

ORDINANCE NO. 13 - 2022

AN ORDINANCE APPROVING AN AMENDMENT TO COOPERATION AGREEMENTS BETWEEN THE CITY OF ALAMOSA, COLORADO AND THE ALAMOSA HOUSING AUTHORITY TO ADDRESS ALAMOSA HOUSING AUTHORITY RETAINING PILT PAYMENTS

WHEREAS, The City established the Alamosa Housing Authority (the “AHA”) pursuant to the provisions of C.R.S. § 29-4-201 *et seq.* in order to address unsanitary and unsafe housing conditions within the City of Alamosa, in particular with respect to low income residents; and

WHEREAS, The City and the AHA have entered into various cooperation agreements over the years, as contemplated by 42 U.S.C. § 1437c(e)(2), including, without limitation, cooperation agreements dated:

- November 16, 1960
- May 19, 1971
- May 7, 1981; and

WHEREAS, the cooperation agreements all require the AHA to remit payments in lieu of taxes (“PILT payments”) consisting of 10% of the aggregate Shelter Rent it charges residents in its projects or the amount permitted by state law in effect the date such payment is made, whichever is lower, which payments come from the federal department of Housing and Urban Development; and

WHEREAS, 42 U.S.C. § 1437d(d) contains the same requirement to make the PILT payments of the lesser of 10% or what is prescribed by state law, but additionally notes that the cooperation agreement may also allow that PILT payment to be reduced to such lesser amount as is agreed to in the cooperation agreement between the City and the AHA; and

WHEREAS, the constitution and statutes of the State of Colorado, as described in Article XIV, Section 18 of the Colorado State Constitution and Part 2, Article 1, Title 29 of the Colorado Revised Statutes, authorize political subdivisions to enter into contracts which may be of mutual benefit to such entities; and

WHEREAS: the City and the AHA have determined that the AHA’s provision of affordable housing services is vital to the welfare of the citizens of the City, and that the City can be benefitted by the AHA’s ability to apply what would otherwise be PILT payments made to the various taxing entities to approved affordable housing projects administered by the AHA;

NOW, THEREFORE, BE IT ORDAINED by the City Council of Alamosa as follows:

Section 1. Approval of Intergovernmental Agreement. The Amendment to Cooperation Agreements between the City of Alamosa, Colorado, and the Alamosa Housing Authority to Address Alamosa Housing Authority Retaining PILT Payments attached to this ordinance is hereby adopted and approved, and the Mayor is directed to execute the agreement on behalf of the City of Alamosa.

Section 2. General Repealer. All other acts, orders, ordinances, resolutions, or portions thereof in conflict with the sections adopted in this Ordinance, are hereby repealed to the extent of such conflict.

Section 3. Recording and Authentication. This ordinance, immediately upon its passage, shall be authenticated by the signatures of the Mayor and City Clerk, recorded in the City Book of Ordinances kept for that purpose, and published according to law.

Section 4. Publication and Effective Date. This ordinance shall take effect ten (10) days after publication following final passage. Publication both before and after final passage shall be by the title of this ordinance, which Council determines constitutes a sufficient summary of the ordinance, together with the statement that the full text of the ordinance is available for public inspection and acquisition on the City's website and in the office of the City Clerk.

Section 5. NON-Codification. The City Clerk is directed to ensure that the provisions of this ordinance **ARE NOT** codified in the *Code of Ordinances of the City of Alamosa*.

Section 6. Declaration of Public Interest. This ordinance is necessary to preserve the peace, health, safety, welfare, and to serve the best interest of the citizens of the City of Alamosa, Colorado.

INTRODUCED, READ AND APPROVED on first reading the 4th day of May, 2022, and ordered published by title and reference as provided by law with notice of a public hearing to be held for consideration of the adoption of said ordinance on the 18th day of May, 2022, at 7:00 p.m., or as soon thereafter as the matter may be heard, or on such subsequent date to which the public hearing or Council consideration may be continued.

APPROVED, AND ADOPTED after public hearing the 18th day of May, 2022.

CITY OF ALAMOSA

By _____
Ty Coleman, Mayor

ATTEST:

Holly C. Martinez, City Clerk