

2020-8

A RESOLUTION

AUTHORIZING THE CREATION OF HOUSING ALLOCATIONS FOR 2020 AND ASSIGNING ALLOCATIONS TO POOLS PURSUANT TO CHAPTER 14.27 OF THE LAKEWOOD MUNICIPAL CODE

WHEREAS, Chapter 14.27 of the Lakewood Municipal Code (“LMC”) creates a building permit management system using allocations for new dwelling units, and imposes a 1% limit on residential building permits from year to year; and

WHEREAS, LMC § 14.27.050(A) requires the City Council to determine the number of allocations available for the current calendar year and assign such allocations to one or more of three “pools”: the “open pool,” the “hardship pool,” and the “affordable/low income pool;” and

WHEREAS, the City Council has found that applications for 840 dwelling units for which applications were made in 2019 prior to LMC Chapter 14.27 becoming effective may proceed without allocations under the provisions of LMC § 14.27.160 (Authority to Continue); and

WHEREAS, the City Council desires that all projects under the Authority to Continue provisions that are not utilizing funding from the Colorado Housing and Finance Authority (CHFA) secure building permits by December 31, 2020; and

WHEREAS, the City Council has found that one project at 6263 W Jewell for which application was made in 2019 prior to LMC Chapter 14.27 becoming effective may not proceed under the Authority to Continue provision as it would prejudice the allocation system. It is subject to ongoing litigation and other issues, and as such has not gone through all necessary processes to secure a building permit. Allowing this project to count against available allocations, while facing an uncertain future, prejudices the ability for other applicants to receive allocations in 2020 and 2021; and

WHEREAS, LMC § 14.27.050(B) and (C) establish the formula for determining the number of allocations to be created each year, and based on that formula, 693 allocations could be created in 2020; and

WHEREAS, LMC § 14.27.140 authorizes the City Council to temporarily reduce the 1% limit at will, and the City Council hereby decreases the 2020 allocations by one-third (1/3) of the 840 dwelling units noted above (i.e., 280) with further intent to reduce the 2021 and 2022 allocations in a comparable manner; and

WHEREAS, 693 allocations determined by LMC § 14.27.050(B) and (C), minus 280 allocations determined to be eliminated at the discretion of City Council, equals 413 allocations available in 2020; and

WHEREAS, as of January 8, 2020 the City has received applications for 94 open pool allocations and none for the hardship or affordable/low income pool, which is less than the total number of allocations to be created.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lakewood, Colorado, that:

SECTION 1. 413 housing allocations are hereby created for use in 2020.

SECTION 2. 250 allocations are hereby assigned to the Open Pool, 163 allocations are hereby assigned to the Affordable/Low Income Housing Pool, and 0 allocations are hereby assigned to the Hardship Pool.

SECTION 3. City Council hereby directs staff to proceed, except for 6263 W Jewell, without allocations on all building permit applications received prior to July 12, 2019 that receive building permits no later than December 31, 2020, after which time they will require allocations and be subject to the provisions of Chapter 14.27.

SECTION 4. Notwithstanding Section 3 herein, for those projects utilizing CHFA funding and for which a building permit application was filed prior to July 12, 2019, City Council hereby directs staff to proceed without allocations regardless of the date of building permit issuance.

SECTION 5. This Resolution shall become effective immediately upon signature following adoption.

INTRODUCED, READ AND ADOPTED by a vote of 11 for and 0 against at a regular meeting of the City Council on January 27, 2020, at 7 o'clock p.m. at the Lakewood Civic Center, 480 South Allison Parkway, Lakewood, Colorado.

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Adam Paul, Mayor

ATTEST:

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Michele Millard, City Clerk

APPROVED AS TO FORM:

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Timothy P. Cox, City Attorney