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**AFFORDABLE HOUSING INCENTIVES ORDINANCE**

**ADMINISTRATIVE RULES AND REGULATIONS**

*Adopted 18 Dec, 2019*

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Adopted pursuant to Article VI, Chapter 27 (Housing) of the Denver Revised Municipal Code (D.R.M.C)

## **SECTION 1: PURPOSE, DEFINITIONS AND RESPONSIBILITY**

### **1. Purpose**

The purpose of these rules and regulations is to set forth the procedures for administration and implementation of the Incentives for Affordable Housing Ordinance (“Affordable Housing Incentives Ordinance”) codified at Article VI, Chapter 27 (Housing) of the Denver Revised Municipal Code (“D.R.M.C.”). The rules are to be used for any new residential or commercial development utilizing an incentive in the Affordable Housing Incentives Ordinance.

Recognizing that no set of regulations can anticipate every conceivable situation in which an ordinance may apply, it is anticipated that these rules may be amended or supplemented as needed. Further, these regulations are not intended to limit the administrative discretion of those persons implementing the Affordable Housing Incentives Ordinance on subjects not covered herein. In the event of a disagreement between these rules and regulations and the Affordable Housing Incentives Ordinance, the Affordable Housing Incentives Ordinance always controls.

### **2. Definitions**

Any terms or phrases stated but not defined herein are implied from or deferred to the Affordable Housing Incentives Ordinance. Terms or phrases specific to or introduced in this document are defined in this section and throughout these rules and regulations.

“Linkage Fee Ordinance” means all of the provisions of Article V, Chapter 27 (Housing) of the D.R.M.C. including the Affordable Housing Permanent Funds Ordinance Administrative Rules and Regulations.

### **3. Assignment of Authority**

Under authority of the Affordable Housing Incentives Ordinance, the Office of Economic Development (“OED”), or any successor agency or department, bears responsibility for the administration and implementation of the Affordable Housing Incentives Ordinance.

## **SECTION 2: ADMINISTRATION OF HEIGHT INCENTIVES OF THE AFFORDABLE HOUSING INCENTIVES ORDINANCE**

### **1. Submittal Information**

An owner proposing to utilize height incentives in Division 2 of the Affordable Housing Incentives Ordinance must comply with all submittal requirements of the Linkage Fee Ordinance. The submittal requirements will ensure that the appropriate amount of Total Structure Linkage Fee and

Incentive Height Fee is imposed on an applicable structure. Additionally, the submittal requirements will ensure that the correct number of Total Structure Build Alternative Units and Incentive Height Build Alternative Units are provided in an applicable structure.

**2. Requirements for Total Structure Build Alternative Units and Incentive Height Build Alternative Units**

Total Structure Build Alternative Units and Incentive Height Build Alternative Units must meet the definition requirements of Build Alternative Units in Section 1.II. of the Affordable Housing Permanent Funds Ordinance Administrative Rules and Regulations. Any owner providing Total Structure Build Alternative Units and Incentive Height Build Alternative Units in a structure must follow the requirements and procedures of Sections 3 through 6 of the Affordable Housing Permanent Funds Ordinance Administrative Rules and Regulations. The requirements and procedures in these sections will ensure that the affordability restrictions of the Linkage Fee Ordinance are met.

**3. Structures Utilizing Total Structure Linkage Fee and Incentive Height Fee**

An owner that provides Total Structure Linkage Fee and Incentive Height Fee for a structure as allowed by the Affordable Housing Incentives Ordinance must comply with Section 2 of the Affordable Housing Permanent Funds Ordinance Administrative Rules and Regulations. In addition, the provisions in Section 2 regarding exceptions to linkage fees, and waivers and reductions of linkage fees shall not apply to the Total Structure Linkage Fee and the Incentive Height Fee.

RULES AND REGULATIONS ADOPTED PURSUANT TO ARTICLE IV OF CHAPTER  
2 OF THE CITY AND COUNTY OF DENVER REVISED MUNICIPAL CODE

PUBLIC HEARING HELD ON AUGUST 29, 2019

APPROVED FOR LEGALITY



KRISTIN M. BRONSON, CITY ATTORNEY,  
CITY AND COUNTY OF DENVER

12/18/19

DATE

APPROVED AND ADOPTED

DATE: 12/18/19



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