND RULES AND REGULATIONS CONSISTENT WITH THE PROVISIONS
24 OF THIS PART 11, INCLUDING RULES REGARDING THE DEFINITION AND
25 INTERPRETATION OF TERMS USED IN THIS PART 11. NOTHING IN THIS
26 SUBSECTION (1)(m) GRANTS THE AUTHORITY THE POWER TO REDEFINE
27 TERMS THAT ARE ALREADY DEFINED IN THIS PART 11.

1 (n) TO ELECT ONE MEMBER AS CHAIRPERSON OF THE BOARD AND
2 ANOTHER MEMBER AS CHAIRPERSON PRO TEM OF THE BOARD AND TO
3 ELECT ONE OR MORE MEMBERS AS SECRETARY AND TREASURER OF THE
4 BOARD AND ELECT OR APPOINT SUCH OTHER OFFICES AS THE BOARD MAY
5 DETERMINE AND PROVIDE FOR THEIR DUTIES AND TERMS OF OFFICE;

6 (o) TO APPOINT AGENTS, EMPLOYEES, AND PROFESSIONAL AND
7 BUSINESS ADVISERS, INCLUDING REAL ESTATE PROFESSIONALS,
8 CONSTRUCTION COMPANIES, PROPERTY MANAGERS, ATTORNEYS,
9 ACCOUNTANTS, AND FINANCIAL ADVISERS AS MAY FROM TIME TO TIME BE
10 NECESSARY IN ITS JUDGMENT TO ACCOMPLISH THE PURPOSES OF THIS PART
11 11, AND TO FIX THE COMPENSATION OF SUCH AGENTS, EMPLOYEES, AND
12 ADVISERS, AND TO ESTABLISH THE POWERS AND DUTIES OF ALL AGENTS,
13 EMPLOYEES, AND ADVISERS, AS WELL AS ANY OTHER PERSON
14 CONTRACTING WITH THE AUTHORITY TO PROVIDE SERVICES, INCLUDING
15 TERMINATION OF EMPLOYMENT OR THE CONTRACT FOR SERVICES;

16 (p) TO MAKE AND EXECUTE AGREEMENTS, CONTRACTS, AND
17 OTHER INSTRUMENTS NECESSARY OR CONVENIENT IN THE EXERCISE OF THE
18 POWERS AND FUNCTIONS OF THE AUTHORITY UNDER THIS PART 11,
19 INCLUDING BUT NOT LIMITED TO CONTRACTS WITH ANY PERSON, FIRM,
20 CORPORATION, MUNICIPALITY, STATE AGENCY, COUNTY, OR OTHER
21 ENTITY. ALL MUNICIPALITIES, COUNTIES, AND STATE AGENCIES MAY
22 ENTER INTO AND DO ALL THINGS NECESSARY TO PERFORM ANY SUCH
23 ARRANGEMENT OR CONTRACT WITH THE AUTHORITY.

24 (q) TO ENTER INTO INTEREST RATE EXCHANGE AGREEMENTS FOR
25 BONDS IN ACCORDANCE WITH ARTICLE 59.3 OF TITLE 11.

26 **29-4-1106. Additional powers - affordable workforce housing**
27 **projects.** (1) IN ADDITION TO THE POWERS SPECIFIED IN SECTION

1 29-4-1105, THE AUTHORITY HAS THE FOLLOWING POWERS:

2 (a) TO ACQUIRE, CONSTRUCT, REHABILITATE, OWN, OPERATE, AND
3 FINANCE AFFORDABLE RENTAL HOUSING PROJECTS;

4 (b) TO CONSULT WITH A QUALIFIED NONPROFIT ORGANIZATION,
5 COUNTY, MUNICIPALITY, HOUSING AUTHORITY, SCHOOL DISTRICT, OR
6 OTHER RELEVANT ENTITY AS DETERMINED BY THE AUTHORITY TO
7 IDENTIFY GAPS IN AFFORDABLE HOUSING CAPACITY, DISPROPORTIONATELY
8 IMPACTED COMMUNITIES, OR OTHER COMMUNITIES OR LOCALITIES IN NEED
9 OF WORKFORCE HOUSING TO GUIDE THE AUTHORITY IN ITS SELECTION OF
10 PROJECT PROPOSALS TO FUND;

11 (c) TO EXERCISE GENERAL CONTROL AND SUPERVISION OF
12 AFFORDABLE RENTAL HOUSING PROJECTS AND THE LAND THEY ARE
13 LOCATED ON AND EXERCISE PLENARY POWER TO ADOPT ALL BYLAWS AND
14 REGULATIONS PERTAINING TO THE ACQUISITION, FINANCING,
15 DEVELOPMENT, USE, AND OPERATION OF AFFORDABLE RENTAL HOUSING
16 PROJECTS IN ORDER TO ADVANCE THE STATE INTEREST IN THE PROVISION
17 OF AFFORDABLE RENTAL WORKFORCE HOUSING PURSUANT TO THIS PART
18 11, NOT IN CONFLICT WITH THE LAW, AS THE BOARD MAY DEEM
19 NECESSARY TO SECURE THE SUCCESSFUL OPERATION OF THE AUTHORITY
20 AND PROMOTE THE PURPOSES OF THIS PART 11;

21 (d) TO MAKE AND ENTER INTO CONTRACTS OR AGREEMENTS WITH
22 ANY PRIVATE OR PUBLIC ENTITY TO FACILITATE A PUBLIC-PRIVATE
23 PARTNERSHIP, INCLUDING:

24 (I) AN AGREEMENT FOR THE AUTHORITY TO ACQUIRE, CONSTRUCT,
25 FINANCE, OR OPERATE PROPERTY OR SERVICES IN CONNECTION WITH AN
26 AFFORDABLE RENTAL HOUSING PROJECT OR HOUSING ASSISTANCE
27 CONSISTENT WITH THE PROVISIONS OF THIS PART 11; OR

1 (II) AN AGREEMENT FOR A PRIVATE ENTITY TO ACQUIRE,
2 CONSTRUCT, FINANCE, OR OPERATE PROPERTY OR SERVICES IN
3 CONNECTION WITH AN AFFORDABLE RENTAL HOUSING PROJECT OR
4 HOUSING ASSISTANCE CONSISTENT WITH THE PROVISIONS OF THIS PART 11;

5 (e) TO CONTRACT WITH EXPERIENCED REAL ESTATE
6 PROFESSIONALS WITH A PROVEN TRACK RECORD IN DEVELOPING AND
7 OPERATING PROJECTS OF SIMILAR SCALE AND COMPLEXITY FOR THE
8 DEVELOPMENT AND OPERATION OF AFFORDABLE RENTAL HOUSING
9 PROJECTS AND TO EMPLOY ITS OWN PERSONNEL OR CONTRACT WITH
10 PUBLIC OR PRIVATE ENTITIES, OR BOTH, FOR OTHER SERVICES NECESSARY
11 OR CONVENIENT TO THE CONDUCT OF ALL OF THE AUTHORITY'S OTHER
12 ACTIVITIES. THE AUTHORITY SHALL HIRE FULL-TIME STAFF WHO ARE
13 FULL-TIME EMPLOYEES OF THE AUTHORITY AND ARE RESPONSIBLE FOR
14 COMPLIANCE WITH PUBLIC MEETING LAWS AND OPEN RECORDS REQUESTS,
15 AFFORDABLE RENTAL HOUSING PROJECT PROPOSAL SOLICITATION AND
16 REVIEW, AND REPORTING.

17 (f) TO PROVIDE HOUSING ASSISTANCE TO A TENANT IN A RENTAL
18 UNIT OF AN AFFORDABLE RENTAL HOUSING PROJECT IN ORDER FOR THE
19 TENANT TO TRANSITION TO HOME OWNERSHIP ON AFFORDABLE TERMS,
20 PROVIDED THAT:

21 (I) ANY FUNDS USED FOR SUCH ASSISTANCE ARE DEEMED TO BE
22 EXCESS FUNDS FROM THOSE FUNDS NEEDED TO DEVELOP AND OPERATE AN
23 AFFORDABLE RENTAL HOUSING PROJECT; AND

24 (II) THE HOUSING ASSISTANCE MAY TAKE THE FORM OF A GRANT,
25 A SUBORDINATED LOAN, OR AN INTEREST IN THE RESIDENTIAL PROPERTY
26 PURCHASED BY THE TENANT; AND

27 (g) TO ESTABLISH, OR ADOPT A RESOLUTION APPROVING THE

1 ESTABLISHMENT OF, ONE OR MORE CONTROLLED ENTITIES TO CARRY OUT
2 ANY OF THE AUTHORITY'S ACTIVITIES, PROVIDED THAT:

3 (I) THE CONTROLLED ENTITY MAY BE A NONPROFIT CORPORATION,
4 LIMITED LIABILITY COMPANY, OR OTHER ENTITY FORMED PURSUANT TO
5 STATE LAW AND THE AUTHORITY SHALL BE THE SOLE MEMBER OF THE
6 ENTITY;

7 (II) THE AUTHORITY SHALL APPOINT THE GOVERNING BODY OF THE
8 CONTROLLED ENTITY AND MAY REMOVE A MEMBER OF THE GOVERNING
9 BODY FOR CAUSE;

10 (III) ANY REVENUE OF THE CONTROLLED ENTITY NOT REQUIRED TO
11 PAY ITS EXPENSES AND OBLIGATIONS AND TO FUND RESERVES THEREFOR
12 FOR SUCH EXPENSES AND OBLIGATIONS AND, UPON DISSOLUTION OF THE
13 CONTROLLED ENTITY, ANY ASSETS OF THE CONTROLLED ENTITY NOT
14 REQUIRED TO PAY ITS EXPENSES AND OBLIGATIONS MUST BE DISTRIBUTED
15 TO OR AT THE DIRECTION OF THE AUTHORITY AND SHALL NOT BE USED FOR
16 OR ACCRUE TO THE BENEFIT OF ANY PRIVATE INTERESTS;

17 (IV) THE AUTHORITY MAY LOAN PROCEEDS FROM BONDS ISSUED
18 BY THE AUTHORITY TO THE CONTROLLED ENTITY; AND

19 (V) THE CONTROLLED ENTITY SHALL ENJOY THE SAME PRIVILEGES
20 AND IMMUNITIES AS THE AUTHORITY, INCLUDING BUT NOT LIMITED TO THE
21 EXEMPTIONS FROM TAXATION PURSUANT TO SECTION 29-4-1104 (11)(a).

22 **29-4-1107. Powers of the board - selection of projects -**
23 **ownership - report.** (1) (a) ON OR BEFORE OCTOBER 1, 2022, THE
24 AUTHORITY SHALL PUBLISH THE FIRST SOLICITATION FOR PROPOSALS AS
25 PART OF AN INITIAL PILOT PROGRAM AND MUST COMPLETE THE REVIEW
26 AND SELECTION PROCESS ON OR BEFORE JANUARY 1, 2023, IN
27 ACCORDANCE WITH THE REQUIREMENTS SET FORTH IN THIS SECTION. THE

1 AUTHORITY MAY CONTINUE TO SOLICIT PROPOSALS AS PART OF THE INITIAL
2 PILOT PROGRAM; EXCEPT THAT THE AUTHORITY SHALL SELECT PROPOSED
3 AFFORDABLE RENTAL HOUSING PROJECTS THAT WILL DEVELOP AN
4 AGGREGATE OF NOT MORE THAN THREE THOUSAND FIVE HUNDRED UNITS.
5 AFFORDABLE RENTAL HOUSING PROJECTS SELECTED IN THE INITIAL PILOT
6 PROGRAM MUST HAVE GEOGRAPHIC, INCOME, AND PROJECT-SIZE
7 DIVERSITY AND BE PROPOSED BY A VARIETY OF DEVELOPER ENTITIES
8 INCLUDING NONPROFITS, HOUSING AUTHORITIES, FOR-PROFIT DEVELOPERS,
9 OR LOCAL GOVERNMENTS. WHEN THE AUTHORITY HAS DETERMINED IT HAS
10 ENOUGH INFORMATION FROM THE PILOT PROGRAM SET FORTH IN THIS
11 SUBSECTION (1)(a), THE AUTHORITY SHALL PREPARE A REPORT AND
12 PUBLICLY PRESENT TO THE GENERAL ASSEMBLY A COMPREHENSIVE
13 EVALUATION OF THE AUTHORITY'S IMPACT ON MIDDLE-INCOME
14 INDIVIDUALS AND FAMILIES AND ON HOUSING OF ALL TYPES IN THE STATE.
15 THE REPORT MUST INCLUDE RECOMMENDATIONS ON WHETHER THE PILOT
16 PROGRAM SHOULD END AND RECOMMENDATIONS FOR LEGISLATIVE
17 CHANGES TO IMPROVE OR MODIFY THE PROGRAM AS IMPLEMENTED BY THE
18 AUTHORITY.

19 (b) SUBJECT TO THE PROVISIONS OF SUBSECTION (1)(a) OF THIS
20 SECTION, THE AUTHORITY SHALL SELECT AFFORDABLE RENTAL HOUSING
21 PROJECTS BASED ON PROPOSALS FROM LOCAL GOVERNMENTS, HOUSING
22 AUTHORITIES, NONPROFIT ORGANIZATIONS SPECIALIZING IN HOUSING, AND
23 EXPERIENCED REAL ESTATE PROFESSIONALS WITH PROVEN TRACK
24 RECORDS IN DEVELOPING AND OPERATING PROJECTS OF SIMILAR SCALE
25 AND COMPLEXITY USING A FAIR AND TRANSPARENT PROCESS THAT
26 CREATES COMPETITION AND LIMITS PRIVATE SECTOR DEVELOPMENT FEES
27 TO AN AMOUNT THAT IS LESS THAN THE PRIVATE SECTOR DEVELOPMENT

1 FEES THAT ARE CUSTOMARILY RECEIVED AS OF THE EFFECTIVE DATE OF
2 THIS PART 11 FOR PROJECTS RECEIVING A FEDERAL LOW-INCOME HOUSING
3 TAX CREDIT PROVIDED BY SECTION 42 OF THE "INTERNAL REVENUE CODE
4 OF 1986", REFERRED TO IN THIS SECTION AS THE "LIHTC". THE
5 AUTHORITY'S OVERALL PORTFOLIO OF AFFORDABLE RENTAL HOUSING
6 PROJECTS MUST MAINTAIN THAT EIGHTY PERCENT ARE NEW BUILD
7 CONSTRUCTION PROJECTS.

8 (c) THE AUTHORITY SHALL ESTABLISH A PROCESS FOR SOLICITING
9 AND EVALUATING PROPOSALS AND SELECTING PROJECTS THAT INCLUDES
10 BUT IS NOT LIMITED TO PRIORITIZATION CRITERIA THAT GIVES PREFERENCE
11 TO PROPOSED AFFORDABLE RENTAL HOUSING PROJECTS THAT PROMOTE
12 ONE OR MORE OF THE FOLLOWING GOALS AND OBJECTIVES:

13 (I) INCREASE THE SUPPLY OF AFFORDABLE WORKFORCE HOUSING
14 IN URBAN, RURAL, AND RURAL RESORT COMMUNITIES ACROSS THE STATE,
15 AS EACH TERM IS CLASSIFIED PURSUANT TO SUBSECTION (1)(d) OF THIS
16 SECTION, THAT RESPONDS TO EACH COMMUNITY'S DEMONSTRATED NEED
17 FOR MIDDLE-INCOME PROJECTS IN WHICH AT LEAST SIXTY PERCENT OF
18 UNITS WITHIN A PARTICULAR DEVELOPMENT ARE AVAILABLE TO RENT OR
19 ARE ACTIVELY RENTED TO MIDDLE-INCOME INDIVIDUALS AND FAMILIES ==
20 AS DEFINED IN SECTION 29-4-1103 (7);

21 (II) CREATE OPPORTUNITIES TO BUILD INTERGENERATIONAL
22 WEALTH FOR FAMILIES;

23 (III) MEANINGFULLY CONTRIBUTE TO THE ALLEVIATION OF
24 HOUSING PRESSURES THE LOCAL WORKFORCE FACES; ==

25 (IV) PROVIDES FOR THE LONG-TERM AFFORDABILITY OF RENTAL
26 UNITS;

27 (V) HAS MINIMAL NEGATIVE IMPACT ON EXISTING OR PLANNED

1 AFFORDABLE HOUSING PROJECTS IN THE STATE, WHICH IMPACTS SHALL BE
2 EVALUATED BY THE AUTHORITY IN CONSULTATION WITH OTHER HOUSING
3 AUTHORITIES, NONPROFITS, LOCAL GOVERNMENTS, OR ANY OTHER
4 APPLICABLE ENTITY;

5 (VI) TARGETS A DIVERSE RANGE OF INCOME LEVELS WITHIN THE
6 INCOME RESTRICTED HOUSING COMPONENT FOR MIDDLE-INCOME
7 INDIVIDUALS AND FAMILIES AS SET FORTH IN SECTION 29-4-1103 (7) AND
8 PROPOSES AT LEAST THIRTY PERCENT OF THE RENTAL UNITS FOR
9 INDIVIDUALS AND FAMILIES WITH ANNUAL INCOME OF THE HOUSEHOLD AT
10 EIGHTY PERCENT OF THE AREA MEDIAN INCOME OF HOUSEHOLDS OF THAT
11 SIZE IN THE COUNTY IN WHICH THE HOUSING IS LOCATED OR
12 DEMONSTRABLY TARGETS THE LOWEST POSSIBLE AREA MEDIAN INCOME,
13 AS SPECIFIED IN SUBSECTION (1)(c)(I) OF THIS SECTION, GIVEN THE
14 PROPOSED SCOPE OF THE DEVELOPMENT; AND

15 (VII) PROMOTES MIXED-INCOME DEVELOPMENT WHERE A
16 PERCENTAGE OF UNITS, PROPORTIONAL TO THE LOCAL DEMONSTRATED
17 HOUSING NEEDS WITHIN A PARTICULAR DEVELOPMENT, HAVE RESTRICTED
18 AVAILABILITY TO HOUSEHOLDS AT OR BELOW THE INCOME LEVELS FOR
19 MIDDLE-INCOME INDIVIDUALS AND FAMILIES AS SET FORTH IN SECTION
20 29-4-1103 (7). THE PERCENTAGE OF RESTRICTED UNITS AND
21 AFFORDABILITY LEVELS MUST COMPLY WITH ANY LOCAL LAWS PROMOTING
22 THE DEVELOPMENT OF NEW AFFORDABLE HOUSING UNITS PURSUANT TO
23 SECTION 29-20-104 (1).

24 (d) ON OR BEFORE SEPTEMBER 1, 2022, THE DIVISION OF HOUSING,
25 CREATED IN SECTION 24-32-704 (1), SHALL CLASSIFY EACH COUNTY IN THE
26 STATE AS "URBAN", "RURAL", OR "RURAL RESORT" BASED UPON THE
27 DEFINITIONS OF THE TERMS AS SPECIFIED IN THE FINAL REPORT OF THE

1 COLORADO STRATEGIC HOUSING WORKING GROUP, DATED JULY 6, 2021.
2 THE DIVISION OF HOUSING SHALL REGULARLY UPDATE AND PUBLISH
3 MODIFICATIONS OF THIS INITIAL CLASSIFICATION.

4 ==
5 (2) (a) IN ADDITION TO ANY OTHER CRITERIA ESTABLISHED BY THE
6 AUTHORITY, A PROPOSAL MUST:

7 (I) INCLUDE A COMPREHENSIVE PLAN OF FINANCE TO FINANCE THE
8 AFFORDABLE RENTAL HOUSING PROJECT FROM THE PROCEEDS OF BONDS
9 ISSUED BY THE AUTHORITY AND SOLD BY APPROVED UNDERWRITERS
10 IDENTIFIED IN THE PROPOSAL AND OTHER SOURCES, WITH ALL BONDS
11 ISSUED BY THE AUTHORITY BEING PAYABLE SOLELY FROM REVENUE
12 GENERATED BY AND SECURED SOLELY BY THE AFFORDABLE RENTAL
13 HOUSING PROJECT, WITH NO FINANCIAL OBLIGATION OR OTHER LIABILITY
14 OF THE STATE;

15 (II) SHOW HOW THE DEVELOPMENT ALIGNS WITH THE IDENTIFIED
16 NEEDS OF A COMMUNITY WHERE THE PROPOSED AFFORDABLE RENTAL
17 HOUSING PROJECT WILL BE LOCATED, AS DEFINED IN THE COMMUNITY'S
18 HOUSING NEEDS ASSESSMENT, WHERE AVAILABLE.

19 (III) LIMIT PRIVATE SECTOR DEVELOPMENT FEES TO AN AMOUNT
20 LESS THAN THE PRIVATE SECTOR DEVELOPMENT FEES THAT ARE
21 CUSTOMARY FOR LIHTC PROJECTS AS OF THE EFFECTIVE DATE OF THIS
22 PART 11;

23 (IV) COMPLY WITH ALL TERMS OF THIS PART 11; AND

24 (V) INCLUDE AN EXPLICIT DISCLAIMER THAT THE STATE HAS NO
25 LIABILITY FOR ANY OBLIGATIONS OF THE AUTHORITY, THAT THE BONDS,
26 CONTRACTUAL, AND OTHER OBLIGATIONS AND LIABILITIES OF THE
27 AUTHORITY ARE SPECIAL LIMITED OBLIGATIONS OF THE AUTHORITY AND

1 ARE NOT BONDS, OBLIGATIONS, OR LIABILITIES OF THE STATE, AND THAT
2 THE STATE SHALL HAVE NO OBLIGATION OR LIABILITY WITH RESPECT TO
3 ANY OF THE BONDS, CONTRACTUAL, OR OTHER OBLIGATIONS OR
4 LIABILITIES OF THE AUTHORITY.

5 (b) IN ADDITION TO ANY OTHER CRITERIA ESTABLISHED BY THE
6 AUTHORITY, A PROPOSAL MAY PROVIDE THAT A PORTION OF THE BONDS
7 ISSUED BY THE AUTHORITY TO FINANCE THE AFFORDABLE RENTAL
8 HOUSING PROJECT BE SOLD TO INVESTORS IDENTIFIED IN THE PROPOSAL.

9 (c) AN APPLICANT MAY, AT ANY TIME, REQUEST THAT THE BOARD
10 GRANT THE APPLICANT AN EXCEPTION TO THE UPPER LIMITS OF THE AREA
11 MEDIAN INCOME LEVELS FOR MIDDLE-INCOME INDIVIDUALS AND FAMILIES
12 AS SET FORTH IN SECTION 29-4-1103 (7) BASED UPON DEMONSTRATED
13 UNIQUE ECONOMIC AND HOUSING COST ATTRIBUTES OR FOR A LIMITED
14 NUMBER OF UNITS AS MAY BE REQUIRED BY LOCAL ORDINANCE, ZONING
15 INCENTIVES, OR SIMILAR LOCAL RULES AND REGULATIONS IN THE LOCAL
16 COMMUNITY IN WHICH THE AFFORDABLE RENTAL HOUSING PROJECT IS
17 PROPOSED TO BE LOCATED.

18 (d) IF REQUIRED BY A LOCAL COMMUNITY IN WHICH A PROPOSED
19 AFFORDABLE RENTAL HOUSING PROJECT WILL BE LOCATED, AN APPLICANT
20 MAY REQUEST THAT THE BOARD GRANT THE APPLICANT AN ABILITY TO
21 PROVIDE A LIMITED NUMBER OF UNITS IN THE AFFORDABLE RENTAL
22 HOUSING PROJECT BELOW EIGHTY PERCENT OF AREA MEDIAN INCOME,
23 ONLY AS IS REQUIRED BY LOCAL ORDINANCE, ZONING INCENTIVES, OR
24 SIMILAR RULES AND REGULATIONS IN THE LOCAL COMMUNITY IN WHICH
25 THE PROPOSED AFFORDABLE RENTAL HOUSING PROJECT WILL BE LOCATED.
26 A PROPOSED AFFORDABLE RENTAL HOUSING PROJECT THAT RECEIVES A
27 WAIVER BY THE BOARD PURSUANT TO THIS SUBSECTION (2)(d) MUST STILL

1 HAVE A PRIMARY PURPOSE OF PROVIDING RENTAL HOUSING FOR
2 MIDDLE-INCOME INDIVIDUALS AND FAMILIES.

3 (3) To INCENTIVIZE QUALITY AFFORDABLE RENTAL HOUSING
4 PROJECTS THAT WILL OPERATE CONSISTENTLY AND EFFICIENTLY, IN
5 EVALUATING PROPOSALS THE AUTHORITY SHALL FAVOR PROPOSALS THAT
6 INCLUDE AN AGREEMENT FROM THE DEVELOPER AND THE OPERATOR
7 IDENTIFIED IN THE PROPOSAL TO CONTINUE AS DEVELOPER AND OPERATOR
8 OF THE AFFORDABLE RENTAL HOUSING PROJECT FOR A PERIOD OF AT LEAST
9 TEN YEARS, SUBJECT TO THE AUTHORITY'S RIGHT TO REMOVE THEM.

10 (4) (a) THE AUTHORITY SHALL ESTABLISH A PROCESS TO PROVIDE
11 NOTIFICATION TO LOCAL GOVERNMENTAL ENTITIES WHERE A PROPOSED
12 AFFORDABLE RENTAL HOUSING PROJECT WILL BE LOCATED PRIOR TO
13 SELECTION OF THE PROJECT.

14 (b) THE AUTHORITY MUST WORK IN COOPERATION WITH AND
15 SOLICIT FEEDBACK FROM OVERLAPPING LOCAL GOVERNMENTAL ENTITIES
16 FOR ANY PROPOSED AFFORDABLE RENTAL HOUSING PROJECT. IF, AFTER
17 GOOD FAITH NEGOTIATIONS, A HOME RULE MUNICIPALITY THAT HAS OPTED
18 INTO THE PILOT PROGRAM SET FORTH IN SUBSECTION (1)(a) OF THIS
19 SECTION, OR A COUNTY IF A PROPOSED AFFORDABLE RENTAL HOUSING
20 PROJECT IS LOCATED OUTSIDE OF A HOME RULE MUNICIPALITY AND THAT
21 HAS OPTED INTO THE PILOT PROGRAM SET FORTH IN SUBSECTION (1)(a) OF
22 THIS SECTION, IN COOPERATION WITH OTHER IMPACTED ENTITIES,
23 DETERMINES THAT THE PROPOSED AFFORDABLE RENTAL HOUSING PROJECT
24 IS NOT FEASIBLE AS PROPOSED, THE AUTHORITY SHALL NOT SELECT THE
25 PROPOSED AFFORDABLE HOUSING RENTAL PROJECT.

26 (5) WHEN AN AFFORDABLE RENTAL HOUSING PROJECT IS
27 SELECTED, THE AUTHORITY SHALL ENTER INTO A CONTRACT WITH THE

1 PERSON OR GROUP THAT SUBMITS THE PROPOSAL BASED ON THE TERMS SET
2 FORTH IN THE PROPOSAL AND ANY ADDITIONAL TERMS DEEMED
3 APPROPRIATE BY THE AUTHORITY AND IN ACCORDANCE WITH THE
4 PROVISIONS SET FORTH IN THIS PART 11. THE AUTHORITY MAY ESTABLISH
5 ADDITIONAL RESTRICTIONS ON DEVELOPER FEES, INCLUDING CAPS ON
6 OPERATING FEES AND OTHER MARKUPS, WHICH SHALL BE SET FORTH IN
7 THE CONTRACT.

8 (6) ALL INTERESTS OF THE PERSON OR GROUP WHOSE PROPOSAL
9 FOR AN AFFORDABLE RENTAL HOUSING PROJECT IS SELECTED WILL BE
10 TRANSFERRED TO THE AUTHORITY; EXCEPT THAT, AND SUBJECT TO
11 APPROVAL BY THE AUTHORITY, A HOUSING AUTHORITY WHOSE PROPOSAL
12 IS SELECTED MAY RETAIN A PORTION OF INTEREST IN THE AFFORDABLE
13 RENTAL HOUSING PROJECT. THE PERSON OR GROUP OF A SELECTED
14 AFFORDABLE RENTAL HOUSING PROJECT SHALL NOT RETAIN OR OTHERWISE
15 BE ENTITLED TO ANY INTEREST IN THE AFFORDABLE RENTAL HOUSING
16 PROJECT OR ANY RIGHT TO PAYMENTS FROM THE REVENUES FROM THE
17 AFFORDABLE RENTAL HOUSING PROJECT TRANSFERRED TO THE
18 AUTHORITY, EXCEPT FOR THE PERSON'S OR GROUP'S RIGHT TO
19 COMPENSATION AND TO REIMBURSEMENT FOR EXPENSES, WHICH SHALL BE
20 CLEARLY DETAILED IN THE CONTRACT BETWEEN THE AUTHORITY AND THE
21 PERSON OR GROUP SET FORTH IN SUBSECTION (5) OF THIS SECTION.

22 (7) AN AFFORDABLE RENTAL HOUSING PROJECT AND REVENUE
23 FROM AN AFFORDABLE RENTAL HOUSING PROJECT PROPOSED BY A PERSON
24 OR GROUP SHALL NOT BE PLEDGED OR OTHERWISE USED FOR THE PAYMENT
25 OF BONDS OR OTHER OBLIGATIONS OF PROJECTS PROPOSED BY ANY OTHER
26 PERSON OR GROUP WITHOUT THE CONSENT OF BOTH THE PERSON OR GROUP
27 AND OTHER PERSON OR GROUP.

1 (8) THE AFFORDABLE RENTAL HOUSING PROJECTS, ASSETS OF THE
2 AUTHORITY, AND THE APPRECIATION IN VALUE AND PROCEEDS OF ANY
3 SALE OF AN AFFORDABLE RENTAL HOUSING PROJECT MUST BE USED TO
4 PROVIDE AFFORDABLE MIDDLE-INCOME WORKFORCE HOUSING AND SHALL
5 NOT BE DIVERTED TO ANY OTHER USE OR FOR ANY OTHER PURPOSE WHILE
6 THE AUTHORITY IS IN EXISTENCE.

7 (9) THE AUTHORITY SHALL CONTRACT WITH AN OUTSIDE GROUP TO
8 EVALUATE THE SUCCESS OF ITS AFFORDABLE RENTAL HOUSING PROJECTS.

9 (10) (a) RENTAL UNITS IN AFFORDABLE RENTAL HOUSING
10 PROJECTS MUST BE AFFORDABLE MIDDLE-INCOME WORKFORCE HOUSING,
11 AND RENTS FOR UNITS OF AFFORDABLE RENTAL HOUSING PROJECTS MUST
12 REMAIN AS STABLE AS IS FINANCIALLY FEASIBLE. TO DETERMINE RENT,
13 THE BOARD SHALL CONSIDER INFORMATION FROM MARKET STUDIES
14 PREPARED IN CONNECTION WITH THE DEVELOPMENT OF THE AFFORDABLE
15 RENTAL HOUSING PROJECT AND OTHER AVAILABLE INFORMATION
16 ADJUSTED AS THE BOARD DEEMS APPROPRIATE FOR THE PERIOD SINCE THE
17 INFORMATION WAS COMPILED AND ANY ADDITIONAL FACTS AND
18 CIRCUMSTANCES APPLICABLE TO THE AFFORDABLE RENTAL HOUSING
19 PROJECT AND THE AREA IN WHICH IT IS LOCATED, WITH A GOAL OF NOT
20 EXCEEDING THIRTY PERCENT OF THE INDIVIDUAL'S OR FAMILY'S INCOME.
21 RENT SET BY THE AUTHORITY MUST BE AT LEAST TEN PERCENT BELOW
22 MARKET RENTAL RATES AND SHALL NOT EXCEED MAXIMUM RENTS FOR
23 HOUSEHOLDS OF A GIVEN SIZE AND INCOME LEVEL AS ESTABLISHED BY THE
24 UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.

25 (b) RENTAL UNITS IN AN AFFORDABLE RENTAL HOUSING PROJECT
26 SHALL NOT BE RENTED ON A SHORT-TERM BASIS.

27 (11) THE AUTHORITY SHALL CREATE PRIORITIES FOR SELECTING

1 TENANTS FOR UNITS IN AN AFFORDABLE RENTAL HOUSING PROJECT THAT
2 FAVOR INDIVIDUALS WHO WORK, OR FAMILIES WHERE AT LEAST ONE
3 MEMBER OF THE FAMILY WORKS, IN THE AREA IN WHICH THE AFFORDABLE
4 RENTAL HOUSING PROJECT IS LOCATED, IN ADDITION TO OTHER PRIORITIES
5 THAT THE BOARD DETERMINES ARE APPROPRIATE BASED ON THE FACTS
6 AND CIRCUMSTANCES APPLICABLE TO THE AFFORDABLE RENTAL HOUSING
7 PROJECT AND THE AREA IN WHICH IT IS LOCATED.

8 (12) THE AUTHORITY SHALL NOT UTILIZE STATE FUNDING WHERE
9 THE MONEY ORIGINATES FROM THE FEDERAL "AMERICAN RESCUE PLAN
10 ACT OF 2021", PUB.L. 117-2, AS THE ACT MAY BE SUBSEQUENTLY
11 AMENDED, FOR ANY LOAN, GRANT, OR OTHER PROGRAM ESTABLISHED BY
12 SENATE BILLS 22-146, 22-159, AND 22-160, ENACTED IN 2022, AND
13 HOUSE BILLS 22-1282 AND 22-1304, ENACTED IN 2022.

14 (13) THE AUTHORITY SHALL NOT USE ANY FUNDING AVAILABLE TO
15 IT TO ACQUIRE EXISTING PROPERTIES SUPPORTED WITH THE FEDERAL
16 LOW-INCOME HOUSING TAX CREDIT PROVIDED BY SECTION 42 OF THE
17 INTERNAL REVENUE CODE, THE COLORADO STATE AFFORDABLE HOUSING
18 TAX CREDIT AUTHORIZED UNDER PART 21 OF ARTICLE 22 OF TITLE 39, OR
19 THE UNITED STATES DEPARTMENT OF AGRICULTURE 515 RURAL RENTAL
20 HOUSING LOAN PROGRAM SUBSIDIZED PROPERTIES.

21 (14) THE AUTHORITY SHALL NOT ISSUE EXEMPT FACILITY BONDS,
22 AS DEFINED IN SECTION 142(a) OF THE INTERNAL REVENUE CODE OF 1986,
23 AS AMENDED, USE PRIVATE ACTIVITY BONDS VOLUME CAP ALLOCATION IN
24 THE ISSUANCE OF ANY BONDS, OR RECEIVE A DIRECT ALLOCATION,
25 STATEWIDE BALANCE AWARD OR ASSIGNMENT OF ALLOCATION OF STATE
26 CEILING UNDER THE COLORADO PRIVATE ACTIVITY BOND CEILING
27 ALLOCATION ACT SET FORTH IN PART 17 OF ARTICLE 32 OF TITLE 24, AND

1 THE AUTHORITY SHALL NOT USE FEDERAL LIHTC OR STATE AFFORDABLE
2 HOUSING TAX CREDITS FOR ITS AFFORDABLE RENTAL HOUSING PROJECTS.

3 **29-4-1108. Relationship of authority and other jurisdictions.**

4 (1) THE PROVISION OF AFFORDABLE RENTAL HOUSING BY THE AUTHORITY
5 IS A MATTER OF STATEWIDE CONCERN AND THEREFORE EACH COUNTY,
6 MUNICIPALITY, OR SPECIAL DISTRICT IN WHICH AN AFFORDABLE RENTAL
7 HOUSING PROJECT IS LOCATED, IN CONNECTION WITH THE PROJECT, SHALL
8 PROVIDE GOVERNMENTAL SERVICES OF THE SAME CHARACTER AND TO THE
9 SAME EXTENT AS SERVICES PROVIDED FOR OTHER RESIDENTS OF THE
10 COUNTY, MUNICIPALITY, OR SPECIAL DISTRICT.

11 (2) NOTWITHSTANDING THE PROVISIONS SET FORTH IN SUBSECTION
12 (1) OF THIS SECTION, THE AUTHORITY MAY ENTER INTO CONTRACTUAL OR
13 INTERGOVERNMENTAL AGREEMENTS WITH ANY COUNTY, MUNICIPALITY,
14 OR SPECIAL DISTRICT FOR THE PROVISION OF ANY ADDITIONAL
15 COMMUNITY, MUNICIPAL, OR PUBLIC FACILITIES OR SERVICES NECESSARY
16 OR DESIRABLE FOR ANY AFFORDABLE RENTAL HOUSING PROJECT.

17 (3) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE
18 STATE, ANY STATE AGENCY, ANY COUNTY, AND ANY MUNICIPALITY IN
19 WHICH A PROJECT IS OR IS TO BE LOCATED, AND ANY BOARD, AUTHORITY,
20 AGENCY, DEPARTMENT, COMMISSION, PUBLIC CORPORATION, OR
21 INSTRUMENTALITY OF SUCH COUNTY OR MUNICIPALITY, HAS THE POWER
22 TO LEND OR GRANT MONEY OR ANY OTHER FORM OF PROPERTY, REAL,
23 PERSONAL, OR MIXED, TO THE AUTHORITY AND TO ENTER INTO CONTRACTS
24 TO MAKE SUCH LOANS AND GRANTS, ALL UPON WHICH SUCH TERMS AND
25 CONDITIONS AS THE AUTHORITY AND THE STATE, STATE AGENCY, COUNTY,
26 OR MUNICIPALITY MAY AGREE.

27 **29-4-1109. Bonds.** (1) (a) THE AUTHORITY MAY ISSUE BONDS TO

1 FINANCE ITS AFFORDABLE RENTAL HOUSING PROJECTS OR TO ACCOMPLISH
2 OR FURTHER ANY OF ITS POWERS OR DUTIES RELATING TO AFFORDABLE
3 RENTAL HOUSING PROJECTS.

4 (b) BONDS MUST BE ISSUED PURSUANT TO RESOLUTION OF THE
5 BOARD, ARE PAYABLE SOLELY FROM ALL OR A SPECIFIED PORTION OF THE
6 REVENUES OR ASSETS OF THE AUTHORITY AND MAY BE SECURED BY A
7 MORTGAGE, DEED OF TRUST, PLEDGE, OTHER SECURITY INTEREST IN OR
8 ENCUMBRANCE ON ANY OF THE REVENUE, PROPERTY, OR ASSETS OF THE
9 AUTHORITY.

10 (c) BONDS MAY BE EXECUTED AND DELIVERED BY THE AUTHORITY
11 AT SUCH TIMES; MAY BE IN SUCH FORM AND DENOMINATIONS AND
12 INCLUDE SUCH TERMS AND MATURITIES; MAY BE SUBJECT TO OPTIONAL OR
13 MANDATORY REDEMPTION PRIOR TO MATURITY WITH OR WITHOUT A
14 PREMIUM; MAY BE IN FULLY REGISTERED FORM OR BEARER FORM
15 REGISTRABLE AS TO PRINCIPAL OR INTEREST OR BOTH; MAY BEAR SUCH
16 CONVERSION PRIVILEGES; MAY BE PAYABLE IN SUCH INSTALLMENTS AND
17 AT SUCH TIMES NOT EXCEEDING FORTY-FIVE YEARS FROM THE DATE
18 THEREOF; MAY BE PAYABLE AT SUCH PLACE OR PLACES WHETHER WITHIN
19 OR WITHOUT THE STATE; MAY BEAR INTEREST AT SUCH RATE OR RATES PER
20 ANNUM, WHICH MAY BE FIXED OR VARY ACCORDING TO INDEX,
21 PROCEDURE, OR FORMULA OR AS DETERMINED BY THE AUTHORITY OR ITS
22 AGENTS, WITHOUT REGARD TO ANY INTEREST RATE LIMITATION
23 APPEARING IN ANY OTHER LAW OF THE STATE; MAY BE SUBJECT TO
24 PURCHASE AT THE OPTION OF THE HOLDER OR THE AUTHORITY; MAY BE
25 EVIDENCED IN SUCH MANNER; MAY BE EXECUTED BY SUCH OFFICERS OF
26 THE AUTHORITY, INCLUDING THE USE OF ONE OR MORE FACSIMILE
27 SIGNATURES SO LONG AS AT LEAST ONE MANUAL SIGNATURE APPEARS ON

1 THE BONDS, WHICH MAY BE EITHER OF AN OFFICER OF THE AUTHORITY OR
2 OF AN AGENT AUTHENTICATING THE SAME; MAY BE IN THE FORM OF
3 COUPON BONDS THAT HAVE ATTACHED INTEREST COUPONS BEARING A
4 MANUAL OR FACSIMILE SIGNATURE OF AN OFFICER OF THE AUTHORITY;
5 AND MAY CONTAIN SUCH PROVISIONS NOT INCONSISTENT WITH THIS PART
6 11, ALL AS PROVIDED IN THE RESOLUTION OF THE BOARD UNDER WHICH
7 THE BONDS ARE AUTHORIZED TO BE ISSUED OR AS PROVIDED IN A TRUST
8 INDENTURE BETWEEN THE AUTHORITY AND ANY COMMERCIAL BANK OR
9 TRUST COMPANY HAVING FULL TRUST POWERS.

10 (d) BONDS MAY BE SOLD AT PUBLIC OR PRIVATE SALE AT SUCH
11 PRICE OR PRICES, IN SUCH MANNER, AND AT SUCH TIMES AS DETERMINED
12 BY THE BOARD, AND THE AUTHORITY MAY PAY ALL FEES, EXPENSES, AND
13 COMMISSIONS THAT IT DEEMS NECESSARY OR ADVANTAGEOUS IN
14 CONNECTION WITH THE SALE OF THE BONDS. THE POWER TO FIX THE DATE
15 OF SALE OF THE BONDS, TO RECEIVE BIDS OR PROPOSALS, TO AWARD AND
16 SELL BONDS, TO FIX INTEREST RATES, AND TO TAKE ALL OTHER ACTION
17 NECESSARY TO SELL AND DELIVER THE BONDS MAY BE DELEGATED TO AN
18 OFFICER OR AGENT OF THE AUTHORITY.

19 (e) ANY OUTSTANDING BONDS MAY BE REFUNDED BY THE
20 AUTHORITY PURSUANT TO ARTICLE 56 OF TITLE 11.

21 (f) ALL BONDS AND ANY INTEREST COUPONS APPLICABLE TO THE
22 BONDS ARE DECLARED TO BE NEGOTIABLE INSTRUMENTS.

23 (g) THE RESOLUTION OR TRUST INDENTURE AUTHORIZING THE
24 ISSUANCE OF THE BONDS MAY PLEDGE ALL OR A PORTION OF THE
25 REVENUES AND ASSETS OF THE AUTHORITY; MAY GRANT OR PROVIDE FOR
26 A MORTGAGE, DEED OF TRUST, PLEDGE, OTHER SECURITY INTEREST IN OR
27 ENCUMBRANCE ON ANY OF THE REVENUES, PROPERTY, OR ASSETS OF THE

1 AUTHORITY; MAY PLEDGE ALL OR A PORTION OF THE RIGHTS OF THE
2 AUTHORITY TO IMPOSE AND RECEIVE RENT OR OTHER CHARGES IN
3 ACCORDANCE WITH THE PROVISIONS OF THIS PART 11; MAY CONTAIN SUCH
4 PROVISIONS FOR PROTECTING AND ENFORCING THE RIGHTS AND REMEDIES
5 OF HOLDERS OF ANY OF THE BONDS AS THE AUTHORITY DEEMS
6 APPROPRIATE; MAY SET FORTH THE RIGHTS AND REMEDIES OF THE
7 HOLDERS OF ANY OF THE BONDS; AND MAY CONTAIN PROVISIONS THAT THE
8 AUTHORITY DEEMS APPROPRIATE FOR THE SECURITY OF THE HOLDERS OF
9 THE BONDS, INCLUDING, BUT NOT LIMITED TO, PROVISIONS FOR LETTERS OF
10 CREDIT, INSURANCE, STANDBY CREDIT AGREEMENTS, OR OTHER FORMS OF
11 CREDIT ENSURING TIMELY PAYMENT OF THE BONDS, INCLUDING THE
12 REDEMPTION PRICE OR THE PURCHASE PRICE.

13 (h) ANY PLEDGE OF REVENUE, ASSETS, OR OTHER PROPERTY MADE
14 BY THE AUTHORITY OR BY ANY PERSON OR GOVERNMENTAL UNIT WITH
15 WHICH THE AUTHORITY CONTRACTS IS VALID AND BINDING FROM THE TIME
16 THE PLEDGE IS MADE. THE PLEDGED REVENUES, ASSETS, OR PROPERTY ARE
17 IMMEDIATELY SUBJECT TO THE LIEN OF THE PLEDGE WITHOUT ANY
18 PHYSICAL DELIVERY OR FURTHER ACT, AND THE LIEN OF THE PLEDGE IS
19 VALID AND BINDING AGAINST ALL PARTIES HAVING CLAIMS OF ANY KIND
20 IN TORT, CONTRACT, OR OTHERWISE AGAINST THE PLEDGING PARTY.
21 THE INSTRUMENT BY WHICH THE PLEDGE IS CREATED SHALL BE RECORDED
22 OR FILED. SUCH LIEN OF THE PLEDGE IS SUPERIOR ONLY TO ANY OTHER
23 LIEN ON THE SAME REVENUE, ASSETS, OR PROPERTY THAT IS FILED LATER
24 IN TIME OTHER THAN A LIEN FOR PROPERTY TAXES.

25 (i) NEITHER THE MEMBERS OF THE BOARD OF THE AUTHORITY,
26 EMPLOYEES OF THE AUTHORITY, NOR ANY PERSON EXECUTING THE BONDS
27 ARE LIABLE PERSONALLY ON THE BONDS OR SUBJECT TO ANY PERSONAL

1 LIABILITY BY REASON OF THE ISSUANCE OF THE BONDS.

2 (j) THE AUTHORITY MAY PURCHASE ITS BONDS OUT OF ANY
3 AVAILABLE MONEY AND MAY HOLD, PLEDGE, CANCEL, OR RESELL SUCH
4 BONDS SUBJECT TO AND IN ACCORDANCE WITH AGREEMENTS WITH THE
5 HOLDERS OF THE BONDS.

6 (2) THE AUTHORITY MAY INVEST OR DEPOSIT ANY PROCEEDS AND
7 ANY INTEREST FROM THE SALE OF BONDS IN THE MANNER PROVIDED BY
8 PART 6 OF ARTICLE 75 OF TITLE 24. IN ADDITION, THE AUTHORITY MAY
9 DIRECT A CORPORATE TRUSTEE THAT HOLDS SUCH PROCEEDS AND ANY
10 INTEREST TO INVEST OR DEPOSIT SUCH PROCEEDS AND ANY INTEREST IN
11 INVESTMENTS OR DEPOSITS OTHER THAN THOSE SPECIFIED BY SAID PART
12 6 IF THE BOARD DETERMINES, BY RESOLUTION, THAT THE INVESTMENT OR
13 DEPOSIT MEETS THE STANDARD ESTABLISHED IN SECTION 15-1-304, THE
14 INCOME IS AT LEAST COMPARABLE TO INCOME AVAILABLE ON
15 INVESTMENTS OR DEPOSITS SPECIFIED BY PART 6 OF ARTICLE 75 OF TITLE
16 24, AND THE INVESTMENT WILL ASSIST THE AUTHORITY IN THE
17 COMPLETION OF THE AFFORDABLE RENTAL HOUSING PROJECT OR
18 ACTIVITIES TO BE FINANCED FROM PROCEEDS OF THE BONDS.

19 (3) ALL BANKS, TRUST COMPANIES, SAVINGS AND LOAN
20 ASSOCIATIONS, INSURANCE COMPANIES, EXECUTORS, ADMINISTRATORS,
21 GUARDIANS, TRUSTEES, AND OTHER FIDUCIARIES MAY LEGALLY INVEST
22 ANY MONEY WITHIN THEIR CONTROL IN BONDS ISSUED UNDER THIS PART
23 11. PUBLIC ENTITIES, AS DEFINED IN SECTION 24-75-601 (1), MAY INVEST
24 PUBLIC MONEY IN SUCH BONDS ONLY IF THE BONDS SATISFY THE
25 INVESTMENT REQUIREMENTS ESTABLISHED IN PART 6 OF ARTICLE 75 OF
26 TITLE 24.

27 (4) BONDS ISSUED UNDER THIS PART 11 ARE EXEMPT FROM THE

1 PROVISIONS OF ARTICLE 51 OF TITLE 11.

2 (5) THE ISSUANCE OF BONDS BY THE AUTHORITY PURSUANT TO
3 THIS PART 11 NEED NOT COMPLY WITH THE REQUIREMENTS OF ANY OTHER
4 STATE LAW APPLICABLE TO THE ISSUANCE OF BONDS AND NO
5 PROCEEDINGS, NOTICE, OR APPROVAL IS REQUIRED FOR THE ISSUANCE OF
6 BONDS BY THE AUTHORITY EXCEPT AS PROVIDED IN THIS PART 11.

7 **29-4-1110. Agreement of the state not to limit or alter rights**
8 **of obligees.** THE STATE PLEDGES AND AGREES WITH THE HOLDERS OF ANY
9 BONDS ISSUED UNDER THIS PART 11 AND WITH THOSE PARTIES WHO ENTER
10 INTO CONTRACTS WITH THE AUTHORITY THAT THE STATE WILL NOT IMPAIR
11 THE RIGHTS VESTED IN THE AUTHORITY OR THE RIGHTS OR OBLIGATIONS
12 OF ANY PERSON WITH WHICH THE AUTHORITY CONTRACTS TO FULFILL THE
13 TERMS OF ANY AGREEMENTS MADE PURSUANT TO THIS PART 11. THE
14 STATE FURTHER AGREES THAT IT WILL NOT IMPAIR THE RIGHTS OR
15 REMEDIES OF THE HOLDERS OF ANY BONDS OF THE AUTHORITY UNTIL THE
16 BONDS HAVE BEEN PAID OR UNTIL ADEQUATE PROVISION FOR PAYMENT
17 HAS BEEN MADE. THE AUTHORITY MAY INCLUDE THIS PROVISION AND
18 UNDERTAKING FOR THE STATE IN THE BONDS.

19 **29-4-1111. Issuance of funds to the authority.** ON JULY 1, 2022,
20 THE STATE TREASURER SHALL ISSUE TO THE AUTHORITY A WARRANT PAID
21 FROM THE GENERAL FUND IN AN AMOUNT EQUAL TO SIX MILLION DOLLARS
22 FOR USE BY THE AUTHORITY CONSISTENT WITH THE PROVISIONS OF THIS
23 PART 11.

24 **29-4-1112. No action maintainable.** AN ACTION OR PROCEEDING
25 AT LAW OR IN EQUITY TO REVIEW ANY ACTS OR PROCEEDINGS OR TO
26 QUESTION THE VALIDITY OR ENJOIN THE PERFORMANCE OF ANY ACT OR
27 PROCEEDINGS OR THE ISSUANCE OF ANY BONDS OR FOR ANY OTHER RELIEF

1 AGAINST OR FROM ANY ACTS OR PROCEEDINGS DONE UNDER THIS PART 11,
2 WHETHER BASED UPON IRREGULARITIES OR JURISDICTIONAL DEFECTS,
3 SHALL NOT BE MAINTAINED UNLESS COMMENCED WITHIN THIRTY DAYS
4 AFTER THE PERFORMANCE OF THE ACT OR PROCEEDINGS OR THE EFFECTIVE
5 DATE OF THE ACTS OR PROCEEDINGS, WHICHEVER OCCURS FIRST, AND IS
6 THEREAFTER PERPETUALLY BARRED.

7 **29-4-1113. Judicial examination of powers, acts, proceedings,**
8 **or contracts of the authority.** IN ITS DISCRETION, THE BOARD MAY FILE
9 A PETITION AT ANY TIME IN THE DISTRICT COURT IN AND FOR ANY COUNTY
10 IN WHICH THE AUTHORITY IS LOCATED WHOLLY OR IN PART, OR IN WHICH
11 THE AUTHORITY INTENDS TO CONDUCT ACTIVITIES, SEEKING A JUDICIAL
12 EXAMINATION AND DETERMINATION OF ANY POWER CONFERRED TO THE
13 AUTHORITY, ANY REVENUE-RAISING POWER EXERCISED OR THAT MAY BE
14 EXERCISED BY THE AUTHORITY, OR ANY ACT, PROCEEDING, OR CONTRACT
15 OF THE AUTHORITY, WHETHER OR NOT THE ACT OR PROCEEDING HAS
16 OCCURRED OR THE CONTRACT HAS BEEN EXECUTED. THE JUDICIAL
17 EXAMINATION AND DETERMINATION MUST BE CONDUCTED IN
18 SUBSTANTIALLY THE MANNER SET FORTH IN SECTION 32-4-540; EXCEPT
19 THAT THE NOTICE REQUIRED MUST BE PUBLISHED ONCE A WEEK FOR THREE
20 CONSECUTIVE WEEKS AND THE HEARING MUST BE HELD NOT LESS THAN
21 THIRTY DAYS NOR MORE THAN FORTY DAYS AFTER THE FILING OF THE
22 PETITION.

23 **29-4-1114. This part 11 not a limitation of powers.** NOTHING IN
24 THIS PART 11 CONSTITUTES A RESTRICTION OR LIMITATION UPON ANY
25 OTHER POWERS THAT THE AUTHORITY MIGHT OTHERWISE HAVE UNDER
26 ANY OTHER LAW OF THE STATE, AND THIS PART 11 IS CUMULATIVE TO ANY
27 SUCH POWERS. THIS PART 11 DOES AND IS CONSTRUED TO PROVIDE A

1 COMPLETE, ADDITIONAL, AND ALTERNATIVE METHOD FOR ACTING IN ANY
2 MANNER AUTHORIZED THEREBY AND IS SUPPLEMENTAL AND ADDITIONAL
3 TO POWERS CONFERRED BY OTHER LAWS.

4 **29-4-1115. Construction of this part 11.** THE GRANT OF
5 AUTHORITY PURSUANT TO THIS PART 11 IS IN ADDITION TO ALL OTHER
6 AUTHORITY PROVIDED BY LAW. NOTHING IN THIS PART 11 LIMITS THE
7 AUTHORITY OF THE STATE, A LOCAL GOVERNMENT, OR A POLITICAL
8 SUBDIVISION OF THE STATE, INCLUDING THE COLORADO HOUSING AND
9 FINANCE AUTHORITY CREATED IN SECTION 29-4-704, TO UTILIZE OTHER
10 POLICIES AND PROCEDURES FOR THE ACQUISITION, CONSTRUCTION,
11 REHABILITATION, OWNERSHIP, OPERATION, OR FINANCING OF AFFORDABLE
12 HOUSING.

13 **SECTION 3. Appropriation.** For the 2022-23 state fiscal year,
14 \$6,000,000 is appropriated to the department of treasury. This
15 appropriation is from the general fund. To implement this act, the
16 department may use this appropriation for payment to the Colorado
17 workforce housing trust authority.

18 **SECTION 4. Safety clause.** The general assembly hereby finds,
19 determines, and declares that this act is necessary for the immediate
20 preservation of the public peace, health, or safety.