

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

THIS AGREEMENT is made and entered into this ____ day of _____, 2022, by and between the City of Alamosa, Colorado, a Colorado home-rule city ("City"), and the Alamosa Housing Authority, a political subdivision of the State of Colorado ("AHA").

WHEREAS, The City established 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, the parties agree to amend the cooperation agreement(s) in place between the two of them to allow the AHA to retain the PILT payments otherwise due to taxing jurisdictions upon Council approval of particular project(s) for the benefit of affordable housing

to which the retained PILT payments will be provided. The project(s) and the amount of PILT payment to be applied shall be specifically identified in a resolution adopted by Council. In adopting any such resolution, Council shall consider the entire AHA budget in relation to the PILT retainage requested by the AHA, as well as the purposes to be served by the AHA in retaining the PILT payments referenced in the resolution.

IN WITNESS WHEREOF, this Agreement has been executed on behalf of the City of Alamosa by the Mayor for the City after the approval by the City's Council on the 18th day of May, 2022, and by the Board of Commissioners of the Alamosa Housing Authority, acting by and through its Chairperson, on the ____ day of _____, 2022.

CITY OF ALAMOSA

Ty Coleman, Mayor

ATTEST:

Holly C. Martinez, City Clerk

ALALMOSA HOUSING AUTHORITY

_____, Chair

_____, Secretary