

ORDINANCE NO. 205, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT WITH
HOUSING CATALYST TO ASSIGN CERTAIN CITY PROPERTY
RIGHTS

A. Colorado's House Bill 24-1175 (enacted as Chapter 286 of the 2024 Colorado Session Laws) (the "Act") creates a right of first refusal and a right of first offer for local governments for certain types of multifamily rental properties to provide long-term affordable or mixed-income housing. The Act also specifies the timeframes in which qualifying properties are required to notify the local government of a sale and in which the local government is required to respond to a notice and submit an offer. The rights created under the Act will sunset on December 31, 2029.

B. A local government may assign its rights under the Act to a local or regional housing authority or the Colorado Housing and Finance Authority ("CHFA") on either a case-by-case basis or as a blanket assignment, covering all qualifying properties in the jurisdiction. Housing Catalyst, a body corporate and politic, as the housing authority for the City of Fort Collins is eligible to accept the City's rights of first refusal and rights of first offer under the Act.

C. To create a streamlined process that best enables the community to acquire properties and create or preserve affordable housing, City staff recommends making a blank assignment of its rights of first refusal and offer to Housing Catalyst.

D. A form of the assignment to Housing Catalyst (the "Assignment") is attached hereto as Exhibit A.

E. While the rights of first offer and rights of first refusal granted to the City under the Act have some financial value, the City cannot ascertain the total value of the rights because the City cannot know which qualifying properties will be offered for sale before the end of 2029.

F. Section 23-111(a) of the City Code authorizes the City Council to sell, convey or otherwise dispose of any interests in real property owned by the City, provided the City Council first finds, by ordinance, that such sale or other disposition is in the best interests of the City.

G. Section 23-114 of the City Code authorizes the City Council to dispose of interests in real property for less than fair market value provided that the City Council determines that such disposition serves a bona fide public purpose.

H. Section 1-22 of the City Code requires that all intergovernmental agreements or cooperative activities between the City and other governmental entities be submitted to the City Council for review, and any approval thereof shall be by ordinance or resolution of the City Council, subject to certain exceptions. Further, the City is

authorized to enter intergovernmental agreements to provide any function, service, or facility under Article II, Section 16 of the Charter of the City of Fort Collins and Colorado Revised Statutes Section 29-1-203.

I. City staff has recommended that the City grant the Assignment at no cost to Housing Catalyst.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. The City Council finds that granting the Assignment on the terms and conditions described herein is in the best interests of the City and serves a bona fide public purpose in accordance with the requirements of Section 23-114 of the City Code because:

- a. The Assignment promotes health, safety or general welfare and benefits a significant segment of the residents of Fort Collins because it supports a governmental housing authority conducting its work to preserve and create affordable housing;
- b. The Assignment supports the City's goal of helping to preserve and create affordable housing;
- c. The financial support provided through the grant of the Assignment to Housing Catalyst can be leveraged through benefits to the City's cooperative relationship with Housing Catalyst;
- d. The financial benefit to Housing Catalyst is not substantial relative to the public purpose of preserving and creating long-term affordable housing; and
- e. Granting the Assignment will not interfere with current City projects or work programs, hinder workload schedules or divert resources needed for primary City functions or responsibilities.

Section 2. The City Council hereby authorizes the City Manager to execute the Assignment substantially in the form attached hereto as Exhibit A with such additions, modifications or deletions to the terms and conditions as the City Manager, in consultation with the City Attorney, determines are necessary or appropriate to protect the interests of the City or effectuate the purposes of this Ordinance.

Introduced, considered favorably on first reading on December 2, 2025, and approved on second reading for final passage on December 16, 2025.

Mayor

ATTEST:

City Clerk

Effective Date: December 26, 2025

Approving Attorney: Ted Hewitt

Exhibits: Exhibit A – Intergovernmental Agreement to Assign Rights under HB24-1175

INTERGOVERNMENTAL AGREEMENT
Relating to the City's Rights of First Refusal and First Offer for Affordable Housing under
HB24-1175

THIS INTERGOVERNMENTAL AGREEMENT ("Agreement"), is made and entered into by and between the City of Fort Collins, Colorado, a Colorado municipal corporation ("City"), and Housing Catalyst, a body corporate and politic formerly known as the Housing Authority of the City of Fort Collins, ("Housing Catalyst"), to be effective January 1, 2026.

Whereas, the Colorado General Assembly through HB24-1175 created rights of first refusal and first offer for the City for certain properties; and

Whereas, HB24-1175 authorizes the City to assign these rights to a housing authority in its jurisdiction; and

Whereas, the City would like to assign these rights to Housing Catalyst and Housing Catalyst would like to accept these rights.

Now, therefore, the Parties agree as follows:

Pursuant to C.R.S. 29-4-1202(2)(f), the City assigns to Housing Catalyst its right of first refusal for all qualifying properties for which the City has such a right under C.R.S. 29-4-1202. Housing Catalyst accepts such right, all liability of the City regarding the exercise of such right, and responsibility for performing all requirements pursuant to Part 12 of Article 4 of Chapter 29 of the Colorado Revised Statutes as if it were the City. This assignment includes the City's right of first refusal for the apartment complex located at 3644 South Timberline Road in Fort Collins, known as Fox Meadows, for which the City received a notice of listing for sale on October 31, 2025 and for which the City preserved its rights on November 13, 2025.

Further, Pursuant to C.R.S. 29-4-1203(2)(d), the City assigns to Housing Catalyst its right of first offer for all qualifying properties for which the City has such a right under C.R.S. 29-4-1203. Housing Catalyst accepts such right, all liability of the City regarding the exercise of such right, and responsibility for performing all requirements pursuant to Part 12 of Article 4 of Chapter 29 of the Colorado Revised Statutes as if it were the City.

The City agrees to post a notice of this assignment to its website as required by C.R.S. 29-4-1202(2)(f)(I). The City will include the following contact information for Housing Catalyst in the notice:

Housing Catalyst
1715 W. Mountain Avenue
Fort Collins, Colorado 80521

General Provisions

Entire Agreement; Amendment; Termination. This Agreement constitutes the entire agreement between the Parties, and supersedes any previous contracts, understandings, or agreements of the Parties, whether verbal or written, concerning the City's Right of First Refusal or First Offer to purchase multifamily housing pursuant to Part 12 of Article 4 of Chapter 29 of the Colorado Revised Statutes. Any amendment to this Agreement must be in writing and signed by both Parties. Either Party may terminate this Agreement for convenience with 90 days' written notice to the other Party. Termination of this Agreement for convenience by either Party shall not affect any transaction then in process as a result of a notice given by a residential seller to Housing Catalyst pursuant to Part 12 of Article 4 of Chapter 29 of the Colorado Revised Statutes.

Assignment. No assignment of this Agreement or the rights and obligations thereunder shall be valid, except an assignment by Housing Catalyst to an entity that is wholly owned by Housing Catalyst, an entity in which Housing Catalyst has an ownership interest, or an entity in which an entity wholly owned by Housing Catalyst or of which Housing Catalyst is the sole member has an ownership interest. Housing Catalyst's responsibility to perform all requirements pursuant to Part 12 of Article 4 of Chapter 29 of the Colorado Revised Statutes for a property shall not be impacted by any assignment of a right of first refusal or a right of first offer by Housing Catalyst for that property or by any subsequent assignment.

No Third Party Beneficiaries. Enforcement of this Agreement and all rights and obligations hereunder are reserved solely to the City and Housing Catalyst. Any services or benefits that third parties receive as a result of this Agreement are incidental to the Agreement, and do not create any rights for such third parties.

Authority. The persons who sign and execute this Agreement represent that they are duly authorized to execute this Agreement in their representative capacity on behalf of a Party.

Liability; Governmental Immunity. Each Party shall be solely responsible for its actions, including the actions of its employees, agents, or contractors. No term or condition of this Agreement shall be construed or interpreted as a waiver, express or implied, of any of the immunities, rights, benefits, protections, or other provisions, of the Colorado Governmental Immunity Act, C.R.S. § 24-10-101, *et seq.*

IN WITNESS WHEREOF, THE PARTIES HERETO HAVE EXECUTED THIS AGREEMENT:

CITY:
CITY OF FORT COLLINS, COLORADO,
a Colorado municipal corporation

By: _____
Kelly DiMartino
City Manager

Date: _____

APPROVED AS TO FORM:

By: _____
Asst. City Attorney

HOUSING CATALYST:
Housing Catalyst, a body corporate and politic formerly known as the Housing Authority
of the City of Fort Collins

By: _____
Julie J. Brewen, Chief Executive Officer

Date: _____