

Fort Collins City Council Agenda

Regular Meeting

6:00 p.m. Tuesday, November 1 2022

City Council Chambers at City Hall, 300 Laporte Ave, Fort Collins, CO 80521

Zoom Webinar link: <https://zoom.us/j/98241416497>

NOTICE:

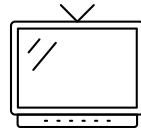
Regular meetings of the City Council are held on the 1st and 3rd Tuesdays of each month in the City Council Chambers. Meetings are conducted in a hybrid format, with a Zoom webinar in addition to the in person meeting in Council Chambers.

City Council members may participate in this meeting via electronic means pursuant to their adopted policies and protocol.

How to view this Meeting:



Meetings are open to the public and can be attended in person by anyone.



Meetings are televised live on Channels 14 & 881 on cable television.



Meetings are available through the Zoom platform, electronically or by phone.



Meetings are livestreamed on the City's website, fcgov.com/fctv

Upon request, the City of Fort Collins will provide language access services for individuals who have limited English proficiency, or auxiliary aids and services for individuals with disabilities, to access City services, programs and activities. Contact 970.221.6515 (V/TDD: Dial 711 for Relay Colorado) for assistance. Please provide 48 hours advance notice when possible.

A solicitud, la Ciudad de Fort Collins proporcionará servicios de acceso a idiomas para personas que no dominan el idioma inglés, o ayudas y servicios auxiliares para personas con discapacidad, para que puedan acceder a los servicios, programas y actividades de la Ciudad. Para asistencia, llame al 970.221.6515 (V/TDD: Marque 711 para Relay Colorado). Por favor proporcione 48 horas de aviso previo cuando sea posible.



There are four options for members of the public who would like to participate in Council meetings:

Comment in real time:



In person attendees can address the Council in the Chambers. Speakers are required to sign up to speak on sign up sheets on the tables just outside the Chambers.



During the public comment portion of the meeting and discussion items:
The public can join the Zoom webinar and comment from the remote meeting, joining online or via phone.

Full instructions for online participation are available at fcgov.com/councilcomments.

Join the online meeting using the link in this agenda to log in on an internet-enabled smartphone, laptop or computer with a speaker and microphone. Using earphones with a microphone will greatly improve audio experience.

To be recognized to speak during public participation portions of the meeting, click the 'Raise Hand' button.

Participate via phone using the call in number and meeting ID below:

Call in number: 346-248-7799

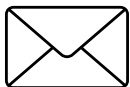
Meeting ID: 982 4141 6497

During public participation opportunities in the meeting, press *9 to indicate a desire to speak.

Submit written comments:



Email comments about any item on the agenda to cityleaders@fcgov.com



Written comments can be mailed or dropped off at the City Manager's Office at City Hall, at 300 Laporte Ave, Fort Collins, CO 80521

Documents to Share: *If residents wish to speak to a document or presentation, the City Clerk needs to be emailed those materials by 4 p.m. the day of the meeting. Persons wishing to display presentation materials using the City's display equipment under the Public Participation portion of a meeting or during discussion of any Council item must provide any such materials to the City Clerk in a form or format readily usable on the City's display technology no later than two (2) hours prior to the beginning of the meeting at which the materials are to be presented.*

NOTE: *All presentation materials for appeals, addition of permitted use applications or protests related to election matters must be provided to the City Clerk no later than noon on the day of the meeting at which the item will be considered. See Council Rules of Conduct in Meetings for details.*



City Council Regular Meeting Agenda

November 1, 2022 at 6:00 PM

Jeni Arndt, Mayor
Emily Francis, District 6, Mayor Pro Tem
Susan Gutowsky, District 1
Julie Pignataro, District 2
Tricia Canonico, District 3
Shirley Peel, District 4
Kelly Ohlson, District 5

City Council Chambers
300 Laporte Avenue, Fort Collins
& via Zoom at
<https://zoom.us/j/98241416497>
Cablecast on FCTV
Channel 14 on Connexion
Channel 14 and 881 on Xfinity

Carrie Daggett
City Attorney

Kelly DiMartino
City Manager

Anissa Hollingshead
City Clerk

PROCLAMATIONS & PRESENTATIONS 5:00 PM

A) PROCLAMATIONS AND PRESENTATIONS

- [PP 1.](#) Proclamation Declaring November as Native American Heritage Month.
- [PP 2.](#) Proclamation Declaring the Year of November 2022 to November 2023 as Natural Areas 30th Anniversary.

REGULAR MEETING 6:00 PM

B) CALL MEETING TO ORDER

C) PLEDGE OF ALLEGIANCE

D) ROLL CALL

E) CITY MANAGER'S AGENDA REVIEW

- City Manager Review of Agenda
- Consent Calendar Review, including removal of items from Consent Calendar for individual discussion.

F) COMMUNITY REPORTS - None.

G) PUBLIC COMMENT ON ANY TOPICS OR ITEMS OR COMMUNITY EVENTS

(Including requests for removal of items from Consent Calendar for individual discussion.)

*Individuals may comment regarding any topics of concern, whether or not included on this agenda. Comments regarding land use projects for which a development application has been filed should be submitted in the development review process** and not to Council.*

- Those who wish to speak are required to sign up at the table in the lobby, or online if participating remotely.
- Each speaker will be allowed to speak one time during public comment. If a speaker comments on a particular agenda item during general public comment, that speaker will not also be entitled to speak during discussion on the same agenda item.
- All speakers are asked by the presiding officer to identify themselves by raising their hand (in person or using the Raise Hand option on Zoom), and if in person then will be asked to move to one of the two lines of speakers (or to a seat nearby, for those who are not able to stand while waiting). Those participating online will be called to speak following those attending the meeting in person.
- The presiding officer will determine and announce the length of time allowed for each speaker.
- Each speaker will be asked to state his or her name and general address for the record, and, if their comments relate to a particular agenda item, to identify the agenda item number. Any written comments or materials intended for the Council should be provided to the City Clerk.
- A timer will beep one time and turn yellow to indicate that 30 seconds of speaking time remain and will beep again and turn red when a speaker's time has ended.

[**For questions about the development review process or the status of any particular development, consult the Development Review Center page on the city's website at <https://www.fcgov.com/developmentreview/>, or contact the Development Review Center at 970.221.6760.]

H) PUBLIC COMMENT FOLLOW-UP

I) COUNCILMEMBER REMOVAL OF ITEMS FROM CONSENT CALENDAR FOR DISCUSSION

CONSENT CALENDAR

The Consent Calendar is intended to allow Council to spend its time and energy on the important items on a lengthy agenda. Staff recommends approval of the Consent Calendar. Agenda items pulled from the Consent Calendar by either Council or the City Manager will be considered separately under their own Section, titled "Consideration of Items Removed from Consent Calendar for Individual Discussion." Items remaining on the Consent Calendar will be approved by Council with one vote. The Consent Calendar consists of:

- Ordinances on First Reading that are routine;
- Ordinances on Second Reading that are routine;
- Those of no perceived controversy;
- Routine administrative actions.

1. **Second Reading of Ordinance No. 107, 2022, Appropriating Philanthropic Revenue Received By City Give for the Bucking Horse Park Trail Spur Project as Designated by the Donor.**

This Ordinance, unanimously adopted on First Reading on October 18, 2022, amends \$5,000 in philanthropic revenue received by City Give for Park Planning and Development as designated by the donor.

2. Second Reading of Ordinance No. 108, 2022, Appropriating Unanticipated Revenue From Philanthropic Donations Received in 2022 By City Give for Various City Programs and Services as Designated by the Donors.

This Ordinance, unanimously adopted on First Reading on October 18, 2022, appropriates \$4,070 in philanthropic revenue received by City Give. These miscellaneous gifts to various City service areas support a variety of programs and services and are aligned with both the City's strategic priorities and the respective donors' designation.

In 2019, City Give, a formalized enterprise-wide initiative was launched to create a transparent, non-partisan governance structure for the acceptance and appropriations of charitable gifts.

3. Second Reading of Ordinance No. 109, 2022, Making a Supplemental Appropriation of HOME Investment Partnership Program - American Rescue Plan Act Funding from the Federal Department of Housing and Urban Development.

This Ordinance, unanimously adopted on First Reading on October 18, 2022, appropriates \$2,628,410 in HOME Investment Partnership Program – American Rescue Plan funds received from the Department of Housing and Urban Development.

4. Second Reading of Ordinance No. 110, 2022, Amending Article IX of Chapter 23 of the Code of the City of Fort Collins Regarding Natural Areas.

This Ordinance, unanimously adopted on First Reading on October 18, 2022, amends various provisions in Article IX of Chapter 23 of the City Code regarding natural areas to close loopholes, add new definitions, and add new regulations that better protect the natural environment and promote visitor safety. Natural Areas Department rangers researched existing Code and worked with Natural Areas Department staff and the City Attorney's Office before the proposed changes were brought to the Land Conservation and Stewardship Board in July 2022.

5. Second Reading of Ordinance No. 111, 2022, Amending Certain Sections of Chapter 25 of the Code of the City of Fort Collins Relating to the Imposition, Collection, and Enforcement of the City's Sales and Use Taxes.

This Ordinance, unanimously adopted on First Reading on October 18, 2022, amends Chapter 25 of City Code concerning sales and use tax. The updates include revisions to the Grocery Tax Rebate Program to increase the area median income threshold for a rebate as part of ongoing City-wide initiatives to streamline and broaden access to City income-qualified programs. Other updates include but are not limited to: (1) updating the deadlines for refund claims and petitions protesting the denial of tax-exempt organization license applications to align with other deadlines in Chapter 25; (2) amending the appeals process to align with state statute; and (3) adding exemptions from sales and use tax for the state carryout bag fee and retail delivery fee. (The Council approved Ordinance No. 053, 2022, in May 2022, which created an exemption from sales tax for the City's disposable bag fee).

For Second Reading, in light of prior discussions by the Council Finance Committee, the City Manager is proposing a Whereas clause be revised. The revision will document that the City Manager has committed that City staff will return to the Council Finance Committee after approximately one year not only to discuss the effectiveness of the Code update increasing the area median income threshold for the Grocery Tax Rebate Program, but also to discuss other options to expand participation, such as removing income verification requirements.

6. Second Reading of Ordinance No. 112, 2022, Amending Chapter 23, Article III of the Code of the City of Fort Collins Regarding Obstructions and Encroachments to Allow for the Expansion of Outdoor Dining Areas onto City Property and Adopting by Reference the City of Fort Collins Outdoor Dining Design Manual.

This Ordinance, unanimously adopted on First Reading on October 18, 2022, amends City code to allow outdoor dining areas on public property. During the COVID pandemic and declared local emergency, Emergency Orders were put in place to support hospitality businesses by allowing extended outdoor patios on public property. The extended patios have been popular and successful both economically and as a vibrant way to activate streets and sidewalks. Staff is proposing changes to the City Code obstruction and encroachment permit provisions and a framework, including the *City of Fort Collins Outdoor Design Manual* (“Design Manual”), to make these spaces permittable after the expiration of the Emergency Orders.

In response to Council feedback regarding concrete barriers, staff has replaced previous language, which said “Concrete ‘Jersey Barriers’ shall only be installed where required or deemed appropriate by the City Engineering Department.” with “Crash rated barriers will only be required for safety or traffic volume. In those cases, the City will not allow a concrete “Jersey-barrier” style and will require a crash-rated barrier that meets the urban design standard of the location (Downtown, for instance).”

7. Second Reading of Ordinance No. 113, 2022, Suspending Certain Provisions of the City’s Land Use Code and Building Code to Permit Temporary Use of City Property at 117 North Mason Street as a Homeless Shelter.

This Ordinance, unanimously adopted on First Reading on October 25, 2022, suspends certain provisions of the City’s Land Use Code to allow the temporary use of 117 North Mason Street as a men’s overflow shelter site from November 2022 – April 2023.

8. Second Reading of Ordinance No. 116, 2022, Amending Chapter 26 of the Code of the City of Fort Collins to Make Various Changes to the Water Supply Requirement for Nonresidential Water Service.

This Ordinance, unanimously adopted on First Reading on October 25, 2022, adopts changes to Fort Collins Utilities (Utilities) Water Supply Requirement (WSR) in Chapter 26 of City Code. Changes to the WSR went into effect January 1, 2022, through Ordinance No. 119, 2021. However, after administering the WSR under that ordinance for several months, staff realized a need for further revision. The Ordinance broadened when Utilities nonresidential water customers doing redevelopment must meet the WSR, such that these customers must meet WSRs for almost any redevelopment. The Ordinance also results in the assignment of an annual allotment and the potential for excess water use surcharges. These changes have resulted in significant staff time for previously routine matters and impacts to customers that are perceived as unfair. The proposed ordinance would return to the previous, historical requirement, where customers must only meet the WSR for new development and redevelopment that is replacing and existing meter or service with a larger size.

9. First Reading of Ordinance No. 117, 2022, Approving the Fiscal Year 2023 Budget, and Being the Annual Appropriation Ordinance for the Fort Collins Downtown Development Authority, and Fixing the Mill Levy for the Downtown Development Authority for Fiscal Year 2023.

The purpose of this item is to set the Downtown Development Authority ("DDA") Budget.

The following amounts will be appropriated:

DDA Public/Private Investments & Programs	\$7,800,493
DDA Operations & Maintenance	\$2,030,378
Revolving Line of Credit Draws	\$7,000,000
DDA Debt Service Fund	\$7,431,611

The Ordinance sets the 2023 Mill Levy for the Fort Collins DDA at five (5) mills, unchanged since tax year 2002. The approved Budget becomes the Downtown Development Authority's financial plan for 2023.

10. First Reading of Ordinance No. 118, 2022, Adopting the 2023 Budget and Appropriating the Fort Collins Share of the 2023 Fiscal Year Operating and Capital Improvements Funds for the Northern Colorado Regional Airport.

The purpose of this item is to adopt the 2023 budget for the Northern Colorado Regional Airport and appropriate Fort Collins' share of the 2023 fiscal year operating and capital funds for the Airport. Under the Amended and Restated Intergovernmental Agreement for the Joint Operation of the Airport between Fort Collins and Loveland (the "IGA"), the Airport is operated as a joint venture with each City owning 50% of the assets and revenues and responsible for 50% of the operating and capital costs. The proposed budget does not include any financial contributions from the City's General Fund. Because each City has an ownership interest in 50% of the Airport revenues, each City must appropriate its 50% share of the annual operating and capital budget for the Airport under the IGA.

11. First Reading of Ordinance No. 119, 2022, Appropriating Philanthropic Revenue Received Through City Give to Benefit Income-Qualified Youth Sports Programming and Services in the Recreation Department.

The purpose of this item is to request appropriation of \$17,000 in philanthropic revenue received through City Give for Recreation to benefit income-qualified youth sports programming and services.

In 2019, City Give, a formalized enterprise-wide initiative was launched to create a transparent, non-partisan governance structure for the acceptance and appropriations of charitable gifts.

12. First Reading of Ordinance No. 120, 2022, Appropriating Prior Year Reserves in the General Fund and Transportation Services Fund for Snow Removal.

The purpose of this item is to appropriate prior year reserves to cover snow removal costs that have exceeded the 2022 budget. Overspend in the snow budget is driven by severe snowstorms that present cold temperatures, ice, and higher volumes of snow.

13. First Reading of Ordinance No. 121, 2022 Amending Chapter 7.5 of the Code of the City of Fort Collins to Increase for Inflation the Capital Expansion Fees and the Transportation Expansion Fee.

The purpose of this item is to make annual inflation updates effective January 1, 2023, associated with the City's Capital Expansion Fees and its Transportation Expansion Fee. Inflation updates are 8.6% for the Capital Expansion Fees and 7.1% for the Transportation Expansion Fee.

14. Items Related to an Affordable Housing Development Incentives Grant from the Colorado Department of Local Affairs for Kechter Townhomes.

A. Resolution 2022-109 Authorizing the Mayor to Execute an Intergovernmental Grant Agreement for an Affordable Housing Development Incentives Grant from the Colorado Department of Local Affairs.

B. First Reading of Ordinance No. 122, 2022, Making Supplemental Appropriations in the General Fund of Grant Proceeds from the Colorado Department of Local Affairs for the Kechter Townhomes Project.

The purpose of this item is to consider a Resolution authorizing execution of a state Grant Agreement providing \$2.2 million to pay water and wastewater tap and permit fees to the Fort Collins-Loveland Water District for the Kechter Townhomes project and adoption of an Ordinance making an appropriation of unanticipated grant revenue in the General Fund. In November of 2021, the City sold a property from the Land Bank Program located at 3620 Kechter Road to Kechter TWG, LLLP for the purpose of building 54 permanently affordable townhomes. The City applied for and was awarded a grant from the Colorado Department of Local Affairs (DOLA) to support water and wastewater utility costs associated with this development. This item seeks approval of the intergovernmental grant agreement and authority to spend the grant proceeds.

15. First Reading of Ordinance No. 123, 2022, Updating References in City Code to the Land Use Code.

This purpose of this item is to update the City Code's existing references to Land Use Code to the new name Land Development Code

16. First Reading of Ordinance No. 124, 2022, Authorizing an Extension of the Temporary Exception to the Land Use Code to Allow T-Mobile to Place a Temporary Wireless Telecommunication Facility at 1800 East Harmony Road to Replace Lost Wireless Service Coverage.

The purpose of this item is to extend the authorization for a temporary wireless telecommunication facility known as a cell-on-wheels (COW), operated by T-Mobile, currently located at 1800 East Harmony. The current temporary authorization is set to expire on December 1, 2022. This temporary facility is in place to address a critical loss in T-Mobile's existing cellular coverage in south Fort Collins caused by T-Mobile's removal of wireless equipment from Platte River Power Authority ("PRPA") infrastructure and is to be used only until a permanent facility (proposed at 4518 Innovation Drive) is fully constructed in Spring 2023.

17. First Reading of Ordinance No. 125, 2022, Conditionally Vacating a Portion of Crestridge Street Right-of-Way.

The purpose of this item is to approve the conditional vacation of Crestridge Street right-of-way, currently known as Crestridge Drive, that is no longer desirable or necessary to retain for street purposes. Portions of the right-of-way area, once vacated, will be retained as public access and emergency access easements to the City in order to provide continued access for the neighboring properties. The right-of-way vacation will be conditional upon the construction of the extension of Venus Drive. These conditions are outlined in detail in the Ordinance.

END OF CONSENT CALENDAR

J) ADOPTION OF CONSENT CALENDAR

K) CONSENT CALENDAR FOLLOW-UP *(This is an opportunity for Councilmembers to comment on items adopted or approved on the Consent Calendar.)*

L) STAFF REPORTS - None.

M) COUNCILMEMBER REPORTS

N) CONSIDERATION OF ITEMS REMOVED FROM THE CONSENT CALENDAR FOR INDIVIDUAL DISCUSSION

O) CONSIDERATION OF ITEMS PLANNED FOR DISCUSSION

The method of debate for discussion items is as follows:

- Mayor introduced the item number and subject; asks if formal presentation will be made by staff
- Staff presentation (optional)
- Mayor requests public comment on the item (three minute limit for each person)
- Council questions of staff on the item
- Council motion on the item
- Council discussion
- Final Council comments
- Council vote on the item

*Note: Time limits for individual agenda items may be revised, at the discretion of the Mayor, to ensure all have an opportunity to speak. **If attending in person, please sign in at the table in the back of the room.** The timer will buzz when there are 30 seconds left and the light will turn yellow. It will buzz again at the end of the speaker's time.*

18. First Reading of Ordinance No. 126, 2022, Being the Annual Appropriation Ordinance Relating to the Annual Appropriations for Fiscal Year 2023; Adopting the Budget for the Fiscal Years Beginning January 1, 2023, and Ending December 31, 2024; and Fixing the Mill Levy for Property Taxes Payable in 2023.

The purpose of this item is to present the Annual Appropriation and Budget Ordinance for First Reading. This Ordinance sets the City Budget for the two-year period (2023-2024) which becomes the City's financial plan for the next two fiscal years. This Ordinance sets the amount of \$778,543,584 to be appropriated for fiscal year 2023. However, this appropriated amount does not include what is being budgeted and appropriated by separate Council/Board of Director actions to adopt the 2023 budget for the General Improvement District (GID) No. 1 of \$313,275, the 2023 budget for General Improvement District (GID) No. 15 (Skyview) of \$1,000, the Urban

Renewal Authority (URA) 2023 budget of \$6,005,369 and the Downtown Development Authority 2023 budget of \$24,262,482. This results in the City-related total operating appropriation of \$809,125,710 in 2023.

This Ordinance also sets the 2023 City mill levy at 9.797 mills, unchanged since 1991.

19. Items Relating to 2023 Utility Rates, Fees, and Charges.

A. First Reading of Ordinance No. 127, 2022, Amending Chapter 26 of the Code of the City of Fort Collins to Revise Electric Rates, Fees and Charges and Updating Related Provisions.

B. First Reading of Ordinance No. 128, 2022, Amending Chapter 26 of the Code of the City of Fort Collins to Revise Water Rates, Fees and Charges.

C. First Reading of Ordinance No. 129, 2022, Amending Chapter 26 of the Code of the City of Fort Collins to Revise Wastewater Rates, Fees and Charges.

D. First Reading of Ordinance No. 130, 2022, Amending Chapter 26 of the Code of the City of Fort Collins to Revise Stormwater Rates, Fees and Charges.

E. First Reading of Ordinance No. 131, 2022, Amending Chapter 26 of the Code of the City of Fort Collins Regarding Calculation and Collection of Development Fees Imposed for the Construction of New or Modified Electric Service Connections.

F. First Reading of Ordinance No. 132, 2022, Amending Chapter 26 of the Code of the City of Fort Collins to Revise Sewer Plant Investment Fees.

G. First Reading of Ordinance No. 133, 2022, Amending Chapter 26 of the Code of the City of Fort Collins to Revise the Stormwater Plant Investment Fees.

H. First Reading of Ordinance No. 134, 2022, Amending Chapter 26 of the Code of the City of Fort Collins to Revise Water Plant Investment Fees.

The purpose of this item is to consider Ordinances related to proposed 2023 rates and fees being brought forward for Council consideration, including the following items:

Items (A-D) – Monthly utility charges to increase 5% for Electric customers, 4% for Water customers, 4% for Wastewater customers, and 3% for Stormwater customers.

Items (E-H) – A 9% inflationary increase to development fees including Electric Capacity Fees (ECFs) and Water, Wastewater, Stormwater Plant Investment Fees (PIFs)

20. First Reading of Ordinance No. 135, 2022, Amending Chapter 26 of the Code of the City of Fort Collins Related to Water, Wastewater and Electric Rates, Fees, and Charges Applied Under the Income-Qualified Assistance Program.

The Income-Qualified Assistance Program (IQAP) that provides income-qualified Fort Collins Utilities (Utilities) customers reduced rates on select Utilities services was introduced in October 2018 as a pilot program. The IQAP program bill adjustment effectively applies a 23% rate discount on electric, water, and wastewater services, and is due to expire December 31, 2022. In July 2021, City Council approved moving the program from an application-based, opt-in program to an auto-enroll, opt-out program, subject to participants' participation in the complementary state Low-income Energy Assistance Program (LEAP). At that time, City Council also requested an evaluation of the discounted rate percentage to ensure it was still sufficient to meet program

objectives. Since July 2021, participation in IQAP has increased 128%. Staff are seeking a motion from City Council to adopt the program. The Council Finance Committee reviewed this proposal on October 20, 2022, and provided staff direction for presentation to the full City Council.

21. Items Relating to the Adoption of the Land Development Code.

A. Second Reading of Ordinance No. 114, 2022, Repealing and Reenacting Section 29-1 of the Code of the City of Fort Collins to Adopt the Land Development Code and Separately Codifying the 1997 Land Use Code as “2022 Transitional Land Use Regulations”.

B. Second Reading of Ordinance No. 115, 2022, Amending the Zoning Map of the City of Fort Collins to Rename all Neighborhood Conservation Low Density, Neighborhood Conservation Medium Density, and Neighborhood Conservation Buffer Zone District to the Old Town Zone District in Conjunction with the Adoption of the Land Development Code.

These Ordinances, adopted on First Reading on October 18, 2022 by a vote of 6-1 (Nay: Ohlson), consider adoption of changes to the City’s Land Use Code including renaming to the Land Development Code. The Land Use Code (LUC) Phase 1 Update implements policy direction in City Plan, the Housing Strategic Plan, and the Our Climate Future Plan. Changes are intended to address one or more of the following Guiding Principles:

1. Increase overall housing capacity and calibrate market-feasible incentives for affordable housing
2. Enable more affordability, especially near high frequency transit and priority growth areas
3. Allow more diverse housing choices that fit in with the existing context and priority place types
4. Make the LUC easier to use and understand
5. Improve predictability of the development review process, especially for housing

In conjunction with adoption of the Land Development Code, a conforming change to the zoning map to rename the Neighborhood Conservation Low Density, Neighborhood Conservation Medium Density, and Neighborhood Conservation Buffer Zone District to the Old Town zone district is proposed by means of a rezoning.

At first reading, Council directed that “2022” be added to the term “Transitional Land Use Regulations” to avoid possible confusion with the previous Transitional Land Use Regulations utilized when the Land Use Code was adopted in 1997.

If adopted by Council, staff recommends that the proposed LUC changes and renaming to the Old Town zone district take effect on January 1, 2023.

22. First Reading of Ordinance No. 136, 2022, Repealing and Reenacting Article IX of City Code Chapter 20 Concerning Public Nuisances and Making Conforming Changes to City Code Section 19-3.

The purpose of this item is for Council to consider the adoption of a new public nuisance ordinance (PNO) that allows for a clearer, broader definition of public nuisance and adds new enforcement mechanism for abating public nuisances and chronic nuisance properties. The new PNO will allow staff to address the current community issues and nuisance situations more effectively.

P) OTHER BUSINESS

OB 1. Possible Consideration of the Initiation of New Ordinances and/or Resolutions by Councilmembers.

(Three or more individual Councilmembers may direct the City Manager and City Attorney to initiate and move forward with development and preparation of resolutions and ordinances not originating from the Council's Policy Agenda or initiated by staff.)

Q) ADJOURNMENT

Every regular Council meeting will end no later than midnight, except that: (1) any item of business commenced before midnight may be concluded before the meeting is adjourned and (2) the Council may, at any time prior to adjournment, by majority vote, extend a meeting beyond midnight for the purpose of considering additional items of business. Any matter that has been commenced and is still pending at the conclusion of the Council meeting, and all matters for consideration at the meeting that have not yet been considered by the Council, will be deemed continued to the next regular Council meeting, unless Council determines otherwise.

Upon request, the City of Fort Collins will provide language access services for individuals who have limited English proficiency, or auxiliary aids and services for individuals with disabilities, to access City services, programs and activities. Contact 970.221.6515 (V/TDD: Dial 711 for Relay Colorado) for assistance. Please provide 48 hours advance notice when possible.

A solicitud, la Ciudad de Fort Collins proporcionará servicios de acceso a idiomas para personas que no dominan el idioma inglés, o ayudas y servicios auxiliares para personas con discapacidad, para que puedan acceder a los servicios, programas y actividades de la Ciudad. Para asistencia, llame al 970.221.6515 (V/TDD: Marque 711 para Relay Colorado). Por favor proporcione 48 horas de aviso previo cuando sea posible.



PROCLAMATION

WHEREAS, Native American Heritage Month celebrates the historical and current accomplishments and contributions the peoples who were the original inhabitants and stewards of this land, long before the formation of the United States, and which are inextricably woven into the history of this country; and

WHEREAS, Colorado has been occupied since time immemorial by many diverse and established Native and Indigenous Peoples; encompasses the ancestral homelands of at least 48 tribes, including the Arapahoe, Cheyenne, and Ute peoples; and is now home to a diverse urban Native community with individuals and families from many different Tribal Nations; and

WHEREAS, Native and Indigenous Peoples in Fort Collins, as in all parts of the Americas, suffer from the legacy of colonization, broken treaties, and national policies designed to erase and marginalize their presence; and

WHEREAS, Fort Collins recognizes the resilience of Native and Indigenous Peoples despite the harms these systems and policies have caused, and greatly values the social, economic and cultural contributions they make; and

WHEREAS, the City Council unanimously passed resolution 2022-103, recognizing the Second Monday in October as Indigenous Peoples' Day, and acknowledging that we have a shared responsibility to support Native and Indigenous Peoples residing in the City of Fort Collins, and to communicate, collaborate, and coordinate with Tribal Nations that have historic interests and presence in the area.

NOW, THEREFORE, I, Jeni Arndt, Mayor of the City of Fort Collins, do hereby proclaim the month of November as

NATIVE AMERICAN HERITAGE MONTH

and reaffirm our commitment to listening to, supporting, and working alongside the Native American and Indigenous community to address the needs that have been expressed. We encourage the community to join in solidarity and recognition by learning about Native American current issues, hearing Native voices, and by attending Native American Heritage Month events, starting with the American Indian Science and Engineering Society Powwow on November 5th at the Colorado State University Lory Student Center.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the City of Fort Collins this 1st of November, A.D. 2022.

Mayor

ATTEST:

City Clerk



PROCLAMATION

WHEREAS, the City of Fort Collins’ history of open space conservation began in the 1970s, which set a strong foundation for future conservation efforts; and

WHEREAS, exactly thirty years ago today, Fort Collins’ legacy of natural areas conservation entered a new era with the passage of a sales tax ballot measure funding land conservation and establishing the City of Fort Collins Natural Areas Program; and

WHEREAS, groups of citizens garnered voters’ support of five other sales tax ballot measures since 1992 which has resulted in the conservation of over 55,000 acres at 52 natural areas, with 134 miles of trail; and

WHEREAS, the mission of the Natural Areas Department is to conserve and enhance lands with natural resource, agricultural, and scenic values, while providing meaningful education and appropriate recreation opportunities; and

WHEREAS, the Natural Areas Department has been recognized for its many successes and innovations including restoration along the Poudre River corridor, reintroduction of endangered black-footed ferrets and bison to Soapstone Prairie Natural Area, its extensive public engagement efforts, its outstanding facilities, and many other accomplishments; and

WHEREAS, the Natural Areas 30th anniversary milestone is possible due to the long-term hard work of the community members who worked to pass the ballot measures, and in recognition of these esteemed citizens, the 30th anniversary celebration will:

- show appreciation to those who champion Natural Areas funding; and
- recognize Advisory Board members past and present who have influenced natural areas conservation; and
- increase public awareness and support for the value of natural areas and the ballot measures that make them possible.

NOW, THEREFORE, I, Jeni Arndt, Mayor of the City of Fort Collins, do hereby proclaim November 1, 2022 through November 1, 2023 as the

30th ANNIVERSARY OF NATURAL AREAS

in Fort Collins to celebrate the people that make natural areas possible and the environmental, economic, community, and other values of natural areas to Fort Collins residents.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the City of Fort Collins this 1st day of November, A.D. 2022.

Mayor

ATTEST:

City Clerk

November 1, 2022



AGENDA ITEM SUMMARY

City Council

STAFF

Nina Bodenhamer, City Give Director
John Duval, Legal

SUBJECT

Second Reading of Ordinance No. 107, 2022, Appropriating Philanthropic Revenue Received By City Give for the Bucking Horse Park Trail Spur Project as Designated by the Donor.

EXECUTIVE SUMMARY

This Ordinance, unanimously adopted on First Reading on October 18, 2022, amends \$5,000 in philanthropic revenue received by City Give for Park Planning and Development as designated by the donor.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

BACKGROUND / DISCUSSION

The purpose of this item is to appropriate \$5,000 in unanticipated philanthropic revenue received from the Bucking Horse Residential Association. The award is designated by the contributor for the Bucking Horse Park Trail Spur project for the maintenance of a drainage channel and will benefit the park, trail, and Bucking Horse neighborhood.

The award will support the total costs of dredging an overgrown storm drainage channel adjacent to the neighborhood park under construction in the Bucking Horse neighborhood to reestablish proper stormwater drainage.

In 2019, City Give, a formalized enterprise-wide initiative was launched to create a transparent, non-partisan governance structure for the acceptance and appropriations of charitable gifts. City Give creates a financial pathway for partnerships to support the City's strategic priorities and community services.

CITY FINANCIAL IMPACTS

This Ordinance will appropriate \$5,000 in unanticipated philanthropic revenue received by City Give for Park Planning and Development.

The funds have been received and accepted per City Give Administrative and Financial Policy. The City Manager has also determined that these appropriations are available and previously unappropriated from the Conservation Trust Fund and will not cause the total amount appropriated in the Conservation Trust

Fund to exceed the current estimate of actual and anticipated revenues and all other funds to be received in the Conservation Trust Fund during fiscal year 2022.

The donation has been received and accepted per the City Give Administrative and Financial Policy.

BOARD / COMMISSION RECOMMENDATION

None.

PUBLIC OUTREACH

None.

ATTACHMENTS

First Reading attachments not included.

1. Ordinance for Consideration

ORDINANCE NO. 107, 2022
OF THE COUNCIL OF THE CITY OF FORT COLLINS
APPROPRIATING PHILANTHROPIC REVENUE RECEIVED BY CITY GIVE FOR THE
BUCKING HORSE PARK TRAIL SPUR PROJECT AS DESIGNATED BY THE DONOR

WHEREAS, the Bucking Horse Residential Association has donated \$5,000 to be used by Park Planning and Development for the maintenance of a drainage channel adjacent to Bucking Horse Park; and

WHEREAS, the donated funds are designated for the Bucking Horse Park Trail Spur project to support the total costs of dredging an overgrown storm drainage channel; and

WHEREAS, the dredging work will benefit the park, trail, and Bucking Horse neighborhood by reestablishing proper stormwater drainage; and

WHEREAS, this appropriation benefits public health, safety and welfare of the citizens of Fort Collins and serves the public purpose of improving stormwater drainage within the City; and

WHEREAS, Article V, Section 9 of the City Charter permits the City Council, upon recommendation of the City Manager, to make a supplemental appropriation by ordinance at any time during the fiscal year, provided that the total amount of such supplemental appropriation, in combination with all previous appropriations for that fiscal year, do not exceed the current estimate of actual and anticipated revenues and all other funds to be received during the fiscal year; and

WHEREAS, the City Manager has recommended the appropriation described herein and determined that this appropriation is available and previously unappropriated from the Conservation Trust Fund and will not cause the total amount appropriated in the Conservation Trust Fund to exceed the current estimate of actual and anticipated revenues and all other funds to be received in this Fund during this fiscal year.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That there is hereby appropriated from unanticipated philanthropic revenue in the Conservation Trust Fund the sum of FIVE THOUSAND DOLLARS (\$5,000) to be expended in the Conservation Trust Fund for the Bucking Horse Park Trail Spur project.

Introduced, considered favorably on first reading, and ordered published this 18th day of, October A.D. 2022, and to be presented for final passage on the 1st day of November, A.D. 2022.

Mayor

ATTEST:

Chief Deputy City Clerk

Passed and adopted on final reading this 4th day of October, A.D. 2022.

Mayor

ATTEST:

City Clerk

November 1, 2022



AGENDA ITEM SUMMARY

City Council

STAFF

Nina Bodenhamer, City Give Director
John Duval, Legal

SUBJECT

Second Reading of Ordinance No. 108, 2022, Appropriating Unanticipated Revenue From Philanthropic Donations Received in 2022 By City Give for Various City Programs and Services as Designated by the Donors.

EXECUTIVE SUMMARY

This Ordinance, unanimously adopted on First Reading on October 18, 2022, appropriates \$4,070 in philanthropic revenue received by City Give. These miscellaneous gifts to various City service areas support a variety of programs and services and are aligned with both the City's strategic priorities and the respective donors' designation.

In 2019, City Give, a formalized enterprise-wide initiative was launched to create a transparent, non-partisan governance structure for the acceptance and appropriations of charitable gifts.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

BACKGROUND / DISCUSSION

The City has long been the beneficiary of local generosity and has a valuable role in our community's philanthropic landscape. Generosity is demonstrated in both large and modest gifts, each appreciated for its investment in the mission and the range of services the City strives to deliver.

In 2022, the City received several individual philanthropic donations supporting various departments totaling \$4,070 and these funds are currently unappropriated.

As acknowledged by Section 2.5 of the City's Fiscal Management Policy 2-Revenue approved by City Council, the City Manager has adopted the City Give Financial Governance Policy to provide for the responsible and efficient management of charitable donations to the City; and 52.2.C. of the City Give Policy authorizes the City Give Director to accept donations of \$5,000 or less for the City service area as designated by the donor.

These generous donations have been directed by the respective donors to be used by the City for designated uses within and for the benefit of City service areas and programs as each donation is described in Exhibit "A" attached to the Ordinance.

CITY FINANCIAL IMPACTS

This Ordinance will appropriate \$4,070 in philanthropic revenue received through City Give for gifts to various City service areas to support a variety of programs and services.

The funds have been received and accepted per the City Give Administrative and Financial Policy. The City Manager has also determined that these appropriations are available and previously unappropriated from the designated funds and will not cause the total amount appropriated in these funds to exceed the current estimate of actual and anticipated revenues and all other funds to be received in these funds during fiscal year 2022.

The proposed increase to appropriated expenditures is summarized below:

2022 Unanticipated Revenue

Police Services	\$	3,520.00
Golf Fund	\$	50.00
Forestry/General Fund	\$	500.00

These donations have been received and accepted per the City Give Administrative and Financial Policy.

BOARD / COMMISSION RECOMMENDATION

None.

PUBLIC OUTREACH

None.

ATTACHMENTS

First Reading attachments not included.

1. Ordinance for Consideration
2. Exhibit A

ORDINANCE NO. 108, 2022
OF THE COUNCIL OF THE CITY OF FORT COLLINS
APPROPRIATING UNANTICIPATED REVENUE
FROM PHILANTHROPIC DONATIONS RECEIVED IN 2022 BY CITY GIVE
FOR VARIOUS CITY PROGRAMS AND SERVICES AS DESIGNATED BY THE DONORS

WHEREAS, the City has recently received three individual philanthropic donations of \$5,000 or less and these funds are currently unappropriated; and

WHEREAS, these donations have been directed by the donors to be used by the City for certain designated uses within and for the benefit of certain City service areas as each donation is described in Exhibit “A” attached hereto and incorporated herein by reference; and

WHEREAS, as acknowledged by Section 2.5 for the City’s Fiscal Management Policy 2 – Revenue approved by City Council, the City Manager has adopted the City Give Financial Governance Policy to provide for the responsible and efficient management of charitable donations to the City (the “City Give Policy”); and

WHEREAS, Section 52.2.C. of the City Give Policy authorizes the City Give Director to accept donations of \$5,000 or less for the City service area intended by the donor to be benefited; and

WHEREAS, as so authorized, the City Give Director has accepted for the benefited City service areas, as applicable, the donations to be appropriated in this Ordinance to be used as directed by each donor as described in Exhibit “A”; and

WHEREAS, Article V, Section 9 of the City Charter permits the City Council, upon recommendation of the City Manager, to make a supplemental appropriation by ordinance at any time during the fiscal year, provided that the total amount of such supplemental appropriation, in combination with all previous appropriations for that fiscal year, do not exceed the current estimate of actual and anticipated revenues and all other funds to be received during the fiscal year; and

WHEREAS, the City Manager has recommended the appropriations described in Sections 2 of this Ordinance and determined that the amount of each of these appropriations is available and previously unappropriated from the funds named in Sections 2 and will not cause the total amount appropriated in each such fund to exceed the current estimate of actual and anticipated revenues and all other funds to be received in those funds during this fiscal year; and

WHEREAS, these appropriations will serve the public purpose of providing additional revenue to each of the benefited service areas to aid in accomplishing the public purposes for which each service area is established thereby benefiting the public’s health, safety and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That there is hereby appropriated from the following funds these amounts of philanthropic unanticipated revenue in 2022 to be expended as designated by the donors in support of the various City programs and services as described in Exhibit "A":

2022 Unanticipated Revenue

Police Services/General Fund	\$ 3,520.00
Golf Fund	\$ 50.00
Forestry/General Fund	\$ 500.00

Introduced, considered favorably on first reading, and ordered published this 18th day of October A.D. 2022, and to be presented for final passage on the 1st day of November, A.D. 2022.

Mayor

ATTEST:

Chief Deputy City Clerk

Passed and adopted on final reading on the 1st day of November, A.D. 2022.

Mayor

ATTEST:

City Clerk



City Give
 215 N Mason Street, 2nd Floor
 PO Box 580
 Fort Collins, CO 80522
970.221.6687
fcgov.com

UNANTICIPATED REVENUE (2022 Donations)

City Department/Donor Designation	Donor	Gift Date	Gift Amount
K9, Fort Collins Police Services	The Geroy Family	10/03/2022	\$3,500.00
K9, Fort Collins Police Services	The DePrue Family	07/17/2022	20.00
Youth Golf Scholarship	Marsh & Karppinen	10/01/2022	50.00
Living Tribute Tree, Forestry	Vince Sierra	9/28/2022	500.00

November 1, 2022



AGENDA ITEM SUMMARY

City Council

STAFF

Beth Rosen, Grants Compliance and Policy Manager
Ingrid Decker, Legal

SUBJECT

Second Reading of Ordinance No. 109, 2022, Making a Supplemental Appropriation of HOME Investment Partnership Program - American Rescue Plan Act Funding from the Federal Department of Housing and Urban Development.

EXECUTIVE SUMMARY

This Ordinance, unanimously adopted on First Reading on October 18, 2022, appropriates \$2,628,410 in HOME Investment Partnership Program – American Rescue Plan funds received from the Department of Housing and Urban Development.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

BACKGROUND / DISCUSSION

On March 11, 2021, President Biden signed the American Rescue Plan Act (ARPA) into law, enabling over \$1.9 trillion in relief to address the continued impact of the COVID-19 pandemic on the economy, public health, state and local governments, individuals and businesses.

ARPA appropriated \$5 billion to help communities provide housing, shelter and services for people experiencing homelessness and other qualifying populations. These funds are administered by the Department of Housing and Urban Development (HUD) through the HOME Investment Partnership Program – American Rescue Plan (HOME-ARP) to be used for individuals and families from the following qualifying populations:

- homeless, at-risk of homelessness;
- fleeing or attempting to flee domestic violence, dating violence, sexual assault, stalking or human trafficking;
- other populations where provision of assistance would prevent homelessness or would serve those with the greatest risk of housing instability; and
- veterans and families that include a veteran family member that meet one of the preceding criteria.

HOME-ARP funds can be used for four eligible activities, which include:

1. Production or preservation of affordable housing
2. Tenant-based rental assistance (TBRA)
3. Provision of supportive services, including homeless prevention services
4. Acquisition and development of non-congregate shelter

As a HOME program participating jurisdiction, the City of Fort Collins received a HOME-ARP Award of \$2,628,410 to benefit qualifying populations in our community. This amount is in addition to the annual allocation of HOME funds the City receives from HUD.

Once appropriated, these funds will be allocated through a Competitive Process according to the HOME-ARP Allocation Plan. Approximately \$228,000 of the funds will be used in 2022 to cover the City's administrative costs to administer the funding program. Funding recommendations for specific projects and programs will be presented to City Council by the Human Services and Housing Funding Board in 2023. All funding must be expended, and all projects completed, no later than June 30, 2030.

CITY FINANCIAL IMPACTS

This will increase the City's total available HOME funding for the 2022-2023 fiscal year from \$803,409 to \$3,431,819. These funds will provide additional capacity for the City to address critical housing needs for persons experiencing homelessness and persons at risk of homelessness.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

None.

PUBLIC OUTREACH

None.

ATTACHMENTS

First Reading attachments not included.

1. Ordinance for Consideration
2. Award Letter

ORDINANCE NO. 109, 2022
OF THE COUNCIL OF THE CITY OF FORT COLLINS
MAKING A SUPPLEMENTAL APPROPRIATION OF HOME INVESTMENT
PARTNERSHIP PROGRAM - AMERICAN RESCUE PLAN ACT FUNDING FROM THE
FEDERAL DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

WHEREAS, on March 11, 2021, President Biden signed the American Rescue Plan Act (ARPA), enabling over \$1.9 trillion in relief to address the continued impact of the COVID-19 pandemic on the economy, public health, state and local governments, individuals and businesses; and

WHEREAS, ARPA appropriated \$5 billion to help communities provide housing, shelter, and services for people experiencing homelessness and other qualifying populations, to be administered by the Department of Housing and Urban Development (HUD) through the HOME Investment Partnership Program – American Rescue Plan (HOME-ARP); and

WHEREAS, populations qualifying for assistance from HOME-ARP funds include persons who are homeless or at-risk of homelessness, fleeing or attempting to flee domestic violence, dating violence, sexual assault, stalking or human trafficking, other populations where provision of assistance would prevent homelessness or would serve those with the greatest risk of housing instability, and veterans; and

WHEREAS, as a HOME program participating jurisdiction, the City received a HOME-ARP Award of \$2,628,410 to benefit qualifying populations in our community, in addition to the annual allocation of HOME funds the City receives from HUD; and

WHEREAS, once appropriated, HOME-ARP funds will be allocated through a Competitive Process according to the HOME-ARP Allocation Plan, with funding recommendations for specific projects and programs presented to City Council by the Human Services and Housing Funding Board in 2023; and

WHEREAS, this appropriation benefits public health, safety and welfare of the citizens of Fort Collins and serves the public purpose of providing additional financial capacity to address critical housing needs for persons experiencing homelessness and persons at risk of homelessness; and

WHEREAS, Article V, Section 9 of the City Charter permits the City Council, upon recommendation of the City Manager, to make a supplemental appropriation by ordinance at any time during the fiscal year, provided that the total amount of such supplemental appropriation, in combination with all previous appropriations for that fiscal year, do not exceed the current estimate of actual and anticipated revenues and all other funds to be received during the fiscal year; and

WHEREAS, the City Manager has recommended the appropriation described herein and determined that this appropriation is available and previously unappropriated from the HOME Investment Partnership Grant Fund and will not cause the total amount appropriated in the HOME Invest Partner Grant Fund to exceed the current estimate of actual and anticipated revenues and all other funds to be received in this Fund during this fiscal year; and

WHEREAS, Article V, Section 11 of the City Charter authorizes the City Council to designate in the ordinance when appropriating funds for a federal, state or private grant or donation, that such appropriation shall not lapse at the end of the fiscal year in which the appropriation is made, but continue until the earlier of the expiration of the federal, state or private grant or donation or the City's expenditure of all funds received from such grant or donation; and

WHEREAS, the City Council wishes to designate the appropriation herein of HOME-ARP grant funds from the Federal American Recovery Plan Act as an appropriation that shall not expire until the earlier of the expiration of the grant or the City's expenditure of all funds received from such grant.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That there is hereby appropriated from grant revenue in the HOME Investment Partnership Fund the sum of TWO MILLION SIX HUNDRED TWENTY-EIGHT THOUSAND FOUR HUNDRED TEN DOLLARS (\$2,628,410) to be expended in the HOME Investment Partnership Fund for production or preservation of affordable housing, tenant-based rental assistance, provision of supportive services including homeless prevention services, and acquisition and development of non-congregate shelter.

Section 3. That the appropriation herein of HOME-ARP grant funds from the Federal American Recovery Plan Act is hereby designated, as authorized in Article V, Section 11 of the City Charter, as an appropriation that shall not lapse at the end of this fiscal year but continue until the earlier of the expiration of the grant or the City's expenditure of all funds received from such grant.

Introduced, considered favorably on first reading, and ordered published this 18th day of October, A.D. 2022, and to be presented for final passage on the 1st day of November, A.D. 2022.

Mayor

ATTEST:

Chief Deputy City Clerk

Passed and adopted on final reading on the 1st day of November, A.D. 2022.

Mayor

ATTEST:

City Clerk

November 1, 2022



AGENDA ITEM SUMMARY

City Council

STAFF

Katie Donahue, Natural Areas Director
Jesse Green, Natural Areas and Trails Ranger
Ingrid Decker, Legal

SUBJECT

Second Reading of Ordinance No. 110, 2022, Amending Article IX of Chapter 23 of the Code of the City of Fort Collins Regarding Natural Areas.

EXECUTIVE SUMMARY

This Ordinance, unanimously adopted on First Reading on October 18, 2022, amends various provisions in Article IX of Chapter 23 of the City Code regarding natural areas to close loopholes, add new definitions, and add new regulations that better protect the natural environment and promote visitor safety. Natural Areas Department rangers researched existing Code and worked with Natural Areas Department staff and the City Attorney's Office before the proposed changes were brought to the Land Conservation and Stewardship Board in July 2022.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

BACKGROUND / DISCUSSION

The Natural Areas Team works diligently to protect the ecological value of natural resources owned and managed by the City. Currently, there is a disparity between violations and enforcement that has been recognized by both Natural Areas rangers and the City Attorney's Office. By revising and improving the current City Code we are striving to better educate, enforce, and track violations within the City's Natural Areas as well as improve safety for all visitors. The recommended changes include the following:

- New Definitions are proposed for the following terms:
 - Hunt
 - Natural Area
 - Public Safety Agency
 - Vessel

- Adjustments are proposed to the following regulations in Section 23-193 (prohibited acts and permits):
 - (a)(8) regarding skating
 - (a)(14) regarding boats/vessels
 - (b)(1) regarding walking or skating on ice
 - (d)(1) regarding access hours
 - (d)(2) regarding motorized boats/vessels
 - (e) regarding public safety training activities
 - (f) regarding penalties, designating two new violations [Sections 23-193(c)(1) and (c)(2)] as civil infractions

- Several new regulations would be created in Section 23-193:
 - (c)(1) regarding posted closed natural areas due to wet or muddy conditions
 - (c)(2) regarding posting areas where animals are not allowed
 - (c)(3) regarding disregarding signs designating trail-only access areas
 - (c)(4) regarding entering closed areas
 - (d)(21) regarding hunting
 - (d)(22) regarding use of inflated devices in the water

CITY FINANCIAL IMPACTS

No financial impact is expected with the recommended code changes.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

The changes to Chapter 23, Article IX of the City Code were brought to the Land Conservation and Stewardship Board (LCSB) for discussion at the July 13, 2022 meeting. At the August 10, 2022, meeting, the LCSB voted unanimously to recommend approval of the changes to Chapter 23, Article IX of the City Code as proposed.

PUBLIC OUTREACH

Public outreach was not conducted as the recommended code changes largely reflect administrative changes and updates.

ATTACHMENTS

First Reading attachments not included.

1. Ordinance for Consideration

ORDINANCE NO. 110, 2022
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING ARTICLE IX OF CHAPTER 23 OF THE CODE OF THE CITY OF
FORT COLLINS REGARDING NATURAL AREAS

WHEREAS, in 1999 the City Council adopted Ordinance No. 027, 1999, enacting certain requirements and regulations related to the use by the general public of the City's natural areas, codified in Chapter 23, Article IX of the City Code; and

WHEREAS, those Code provisions have since been updated periodically to address and clarify points of concern or new issues related to the public's use of the City's natural areas; and

WHEREAS, in 2021 Natural Areas staff, working with the City Attorney's Office, began a comprehensive review of the Natural Areas provisions of the City Code to identify disparities between the existing regulations and staff's management and enforcement goals and draft amendments to those provisions; and

WHEREAS, staff's recommended amendments include adding or clarifying several defined terms, clarifying several existing regulations, creating six new specific violations, and designating two of the new violations as civil infractions (all other Natural Areas violations are either petty offenses or misdemeanors); and

WHEREAS, at its regular meeting on August 10, 2022, the Land Conservation and Stewardship Board voted unanimously to recommend approval of the proposed amendments; and

WHEREAS, the City Council has determined that the proposed amendments are in the best interests of the City, and are necessary for the health, safety and welfare of the City's residents and visitors.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That Section 23-192 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 23-192. Definitions.

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this Section:

...

Hunt shall mean to pursue, attract, stalk, lie in wait for, or attempt to shoot, wound, kill, trap, capture, collect, or take wildlife. *Hunt* does not include stalking, attracting, searching, or lying in wait for wildlife by an unarmed person solely for the purpose of watching or taking photographs of wildlife.

...

Natural area shall mean any area designated and posted by the City as a City natural area, either within the City limits, whether open or closed to access and use by the public, or outside the City limits and open in whole or in part for access and use by the public, and shall include any trails to the extent the same are within the boundaries of a natural area.

...

Public safety agency shall mean an agency providing law enforcement, fire protection, emergency medical, emergency response or search and rescue services.

...

Vessel shall mean every description of watercraft used or capable of being used as a means of transportation of persons and property on the water, other than single-chambered air-inflated devices or seaplanes.

...

Section 3. That Section 23-193 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 23-193. Prohibited acts; permits.

(a) It shall be unlawful to:

...

(8) Bicycle, skateboard or roller skate (in-line or otherwise) in a natural area, except upon a roadway or designated trail.

...

(14) Operate any vessel in waters within a natural area unless the vessel contains at least one (1) personal flotation device that is in good and serviceable condition and of a type approved for recreational use by the United States Coast Guard for each person on board. Any such use must also be consistent with Paragraph (d)(2) below.

...

(b) Unless a sign has been posted by the Service Unit that the particular natural area or a portion thereof is open for such use, it shall be unlawful to:

(1) Walk, ice skate or otherwise enter upon the ice of any waters of a natural area.

...

(c) It shall be unlawful to engage in any activity within or upon a natural area when a sign has been posted by the Service Unit that the particular area or a portion of the area is closed for such use, based upon a determination by the Service Unit that such prohibition is appropriate to protect the safety or well-being of persons or animals; the natural area, related facilities or any other City property or facility; the use and enjoyment of said areas or facilities by the general public; the needs and objectives of the City in maintaining and operating the same; and/or the natural environment in general. Specific activities that shall be unlawful when posted as prohibited by a sign include (but are not limited to):

(1) Entering upon any natural area that has been closed due to wet or muddy conditions.

(2) Entering upon any natural area with a dog, horse or other animal.

(3) Leaving any marked or designated trail in any natural area designated as trail-only access.

(4) Entering upon any area that is designated as closed.

(d) Except as authorized by a permit obtained for such use from the Service Unit, it shall be unlawful to:

(1) Enter or remain upon a natural area during the hours of 11:00 p.m. to 5:00 a.m., or during the time from one-half hour after sunset to one-half hour before sunrise at properties where the Service Unit has posted a sign designating the property as open from dawn to dusk except:

a. As otherwise permitted by a sign posted by the Service Unit opening or closing the particular area or a portion of the area for public use for a specified time or during specified hours; or

b. As necessary to participate as a registered or otherwise officially recognized participant in a City-sponsored or permitted event in a natural area.

(2) Operate a motorized vessel, other than one with a wakeless, electric trolling motor in a natural area.

...

(21) Hunt or take by any means any animal within in a Natural Area or, when hunting is permitted, to violate any state laws, rules or regulations regarding hunting.

(22) Use, or allow use of, on the waters in any Natural Area (excluding the Poudre River), any floating mats, air mattresses, inner tubes, air inflated devices, rubber rafts with less than two (2) air chambers or other flotation device that is not included in the definition of “vessel”.

(e) Research involving any of the activities prohibited in this Article, or public safety related training activities conducted by a public safety agency involving any of the activities prohibited in this Article, including the training of search and rescue dogs off-leash, may be authorized by the Service Unit by permit in accordance with the procedures and standards set forth in § 23-194.

(f) Any person who violates a provision of subsections (c)(1) or (c)(2) of this § 23-193 is guilty of a civil infraction punishable by a fine in accordance with § 1-15(f). Any person who violates subsections (a)(2), (a)(5), (a)(6), (a)(7), (a)(8), (a)(12), (a)(14), (a)(17), (b), (d)(2), (d)(3), (d)(5), (d)(11), (d)(12), or (d)(16) of this § 23-193 is guilty of a petty offense punishable by a fine in accordance with § 1-15(h). Any person who violates any other subsection of this § 23-193 commits a misdemeanor punishable by a fine or jail in accordance with § 1-15(a).

...

Introduced, considered favorably on first reading and ordered published this 18th day of October, A.D. 2022, and to be presented for final passage on the 1st day of November, A.D. 2022.

Mayor

ATTEST:

Chief Deputy City Clerk

Passed and adopted on final reading this 1st day of November, A.D. 2022.

Mayor

ATTEST:

City Clerk

November 1, 2022



AGENDA ITEM SUMMARY

City Council

STAFF

Jennifer Poznanovic, Sr. Revenue Manager
Ryan Malarky, Legal

SUBJECT

Second Reading of Ordinance No. 111, 2022, Amending Certain Sections of Chapter 25 of the Code of the City of Fort Collins Relating to the Imposition, Collection, and Enforcement of the City's Sales and Use Taxes.

EXECUTIVE SUMMARY

This Ordinance, unanimously adopted on First Reading on October 18, 2022, amends Chapter 25 of City Code concerning sales and use tax. The updates include revisions to the Grocery Tax Rebate Program to increase the area median income threshold for a rebate as part of ongoing City-wide initiatives to streamline and broaden access to City income-qualified programs. Other updates include but are not limited to: (1) updating the deadlines for refund claims and petitions protesting the denial of tax-exempt organization license applications to align with other deadlines in Chapter 25; (2) amending the appeals process to align with state statute; and (3) adding exemptions from sales and use tax for the state carryout bag fee and retail delivery fee. (The Council approved Ordinance No. 053, 2022, in May 2022, which created an exemption from sales tax for the City's disposable bag fee).

For Second Reading, in light of prior discussions by the Council Finance Committee, the City Manager is proposing a Whereas clause be revised. The revision will document that the City Manager has committed that City staff will return to the Council Finance Committee after approximately one year not only to discuss the effectiveness of the Code update increasing the area median income threshold for the Grocery Tax Rebate Program, but also to discuss other options to expand participation, such as removing income verification requirements.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

BACKGROUND / DISCUSSION

Code changes being requested are as follows:

CHAPTER 25, ARTICLE II

Sales Tax Rebate on Food

For the City's rebate program for sales tax imposed on food, the Council Finance Committee and City staff recommend amending City Code Chapter 25, Article II, Division 3 to change income eligibility from 50

percent annual median income (AMI) for the applicable household size to 60 percent AMI with the goal of increasing program participation. In collaboration with the City-wide consolidation of income-qualified programs and the Get FoCo application the City is developing, staff is committed to returning to Council Finance Committee to discuss the effectiveness of this update on program participation after approximately one year.

CHAPTER 25, ARTICLE III

Definition of “Engaged in Business in the City”

City staff recommends a clean-up change to the definition of “engaged in business in the City” to make clear that delivery into the City includes by common carrier.

Imposition of the Sales Tax and Exemptions

Staff recommends creating a sales tax exemption for the State of Colorado’s recently adopted carryout bag fee created by House Bill 21-1162 and the retail delivery fee created by Senate Bill 21-260. The proposed exemption will make clear that the fees are not part of the purchase price against which sales tax is imposed. The proposed exemption would be consistent with state law, which specifically exempted the fees from state sales tax.

CHAPTER 25, ARTICLE III

Imposition of the Use Tax and Exemptions

City staff recommends creating a use tax exemption for the City’s disposable bag fee. This fee is already exempt from City sales tax. This change updates the use tax exemption for the City’s disposable bag fee to mirror the sales tax exemption.

City staff recommends adding a use tax exemption for the State of Colorado’s recently adopted carryout bag fee created by House Bill 21-1162 and the retail delivery fee created by Senate Bill 21-260. As noted above, staff is proposing that this fee be exempt from City sales tax. This change would update the use tax exemption to mirror the sales tax exemption.

CHAPTER 25, ARTICLE III

Exempt Organization License; application procedure

City staff recommends revising the amount of time for an applicant to petition the Financial Officer for a hearing regarding the denial of an exempt organization license application from twenty (20) days to twenty-one (21) days. The purpose is to align this petition timeframe with the sales and use tax petition timeframe in the Code.

CHAPTER 25, ARTICLE III

Procedure for Refund of Disputed Tax

City staff recommends updating the application deadline for a refund from 20 days to 21 days to correspond with the sales and use tax petition deadlines in the Code.

Additionally, City staff recommends removing the language allowing the Financial Officer to extend the deadline to apply for a refund for good cause. This recommended change is in line with the collection of sales and use tax sections of City Code and would provide consistency regarding when an application is due.

City staff also recommends adding language to clarify that the process applies regardless of the form of reimbursement sought, whether it be a refund or credit.

CHAPTER 25, ARTICLE III

Review of Decisions of Financial Officer

City staff recommends revising the section of the Code addressing the venue where one can seek review of the Financial Officer's decisions. Currently the Code states that when a taxpayer requests review of such a decision, the hearing shall be held in the state district court or the City's Municipal Court. The change would add that a taxpayer may seek a review of the Financial Officer's decision as provided in Colorado Revised Statutes § 29-2-106.1, which would include review at the Colorado Department of Revenue. This change would bring consistency with state law.

CITY FINANCIAL IMPACTS

City staff anticipates that the change in AMI for the Grocery Tax Rebate Program will increase participation and result in an increase in the amount of grocery tax rebates the City issues to residents. The other Code changes are not anticipated to have a material financial impact.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

For the Grocery Tax Rebate Program, staff presented the proposed changes to the Council Finance Committee, which recommended changing the qualifying area median income from 50 percent to 60 percent.

PUBLIC OUTREACH

Not applicable.

ATTACHMENTS

First Reading attachments not included.

1. Ordinance for Consideration

ORDINANCE NO. 111, 2022
OF THE COUNCIL OF THE CITY OF FORT COLLINS AMENDING CERTAIN
SECTIONS OF CHAPTER 25 OF THE CODE OF THE CITY OF FORT COLLINS
RELATING TO THE IMPOSITION, COLLECTION, AND ENFORCEMENT OF THE
CITY’S SALES AND USE TAXES

WHEREAS, Article XX, Section 6.g. of the Colorado Constitution grants to the City of Fort Collins, as a home rule municipality, all powers necessary to levy and collect taxes for municipal purposes, subject to any limitations in the Colorado Constitution; and

WHEREAS, on November 16, 1967, the City Council, in the exercise of its home rule taxing powers, adopted Ordinance No. 058, 1967, to levy, collect, and enforce beginning on January 1, 1968, a sales and use tax on the purchase of tangible personal property sold at retail in the City and on certain taxable services provided in the City (the “Sales and Use Tax Code”); and

WHEREAS, the Sales and Use Tax Code is currently found in Chapter 25, Article III of the City Code, which has been significantly amended many times since its adoption in 1967; and

WHEREAS, Chapter 25, Article II, Division 3 of the City Code authorizes rebates of City sales tax imposed on food to low-income residents of the City, and the City Council desires to amend the City Code to expand the availability of the program; and

WHEREAS, ~~City staff~~ the City Manager has committed that City staff will ~~to~~ returning to the City Council Finance Committee after approximately one year to discuss the effectiveness of the update to the rebate program on program participation and to discuss other options to expand participation, including removing income verification requirements after approximately one year; and

WHEREAS, City staff has reviewed the Sales and Use Tax Code and has recommended revisions to add certain exemptions from sales and use tax and other changes that may be characterized as clean-up items; and

WHEREAS, City Council hereby finds that amending the City Code as proposed in this Ordinance is in the best interests of the City and its taxpayers and promotes the health, safety and welfare of the community by providing for the accurate and efficient imposition, collection and enforcement of the City’s taxes.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That Section 25-49 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 25-49. Qualifications.

In order to qualify for the sales tax rebate, all members of the applicant's household must have resided within the City or the City's Growth Management Area, as defined in § 1-2 and as amended, during the entirety of the 12-month period for which the rebate is sought. The applicant's household shall have a total annual income that does not exceed sixty (60) percent of the area median income for the applicable household size in the Fort Collins-Loveland metropolitan statistical area, up to a maximum household income of sixty (60) percent of the area median income for a household of eight (8), as most recently published by the United States Department of Housing and Urban Development for the 12-month period in which the tax to be rebated was imposed.

Section 3. That the definition of “*Engaged in business in the City*” contained in Section 25-71 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 25-71. Definitions.

The following words, terms and phrases, as used in this Article, shall have the following meanings:

...

Engaged in business in the City shall mean performing or providing services or selling, leasing, renting, delivering or installing tangible personal property, products, or services for storage, use or consumption within the City. Engaged in business in the City includes, but is not limited to, any one of the following activities by a person or retailer:

...

- (5) As a retailer, who has a physical presence in the State of Colorado, making more than one (1) retail sale of tangible personal property, products or services within a twelve (12) month period, where the property or product is delivered by any means, including common carrier, to a location within the City, or the service rendered occurs within the City; or

...

Section 4. That Section 25-73 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 25-73. Imposition of the sales tax and exemptions.

...

- (c) Transactions and items exempt from the sales tax. The following shall be exempt from the sales tax:

...

- (27) The carryout bag fee imposed in C.R.S. § 25-17-505, as such section existed on July 6, 2021.
- (28) The retail delivery fee consisting of the community access retail delivery fee imposed in C.R.S. § 24-38.5-303(7), the clean fleet retail delivery fee imposed in C.R.S. § 25-7.5-103(8), the clean transit retail delivery fee imposed in C.R.S. § 43-4-1203(7), the retail delivery fee imposed in C.R.S. § 43-4-218(3), the bridge and tunnel retail delivery fee imposed in C.R.S. § 43-4-805 (5)(g.7), and the air pollution mitigation retail delivery fee imposed in C.R.S. § 43-4-1303(8), as such sections existed on June 17, 2021.

...

Section 5. That Section 25-74(b) of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 25-74. Imposition of the use tax and exemptions.

...

- (b) Transactions and items exempt from the use tax. The use, storage, distribution or consumption in the City of the following are hereby exempted from the use tax:

...

- (22) The disposable bag fee established in Article XIII of Chapter 12 of this Code, retroactive to May 1, 2022;
- (23) The carryout bag fee imposed in C.R.S. § 25-17-505, as such section existed on July 6, 2021;
- (24) The retail delivery fee consisting of the community access retail delivery fee imposed in C.R.S. § 24-38.5-303(7), the clean fleet retail delivery fee imposed in C.R.S. § 25-7.5-103(8), the clean transit retail delivery fee imposed in C.R.S. § 43-4-1203(7), the retail delivery fee imposed in C.R.S. § 43-4-218(3), the bridge and tunnel retail delivery fee imposed in C.R.S. § 43-4-805 (5)(g.7), and

the air pollution mitigation retail delivery fee imposed in C.R.S. § 43-4-1303(8), as such sections existed on June 17, 2021; and

- (25) All other tangible personal property and taxable services that are exempt, as provide in Sections 25-73(c) and 25-73(d), from the sales tax imposed in this Article.

Section 6. That Section 25-94(c) of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 25-94. Exempt organization license; application procedure.

...

(c) Upon receipt of an application, the Financial Officer shall examine the same and shall give written notice to the applicant of his or her decision thereon. An applicant whose application has been denied may, within twenty-one (21) days after such decision is mailed, petition the Financial Officer for a hearing on the claim. The Financial Officer shall notify the applicant in writing of the time and place of the hearing. After such hearing, the Financial Officer shall make such order in the matter as he or she deems just and proper and shall furnish a copy of such final order to the applicant.

...

Section 7. That Section 25-147 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 25-147. Procedure for refund of disputed tax.

A refund shall be made or credit allowed for the tax paid under dispute by any person who claims that the transaction or item was not taxable, claims an exemption as provided in this Article, or claims that taxes were paid in error or by mistake. Such refund or credit shall be made by the Financial Officer after compliance with the following:

- (1) *Application.* An application for a refund or credit of sales or use tax paid under dispute, paid in error by a purchaser or user who claims an exemption under Subsection 25-73(c) or Subsection 25-74(b), or paid in error or by mistake shall be made within three (3) years after the date of purchase, storage, use or consumption of the goods or services whereon a refund or credit is claimed. Such applications must be accompanied by the original paid invoice or sales receipt and must be made upon such forms as shall be prescribed and furnished by the Financial Officer;

...

(4) *Hearing.* An applicant whose application for a refund has been denied may, within twenty-one (21) days after such decision is mailed, petition the Financial Officer for a hearing on the claim. The Financial Officer shall notify the applicant in writing of the time and place of the hearing. After such hearing, the Financial Officer shall make such order in the matter as he or she deems just and proper and shall furnish a copy of such final order to the applicant.

Section 8. That Section 25-216 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 25-216. Review of decisions of Financial Officer.

The taxpayer may apply for a review of the decision of the Financial Officer in a hearing held pursuant to § 25-169. Such review may be in the district court or the City's Municipal Court and the proceedings shall be conducted in accordance with Rule 106(a)(4) of the Colorado Rules of Civil Procedure. The review must be sought no later than twenty-eight (28) days after the date of the final decision of the Financial Officer. The taxpayer may also seek review as provided in C.R.S § 29-2-106.1.

Introduced, considered favorably on first reading and ordered published this 18th day of October, A.D. 2022, and to be presented for final passage on the 1st day of November, A.D. 2022.

Mayor

ATTEST:

Chief Deputy City Clerk

Passed and adopted on final reading this 1st day of November, A.D. 2022.

Mayor

ATTEST:

City Clerk

November 1, 2022



AGENDA ITEM SUMMARY

City Council

STAFF

Ginny Sawyer, Project and Policy Manager
Brad Buckman, City Engineer
Brad Yatabe, Legal
Aaron Guin, Legal

SUBJECT

Second Reading of Ordinance No. 112, 2022, Amending Chapter 23, Article III of the Code of the City of Fort Collins Regarding Obstructions and Encroachments to Allow for the Expansion of Outdoor Dining Areas onto City Property and Adopting by Reference the City of Fort Collins Outdoor Dining Design Manual.

EXECUTIVE SUMMARY

This Ordinance, unanimously adopted on First Reading on October 18, 2022, amends City code to allow outdoor dining areas on public property. During the COVID pandemic and declared local emergency, Emergency Orders were put in place to support hospitality businesses by allowing extended outdoor patios on public property. The extended patios have been popular and successful both economically and as a vibrant way to activate streets and sidewalks. Staff is proposing changes to the City Code obstruction and encroachment permit provisions and a framework, including the *City of Fort Collins Outdoor Design Manual* ("Design Manual"), to make these spaces permissible after the expiration of the Emergency Orders.

In response to Council feedback regarding concrete barriers, staff has replaced previous language on page 15 of the Design Manual, which said "Concrete 'Jersey Barriers' shall only be installed where required or deemed appropriate by the City Engineering Department" with "Crash rated barriers will only be required for safety or traffic volume. In those cases, the City will not allow a concrete "Jersey-barrier" style and will require a crash-rated barrier that meets the urban design standard of the location (Downtown, for instance)."

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

BACKGROUND / DISCUSSION

In 2020, as occupancy restrictions were put into place due to the COVID pandemic, the City enacted several Emergency Orders to support local businesses. Two Emergency Orders in particular, Temporary Outdoor Dining and Temporary Outdoor Expansion Permits, allowed for patios on sidewalks not connected to a building, patios in designated on-street parking spaces, patios in Right-of-Way space, and patios in private parking lots.

For the most part, these spaces have been well received and are an amenity that many community members would like to see going forward. The goals of the proposed changes to City Code to facilitate the extension of outdoor patio spaces onto public property for the purposes of food and beverage service through the existing obstruction and encroachment permits along with the Design Manual are focused on preserving the intent of street activation and vitalization, while considering safety and potential impacts to parking availability, non-hospitality businesses, neighboring businesses, and aesthetics.

A working group has created the Design Manual, referenced in the proposed changes to City Code, to guide businesses and staff in the implementation of extended patios based on the diverse streetscapes throughout the city.

Recommended code changes include:

- Adopting the Outdoor Dining Design Manual by reference.
- Changes to the encroachment permit language:

(c) The City Engineer may adopt such minor revisions and corrections to the Outdoor Dining Design Manual as may, in their judgment, be necessary to better protect the health, safety, and general welfare of the public, ensure the appropriate usage of City property or any street, avenue, alley, sidewalk highway or public right-of-way for which obstruction and encroachment permits have been issued, and facilitate allowed food and beverage service thereon in consideration of the aforementioned purposes. The City Engineer shall approve only those revisions or corrections that:

- (1) Do not result in significant additional cost to the persons affected by the revisions; and*
- (2) Do not materially alter the standards with which persons must comply.*

Upon adoption of any such revisions pursuant to the authority of this subsection, the City Engineer shall maintain written documentation of any revisions or corrections specifying the date upon which they shall become effective and such documentation shall be provided to the office of the City Clerk with an updated copy of the Outdoor Dining Design Manual reflecting the changes and available for public inspection.

- Creating “Parklets” under the City’s obstruction permit code to allow longer-term use of parking spaces for non-construction/demolition purposes, and establishing limits on Parklet use and duration:

Parklets: use of parking spaces adjacent to a licensed premises for the purpose of serving food and/or beverages for consumption within the Parklet obstruction area as an extension, accessory or complement to the licensed business.

These code changes allow for:

- Traditional patios that are attached to the business building.
- Patios/tables and chairs that are in the public right-of-way, within the associated business building frontage but not attached to the building.
- Patios in designated on-street parking spaces within the business’ building frontage.

These will be revocable permits issued by and through Engineering (encroachment) and Parking Services (Parklets) with potential routing and additional permits required by Building Services, Poudre Fire Authority, Storm Water, City Clerk and Liquor Licensing, and the Streets Department.

As proposed, Parklet patios could be year-round. The estimated cost to a business using a Parklet is \$700 per designated parking space per year.

There currently are fewer than 12 businesses with these types of patios in operation in City right-of-way. Staff anticipates the need to monitor and potentially adjust this program over time based on intensity of use and what we learn from site specific locations.

Unrelated to these Code changes, businesses that utilized the Emergency Order to operate patios in private parking areas and that wish to continue to do so will need to apply for and successfully complete the minor amendment process.

CITY FINANCIAL IMPACTS

None.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

Not applicable.

PUBLIC OUTREACH

City staff conducted two surveys in 2021 to gauge interest in the outdoor extended patios program, with results showing widespread support. Additionally, during the construction of the Linden Street project in 2021 and 2022, City staff engaged extensively with all the businesses in the affected section of Linden Street, and the project results reflect that outreach and design feedback.

ATTACHMENTS

First Reading Attachments not included.

1. Ordinance for Consideration
2. Ordinance Exhibit A
3. Revised Outdoor Dining Design Guidelines (redlined)

ORDINANCE NO. 112, 2022
 OF THE COUNCIL OF THE CITY OF FORT COLLINS
 AMENDING CHAPTER 23, ARTICLE III, OF THE CODE OF THE CITY OF FORT
 COLLINS REGARDING OBSTRUCTIONS AND ENCROACHMENTS TO
 ALLOW FOR THE EXPANSION OF OUTDOOR DINING AREAS ONTO
 CITY PROPERTY AND ADOPTING BY REFERENCE THE
 CITY OF FORT COLLINS OUTDOOR DINING DESIGN MANUAL

WHEREAS, on October 6, 2020, City Council adopted Emergency Ordinance No. 124, 2020, to approve Emergency Rule and Regulation No. 2020-17A (“Regulation 2020-17A”) regarding Temporary Outdoor Expansion Permits; and

WHEREAS, Regulation 2020-17A, and its predecessor Emergency Rule and Regulation No. 2020-17 (“Regulation 2020-17”), were originally adopted in response to the declared local COVID emergency (“COVID Emergency”) to allow local businesses to temporarily expand their business footprint onto City or private property adjacent to or in the immediate vicinity of their fixed location to accommodate greater social distancing at their establishments; and

WHEREAS, Regulation 2020-17A and Regulation 2020-17 provided the City Engineer with the ability to issue Temporary Outdoor Expansion Permits (“Expansion Permits”) to allow businesses during the COVID emergency to expand into specified City or private property provided certain conditions were met; and

WHEREAS, the ability of food and beverage service establishments to expand their dining area footprint onto City property pursuant to the Expansion Permits has contributed to the financial viability of such businesses and the wellbeing of the City; and

WHEREAS, based upon the benefits of allowing such businesses to temporarily expand onto City property, the City Code amendments set forth in this Ordinance to the existing Chapter 23 obstruction and encroachment permit provisions allow food and beverage service establishments to continue to expand their dining area footprint onto City property after the end of the COVID emergency provided certain conditions are met; and

WHEREAS, to assist in the administration of obstruction and encroachment permits issued to allow expansion dining areas onto City property, the *City of Fort Collins Outdoor Dining Design Manual* (“Design Manual”) has been developed and because it is intended to be enforceable as though it were set forth in City Code, it is being adopted as a code by reference; and

WHEREAS, pursuant to City Charter, Article II, Section 7, City Council may enact any ordinance which adopts any code by reference, in this instance the Design Manual, provided that before adoption of such ordinance the Council shall hold a public hearing thereon and notice of the hearing shall be published twice in the newspaper of general circulation, published in the city, one (1) of such publications to be at least eight (8) days preceding the hearing and the other at least fifteen (15) days preceding the hearing; and

WHEREAS, in compliance with City Charter, Article II, Section 7, the City Clerk published in the *Fort Collins Coloradoan* such notice of hearing on October 2, 2022, and October 9, 2022, and

WHEREAS, the attached Exhibit "A" is a copy of the text of the Notice of Public Hearing that was so published and which the Council hereby finds meets the requirements of City Charter, Article II, Section 7; and

WHEREAS, pursuant to City Code Section 1-14, at least one copy of the Design Manual shall be kept on file in the office of the City Clerk available for public inspection, and one copy shall be kept in the office of the chief enforcement officer thereof; and

WHEREAS, as required pursuant to City Charter, Article II, Section 7, the penalty clause for the violation of any Design Manual requirement is set forth in full in below Section 2, the text of which is part of City Code Section 23-47 and adopted by this Ordinance; and

WHEREAS, the amendments to the obstruction and encroachment permit provisions set forth in this Ordinance and the adoption of the Design Manual by reference are in the best interests of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That Chapter 23, Article III, Division 1 is hereby amended by the addition of a new section 23-47 which reads in its entirety as follows:

Sec. 23-47. Definitions.

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this Section:

Director shall mean the Planning, Development and Transportation Director or their designee.

Section 3. That Chapter 23, Article III, Division 1 is hereby amended by the addition of a new section 23-48 which reads in its entirety as follows:

Sec. 23-48. Adoption of the City of Fort Collins Outdoor Dining Design Manual.

(a) There is hereby adopted the City of Fort Collins Outdoor Dining Design Manual which shall have the same force and effect as though set forth herein and shall be referred

to as the Outdoor Dining Design Manual. The Outdoor Dining Design Manual is adopted for the purposes of protecting the health, safety, and general welfare of the public, ensuring the appropriate usage of City property or any street, avenue, alley, sidewalk highway or public right-of-way for which obstruction and encroachment permits have been issued, and facilitating allowed food and beverage service thereon in consideration of the aforementioned purposes.

(b) A copy of the Outdoor Dining Design Manual adopted under this Section 23-47 shall be kept on file in the office of the City Clerk and the City Engineering Department and in the office of the chief enforcement officer thereof.

(c) The City Engineer may adopt such minor revisions and corrections to the Outdoor Dining Design Manual as may, in their judgment, be necessary to better protect the health, safety, and general welfare of the public, ensure the appropriate usage of City property or any street, avenue, alley, sidewalk highway or public right-of-way for which obstruction and encroachment permits have been issued, and facilitate allowed food and beverage service thereon in consideration of the aforementioned purposes. The City Engineer shall approve only those revisions or corrections that:

(1) Do not result in significant additional cost to the persons affected by the revisions; and

(2) Do not materially alter the standards with which persons must comply. Upon adoption of any such revisions pursuant to the authority of this subsection, the City Engineer shall maintain written documentation of any revisions or corrections specifying the date upon which they shall become effective and such documentation shall be provided to the office of the City Clerk with an updated copy of the Outdoor Dining Design Manual reflecting the changes and available for public inspection.

(d) The failure of any permittee to whom an encroachment or obstruction permit has been issued for food or beverage service to comply with the applicable terms of the Outdoor Dining Design Manual shall constitute a violation of the Code and shall be grounds for revocation of a permit and is punishable as a civil infraction in accordance with § 1-15.

Section 4. That Section 23-61 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 23-61. Permit required; application.

(a) Any person desiring to occupy any designated public parking space on a public street, public parking lot, and/or public right-of-way in the City in connection with the maintenance, erection, construction, remodeling or demolition of any building or improvement on property abutting thereto shall make written application to the Director for an obstruction permit on a form(s) prepared and provided by the City.

(1) No private vehicle that is not directly related to the maintenance, erection, construction, remodeling or demolition activities shall be granted an obstruction permit for the intent to park longer than standard time restrictions for the parking space.

(b) Any person desiring to occupy any designated public parking space on a public street in the City for any purpose not specified in Subsection (a) above, or (c) below, shall make written application to the Director for such obstruction permit on form(s) prepared and provided by the City, subject to the following restrictions:

(1) ADA/Accessible parking spaces and adjacent loading areas shall not be obstructed.

(2) The permit shall not be valid for more than four (4) consecutive days and shall not be granted for consecutive time periods.

(3) No private vehicle that is not directly related to the permit for the obstruction shall be granted an obstruction permit for the intent to park longer than standard time restrictions for the parking space.

(4) The permit shall apply only to designated public parking spaces that abut property owned by the applicant unless the owner(s) of the abutting property has consented in writing to the issuance of the permit as provided in paragraph (10) of § 23-62 of this Code or unless the Director determines that it is in the best interests of the health, safety or welfare of the City and its residents that the permit be issued for parking spaces adjacent to property not owned by the applicant.

(5) The provisions of this Subsection (b) shall not apply to special events for which a permit is required under § 23.5-3 of this Code.

(c) Parklets: use of parking spaces adjacent to a licensed premises for the purpose of serving food and/or beverages for consumption within the Parklet obstruction area as an extension, accessory or complement to the licensed business ("Parklet") may be issued an obstruction permit for more than four (4) consecutive days, if in alignment with and permitted by other affected City Departments.

(1) ADA/Accessible parking spaces and adjacent loading areas shall not be obstructed.

(2) Business use of a permitted Parklet shall apply only to parking spaces and/or curb front that abut property owned by the applicant unless the owner(s) of the abutting property has consented to the issuance of the permit as provided in paragraph (11) of § 23-62 of this Code.

- (3) No private vehicle that is not directly related to the reasons for the parking space closure shall be granted an obstruction permit for the intent to park longer than the standard time restrictions for the parking space.
- (d) Obstruction permits may be revoked at any time as determined by the Director, depending on the needs of the City.
- (e) Application for, and approval of, the modification of a permit shall be required before any change is made in the size or configuration of the area that is the subject of a permit issued under this Section and/or any change is made in the nature, purpose or duration of the obstruction that was authorized by the permit.

Section 5. That Section 23-62 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 23-62. Contents of application.

The application shall contain the following information:

- (1) the applicant's name, address, email address and telephone number;
- (2) statement identifying the parking spaces that are the subject of the permit;
- (3) the location of the proposed obstruction, including the address of the property(ies) abutting the area or space which is the subject of the permit;
- (4) the type of obstruction and the purpose of the obstruction;
- (5) the period of time requested that the obstruction will be in place, including date and time;
- (6) a statement that the applicant agrees to abide by the provisions of this Division;
- (7) a description of the proposed obstruction sufficient to fully inform the Director of the character and physical attributes of the obstruction and for the Director to perform a complete and competent examination of the application under the criteria contained in Subsection 23-63(a);
- (8) evidence of the applicant's ability and willingness to provide liability insurance insuring the City in a sum not less than one million dollars (\$1,000,000.), proof of which shall be provided to the City prior to issuance of the permit, unless the requirement to provide such insurance is waived by the Director;
- (9) a statement that the applicant agrees to be responsible for barricading the parking spaces in a manner acceptable to the Director;

(10) for permit applications pursuant to Section 23-61 (a) and (b) only, a statement that the applicant is the fee owner of the real property abutting the parking space(s) for which the obstruction permit is sought, or, if the applicant is not the fee owner of such real property, then the abutting property owner's written consent to the obstruction;

(11) for Parklet obstruction permits sought pursuant to Section 23-61(c) only for the purpose of serving food and/or beverages for consumption within the Parklet obstruction area as an extension, accessory or complement to a business, a statement that the applicant is the fee owner of the real property that includes the business to which the Parklet obstruction area will be an extension, accessory or complement or is authorized by the fee owner to obtain a Parklet obstruction permit; and

(12) a statement that the applicant agrees to be bound by all of the provisions of this Article and the rules and regulations established by the City, including, without limitation, payments of fees, satisfying additional permit conditions, and obtaining any additional permits from other departments or agencies, as necessary.

Section 6. That Section 23-63 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 23-63. Investigation of application information; fees and conditions.

(a) The application shall be made to the Director who shall make or cause to be made an investigation of the information contained in the application and prior to the issuance of a permit. In investigating the application, the Director may consult with such City departments as they deem necessary to determine whether the application should be approved. The Director may issue the permit for such duration and upon such other terms and conditions as the Director determines are necessary to protect the public welfare if the following criteria are met:

- (1) All submittal requirements of the application are complete;
- (2) The proposed obstruction or other structure shall not, in the judgment of the Director, constitute a nuisance or destroy or impair the use of the property by the public or constitute a traffic hazard; and
- (3) The property proposed for the obstruction permit is not needed for use by the public.
- (4) In addition to satisfying the above three criteria, the following requirements apply to the following proposed encroachments:

a. If an application is for a Parklet obstruction for the purpose of serving food and/or beverages as referenced in Subsection 23-62(11), and the Parklet obstruction area includes City-owned property or any street, avenue, highway or public right-of-way that is partially or entirely located within the adjacent frontage of any real property other than that owned or occupied by the applicant, the Director shall mail written notice of the obstruction permit application to the owner(s) of record and any occupant of such real property informing them of the date by which any input on the proposed obstruction must be received for the Director's consideration in deciding whether the proposed Parklet obstruction meets above criteria (2) and (3).

b. As a condition of the issuance of any permit for the purpose of serving food and/or beverages in a Parklet obstruction as referenced in Subsection 23-62(11), the permittee shall:

1. Provide annually to the Director proof of uninterrupted liability insurance coverage in the amount required in Subsection 23-62(11), naming the City as an insured party;
2. Obtain and comply with any other required permits, licenses, or permission required under law and associated with conducting activities within a Parklet obstruction area including a liquor license, floodplain use permit, building permit, or Poudre Fire Authority permit; and
3. Comply with all applicable requirements of the Outdoor Dining Design Manual adopted pursuant to Section 23-47.

(b) At the time of issuance of a permit hereunder, and at the time of any renewal or modification of such permit, the applicant shall pay an application fee and an additional fee per parking space per day to help defray the costs incurred by the City in processing and administering the permit program, including, without limitation, the cost of enforcement and the cost of inspection of the spaces that are the subject of the application; provided, however, that the Director may waive part or all of the fees for governmental agencies. The amount of said fees shall be determined and established by the City Manager, pursuant to the provisions of Article I of Chapter 7.5.

(c) The Director may condition the issuance and use of an obstruction permit on such requirements as are reasonably necessary to protect the safety of persons and property and the use and control of vehicular and pedestrian traffic, including limitations on time, place and allowed activities; payment of fees; obtaining any additional permits from other departments or agencies as necessary; and providing any fencing or barriers that the Director requires in order to protect pedestrian and vehicular traffic from the obstruction and associated dangers. If required, the permit holder shall build and maintain a good and

substantial; protected walkway around the obstruction. The permit holder shall adequately light and mark the obstruction to protect pedestrian and vehicular traffic.

Section 7. That Section 23-64 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 23-64. Term of permit; renewal and revocation.

(a) A permit may be issued only for the period of time necessary to complete the purpose for which the permit was issued. No permit issued under Subsection 23-61(a) shall be issued for more than ninety (90) days; provided, however, that the Director may renew any such permit for one (1) or more additional ninety-day periods upon written application and payment of the applicable renewal fee. The term of a permit issued under Subsection 23-61(b) shall be limited in accordance with Paragraphs (2) and (3) thereof.

(b) Any application under this Article may be denied and any permit issued under this Article may be suspended or revoked by the Director if the holder fails to obtain any other necessary permits, fails to conduct the activity in compliance with the terms and conditions of the permit, violates any of the provisions of this Article, state law, local ordinances or the applicable rules and regulations of the City, or if the work or services allowed or offered by the permit unduly interferes with pedestrian or vehicular traffic or otherwise poses a threat to the health and safety of the public.

(c) The failure of any permit holder to comply with the terms and conditions of the permit, failure to pay the application fee and an additional fee per parking space per day, or to vacate the permitted premises upon revocation or expiration of the permit, whether for cause or without cause, shall constitute a violation of the Code and shall be punishable as a civil infraction in accordance with § 1-15. Each day that a violation continues shall be a separate offense.

Section 8. That Section 23-67 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 23-67. Permit holder liable in case of nonconformance.

If any permit holder fails to comply with the requirements of §§ 23-65 or 23-66 of this Article, or fails to perform any work required for issuance and use of the permit, the Director may cause the work to be done and compliance accomplished, and the cost shall be charged to the holder of the permit and the holder of the permit shall be liable for such costs. The failure of any permit holder to comply with the terms and conditions of the permit or to vacate the permitted premises upon revocation or expiration of the permit, whether for cause or without cause, shall constitute a violation of the Code and shall be punishable as a civil infraction in accordance with § 1-15. Each day that a violation continues shall be deemed a separate offense.

Section 9. That Section 23-82 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 23-82. Contents of application.

...

(b) If the proposed encroachment is for the purpose of serving food and/or beverages for consumption within the encroachment area as an extension, accessory or complement to a business, the encroachment area does not need to be contiguous with the real property upon which such business is located, and the application shall also contain:

...

(2) A statement that the applicant is the fee owner of the real property that includes the business to which the encroachment area will be an extension, accessory or complement or is authorized by the fee owner to obtain an encroachment permit.

Section 10. That Section 23-83 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 23-83. Investigation of application information; fee; permit modification and revocation.

(a) The application shall be made to the City Manager. The City Manager shall make or cause to be made an investigation of the information contained in the application and prior to the issuance of a permit. In investigating the application, the City Manager may consult with such City departments as they deem necessary to determine whether the application should be approved. The City Manager may issue the permit for such duration and upon such other terms and conditions as the City Manager determines are necessary to protect the public welfare if the following criteria are met:

- (1) All submittal requirements of the application are complete;
- (2) The proposed encroachment, obstruction or other structure shall not, in the judgment of the City Manager, constitute a nuisance or destroy or impair the use of the property by the public or constitute a traffic hazard; and
- (3) The property proposed for the encroachment permit is not needed for use by the public.
- (4) In addition to satisfying the above three criteria, the following requirements apply to the following proposed encroachments:

a. If an application is for an encroachment area for the purpose of serving food and/or beverages as referenced in Subsection 23-82(b), and the encroachment area includes City-owned property or any street, avenue, alley, sidewalk, highway or public right-of-way that is partially or entirely located within the adjacent frontage of any real property other than that owned or occupied by the applicant, the City Manager shall mail written notice of the encroachment permit application to the owner of record and any occupant of such real property informing them of the date by which any input on the proposed encroachment must be received for the City Manager’s consideration in deciding whether the proposed encroachment meets above criteria (2) and (3).

b. As a condition of the issuance of any permit for the purpose of serving food and/or beverages as referenced in Subsection 23-82(b), the permittee shall:

- 1. Annually provide to the City Manager proof of uninterrupted liability insurance coverage in the amount required in Subsection 23-82(b), naming the City as an insured party;
- 2. Obtain and comply with any other required permits, licenses, or permission required under law and associated with conducting activities within an encroachment area including a liquor license, floodplain use permit, building permit, or Poudre Fire Authority permit; and
- 3. Comply with all applicable requirements of the outdoor dining design manual adopted pursuant to Section 23-47.
- 4. In order for an application for an encroachment for wireless telecommunication equipment or facilities (as those terms are defined in Article 5 of the Land Use Code) to be approved, the applicant must show to the satisfaction of the City Manager that the applicable criteria contained in Section 3.8.13 of the Land Use Code have been met.

...

Section 11. That Section 24-1 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 24-1. Signs on streets, sidewalks and public rights-of-way prohibited; removal; exceptions; permit.

Notwithstanding the provisions of § 17-42, the following signs shall be permitted on streets, sidewalks and other areas owned by the City:

...

(6) Signs allowed pursuant to an encroachment or obstruction permit issued pursuant to Chapter 23, Article III, provided any required sign permit is also issued.

Introduced, considered favorably on first reading and ordered published this 18th day of October, A.D. 2022, and to be presented for final passage on the 1st day of November, A.D. 2022.

Mayor

ATTEST:

Chief Deputy City Clerk

Passed and adopted on final reading this 1st day of November, A.D. 2022.

Mayor

ATTEST:

City Clerk

NOTICE OF PUBLIC HEARING

NOTICE is hereby given of a public hearing to be held before the Council of the City of Fort Collins, Colorado, on the 18th day of October, A.D., 2022 at 6:00 p.m., or as soon thereafter as the matter may come on for hearing, in the Council Chambers at the City Hall, 300 LaPorte Avenue, Fort Collins, Colorado for the purpose of considering the adoption of an ordinance that adopts by reference the *City of Fort Collins Outdoor Dining Design Manual*.

Not less than one (1) copy of said Code has been, and now is on file in the Office of the City Clerk of the City of Fort Collins and is available for public inspection.

The purpose of adopting the *City of Fort Collins Outdoor Dining Design Manual* by said ordinance is to provide for the protection of public health, safety and welfare of the City and its residents and City property.

Individuals who wish to address Council via remote public participation can do so through Zoom at <https://zoom.us/j/98241416497>. (The link and instructions are also posted at www.fcgov.com/councilcomments.) Individuals participating in the Zoom session should watch the meeting through that site, and not via FCTV, due to the streaming delay and possible audio interference.

The City of Fort Collins will make reasonable accommodations for access to City services, programs and activities, and will make special communication arrangements for persons with disabilities. Please call (970) 221-6515 (V/TDD: Dial 711 for Relay Colorado) for assistance.

This notice is given and published by order of the City of Fort Collins, Colorado.

Dated this 2nd day of October, A.D. 2022.

Anissa Hollingshead
City Clerk

Upon request, the City of Fort Collins will provide language access services for individuals who have limited English proficiency, or auxiliary aids and services for individuals with disabilities, to access City services, programs and activities. Contact 970.221.6515 (V/TDD: Dial 711 for Relay Colorado) for assistance. Please provide 48 hours advance notice when possible.

A solicitud, la Ciudad de Fort Collins proporcionará servicios de acceso a idiomas para personas que no dominan el idioma inglés, o ayudas y servicios auxiliares para personas con discapacidad, para que puedan acceder a los servicios, programas y actividades de la Ciudad. Para asistencia, llame al 970.221.6515 (V/TDD: Marque 711 para Relay Colorado). Por favor proporcione 48 horas de aviso previo cuando sea posible.

City of Fort Collins
Outdoor Dining Design Manual
2022



Table of Contents

01	Introduction
03	Quick Guide to Patio Types
04	Types of Outdoor Dining Areas
12	Permits That May Be Required
14	Allowed Uses in Outdoor Dining Areas
14	Occupant Load and Restroom Fixture Counts
15	Design Guidelines
25	Variances
25	Maintenance

INTRODUCTION

Sidewalk patios, on-street patios, and other creative use of public space creates a dynamic environment and enhances the "sense of place" experience Fort Collins strives to encourage. The City of Fort Collins is looking for flexible ways to enable this more active streetscape for all businesses.

Innovative and creative use of public outdoor space benefits businesses and residents alike and is consistent with the vision of the Downtown Plan to emphasize pedestrian friendliness, high quality urban design, active streetscapes, and visual distinctiveness. The City is looking to allow this use in an ongoing manner while ensuring health and safety of the community and balancing various needs and desires through a permitting process and these design guidelines.

In an effort to maintain flexibility and adaptable practices in the near-term, these guidelines will be utilized to ensure that outdoor uses will fit within neighboring context, encourage a diversity of uses, meet the needs and desires of businesses and residents while contributing to the vision for the City described in City Plan and the Downtown Plan.

Permit applications will be reviewed and expected to meet the overall intent of the guidelines. Each permit site will have unique features and may or not be able to meet all guidelines. There may also be situations where permits will not be approved based on a lack of ability to substantially meet the guidelines.

The City anticipates updates and changes to the guidelines and codes over time as we learn from community experiences in public spaces. We encourage questions and ideas as these efforts continue to mature.


































Process

In this document you'll find information, examples, and guidelines for various types of outdoor dining that may be permitted by the City.

- **Step 1** – Determine the type of outdoor dining area that you would like to create for your business.
- **Step 2** – Read and understand the permit requirements and application process you will need.
- **Step 3** – Read and understand the Outdoor Dining Area Design Guidelines included in this document that provide information about dining area barriers, furniture, lighting, signage, and other elements that may be placed in your outdoor dining area.
- **Step 4** – Read and understand the requirements for dining area usage, safety, accessibility, maintenance, and other criteria that your outdoor dining area may be subject to.
- **Step 5** – Prepare your required permit application(s) and accompanying submittal items.
- **Step 6** – Submit your permit application, application fees, and accompanying submittal items to the City for review.
- **Step 7** – If your application is approved, pay required permit fees to the City and/or other licensing authority.
- **Step 8** – After receiving the permit, construct your outdoor dining area in compliance with the approved plans.
- **Step 9** – Prior to occupying the outdoor dining area, request required City inspection(s) and obtain Certificate of Occupancy.



QUICK GUIDE TO PATIO TYPES

Location, Service, & Amenities	PATIO TYPES		
	Attached Patios	Extended Patios	Parklets
Patio is Located on Public Sidewalk			N/A
Patio is Located in Designated Public On-Street Parking Spaces	N/A	N/A	
Patio Abutts Building		N/A	N/A
Patio is Detached/Offset from Building with Sidewalk Located between Patio and Building	N/A		
7' min Pedestrian Clear Zone around Patio on Public Sidewalk			
Liquor Service			
Food Service			
Dining Barriers	required for liquor service	required for liquor service	required
Umbrellas			
Tents/Shelters			
Building Mounted Awnings		N/A	N/A
Patio Lighting			
Heating Devices			
Structures Requiring Footings			

TYPES OF OUTDOOR DINING AREAS

Attached Patios

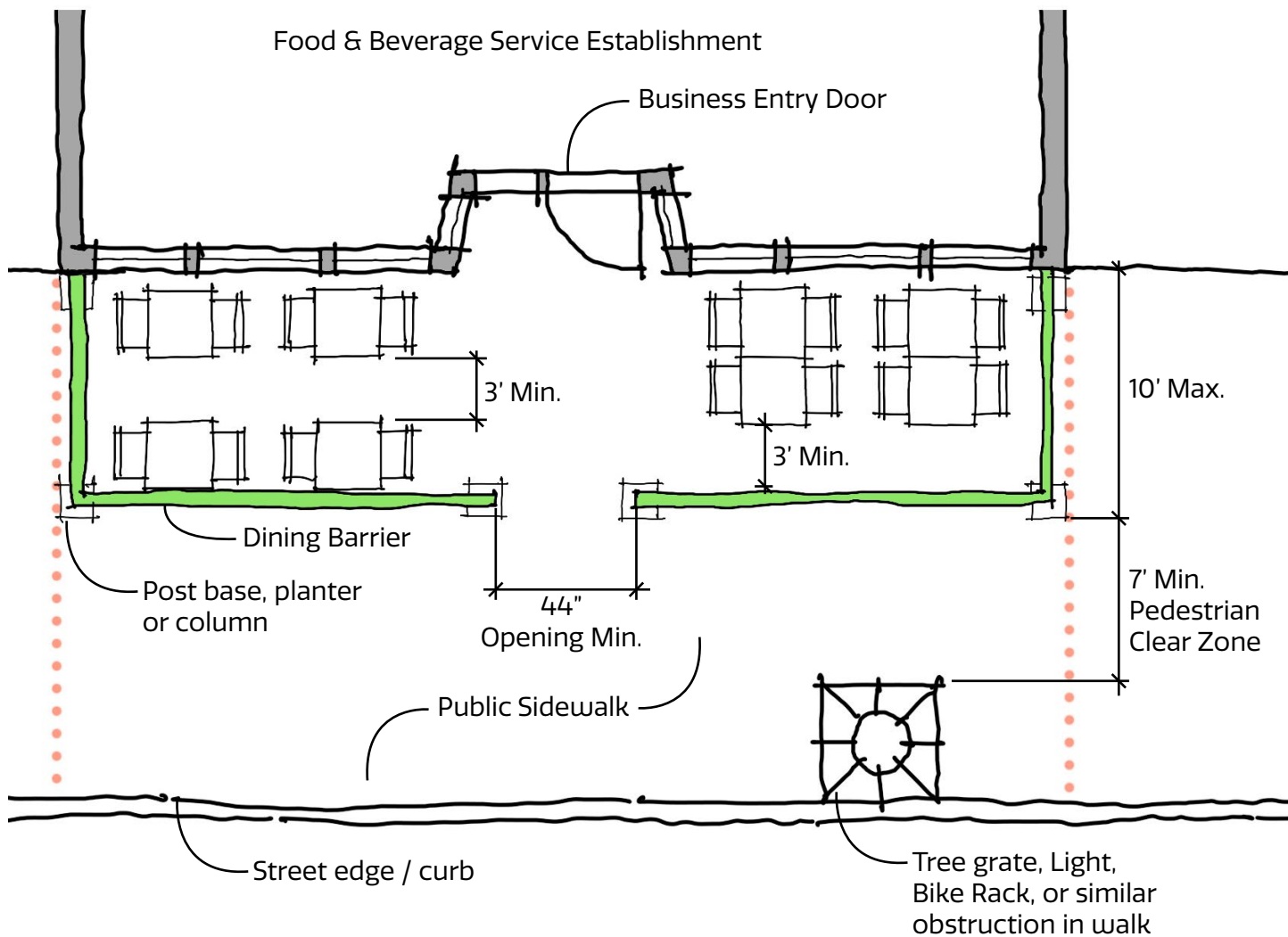
DEFINITION

"Attached Patios" – means an outdoor dining area that is located on a public sidewalk within the public right-of-way, immediately abutting a business's building frontage.

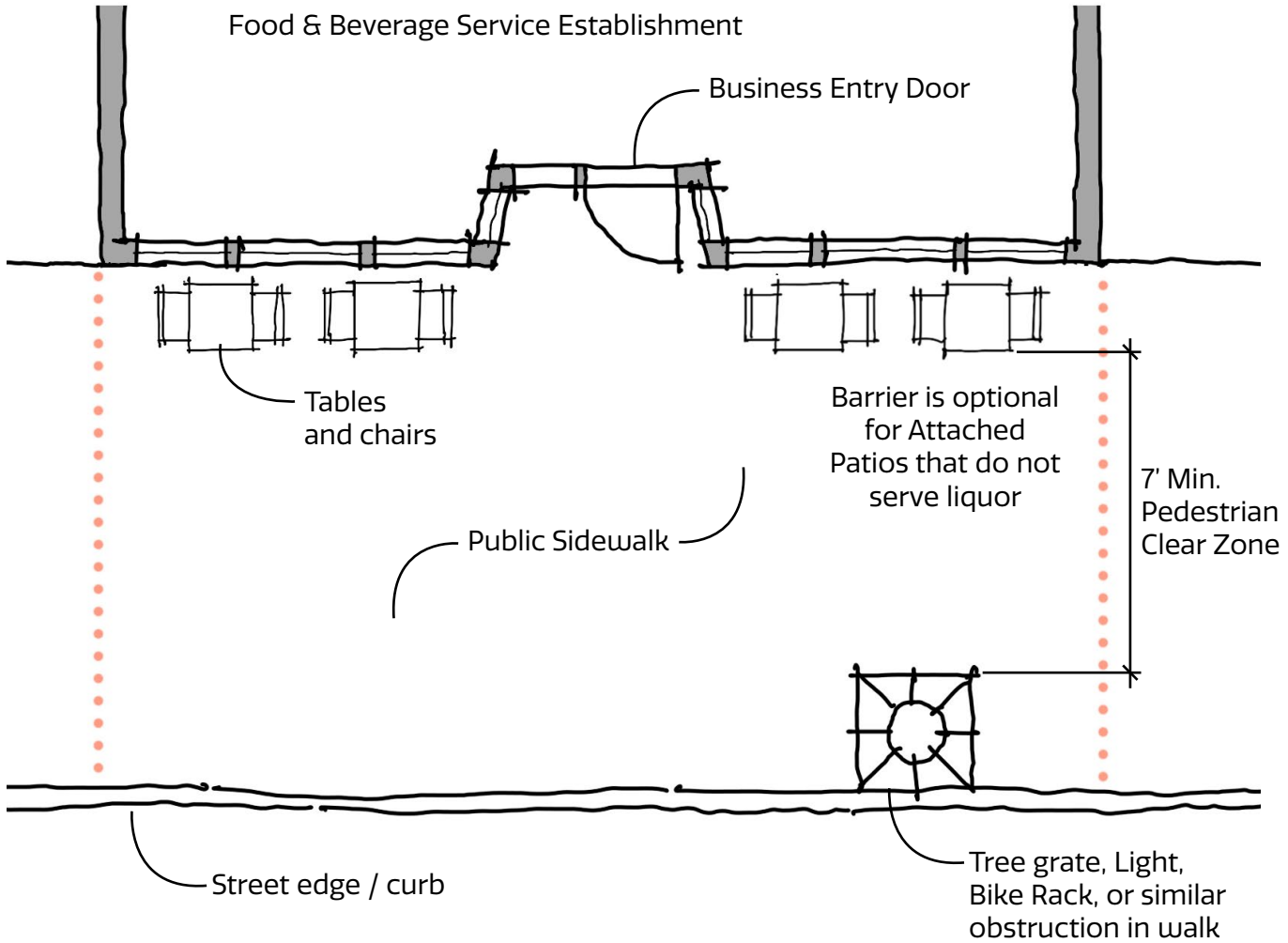
DESIGN CRITERIA

- Patios can extend a maximum of 10 feet away from building face (including barrier bases).
- A 7 foot pedestrian walkway is desired (therefore patio may not be able to extend to 10 feet).
- Table umbrellas and building mounted awnings and are allowable in Attached Patios.
- Dining areas may extend the full length of the permittee's business frontage but they cannot extend in front of neighboring businesses or shared lobby spaces without permission





ATTACHED PATIOS NOT SERVING LIQUOR



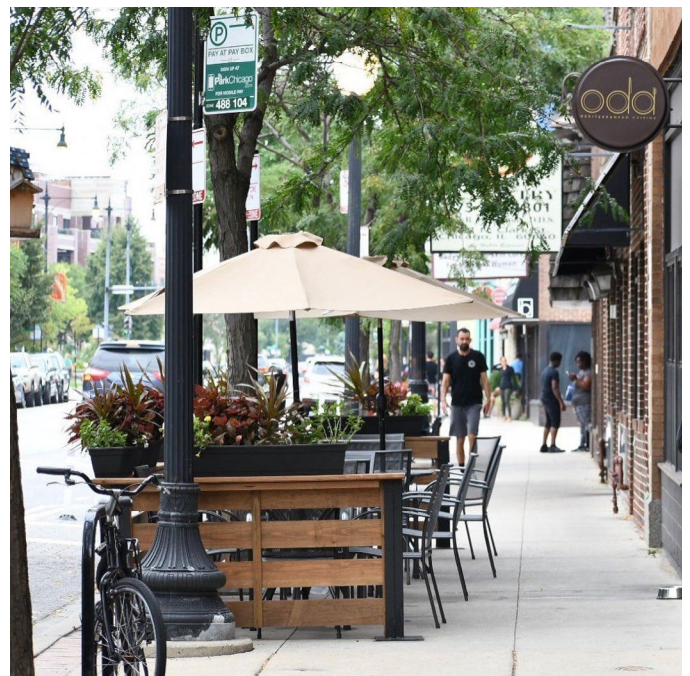
Extended Patios

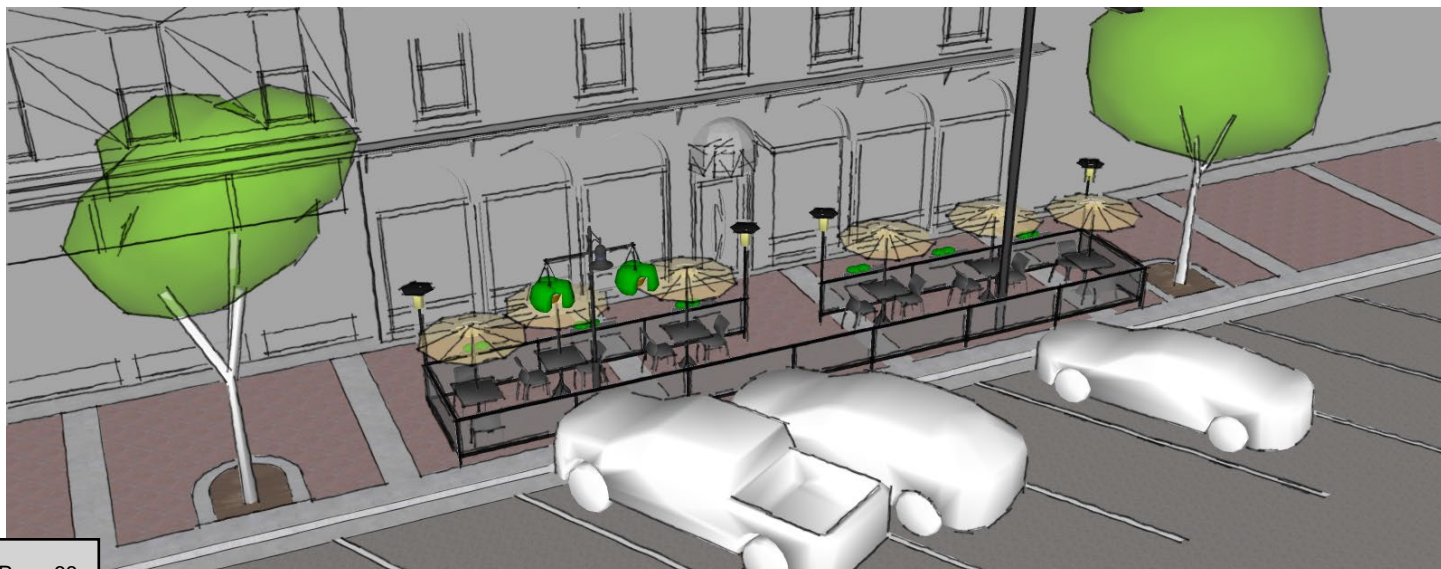
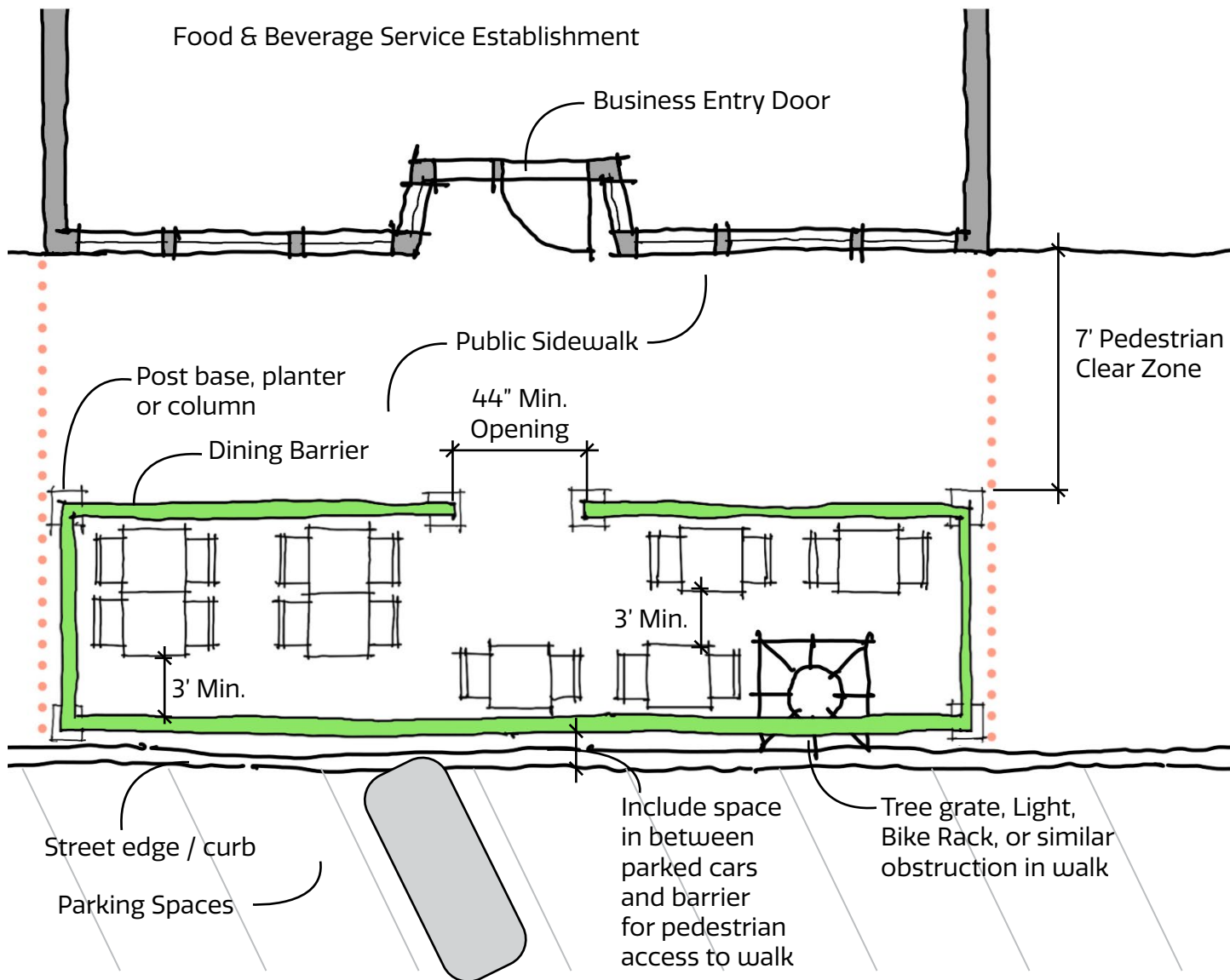
DEFINITION

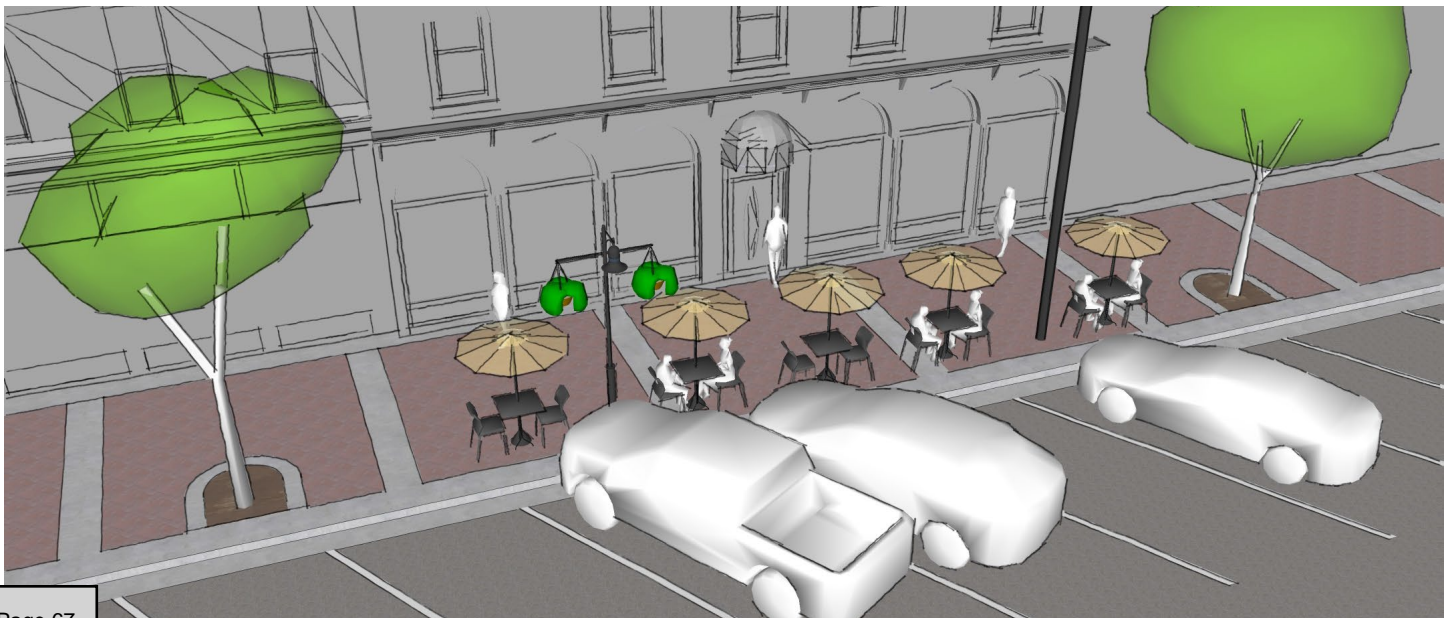
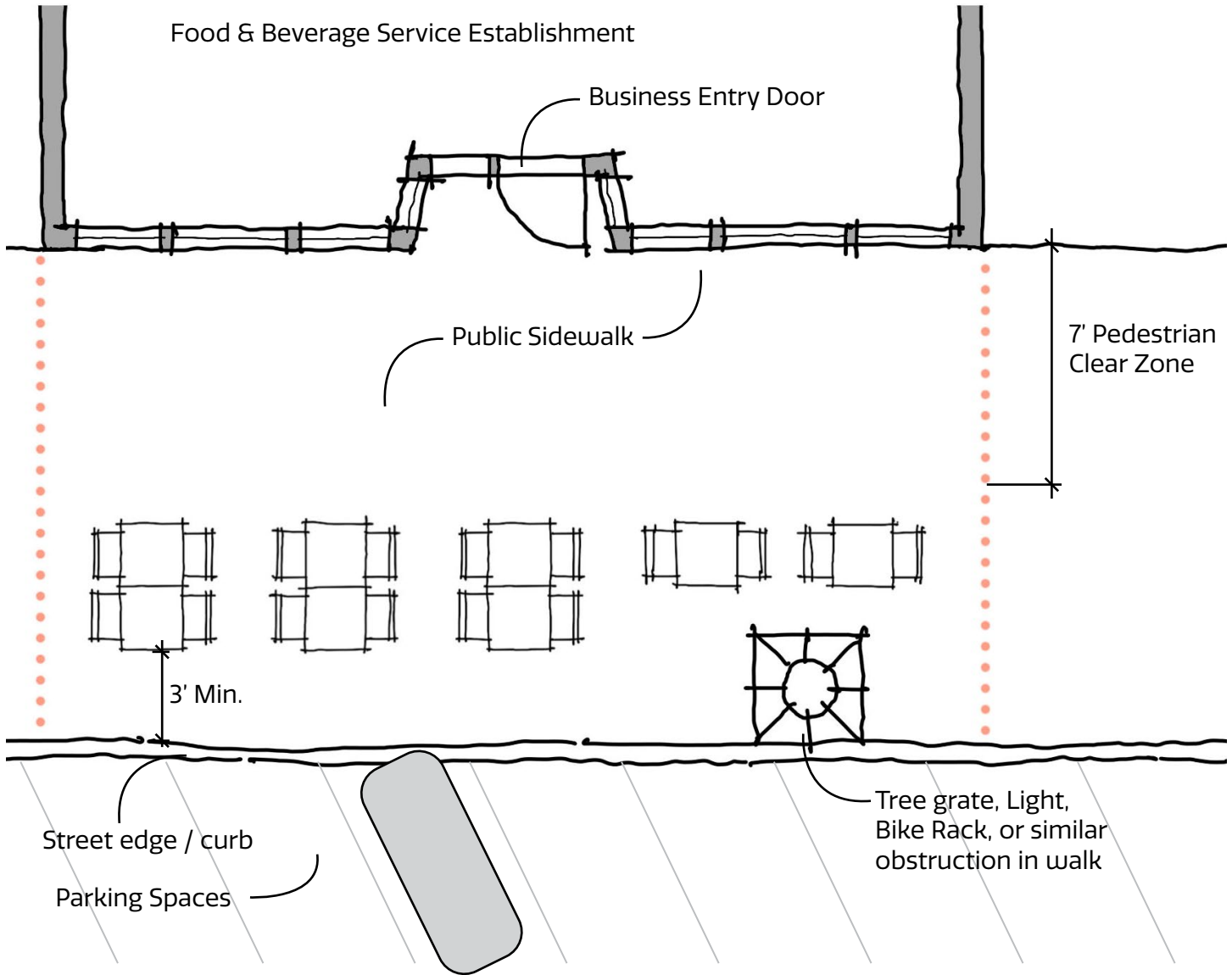
"Extended Patios" means an outdoor dining area that is located on a public sidewalk within the public right-of-way that is detached/offset from the building; the pedestrian clear zone is located between the dining area and building.

DESIGN CRITERIA

- Dining areas may extend the full length of the permittee's business frontage, but they cannot extend in front of neighboring businesses or shared lobby spaces without permission.
- Pedestrian access to and from on-street parking areas shall be provided between dining areas.
- Outdoor dining areas barrier shall be offset from edge of face of curb/parking spaces to provide clear access from parking to pedestrian walkways.
- Table umbrellas are allowed and encouraged in unattached outdoor dining areas.
- Freestanding and/or ground mounted shelters, tents, and arbors shall not be installed in Extended Patios.







Parklets

DEFINITION

"Parklets" are outdoor dining areas located in designated public on-street parking spaces where the public sidewalk is located between the dining area and the building.

TIME-BASED PERMITS

Parklet permits may be issued, subject to City review of compliance and availability. Parklets may be permitted on a short- or long-term basis. At a minimum, Parklet permits must be renewed annually.

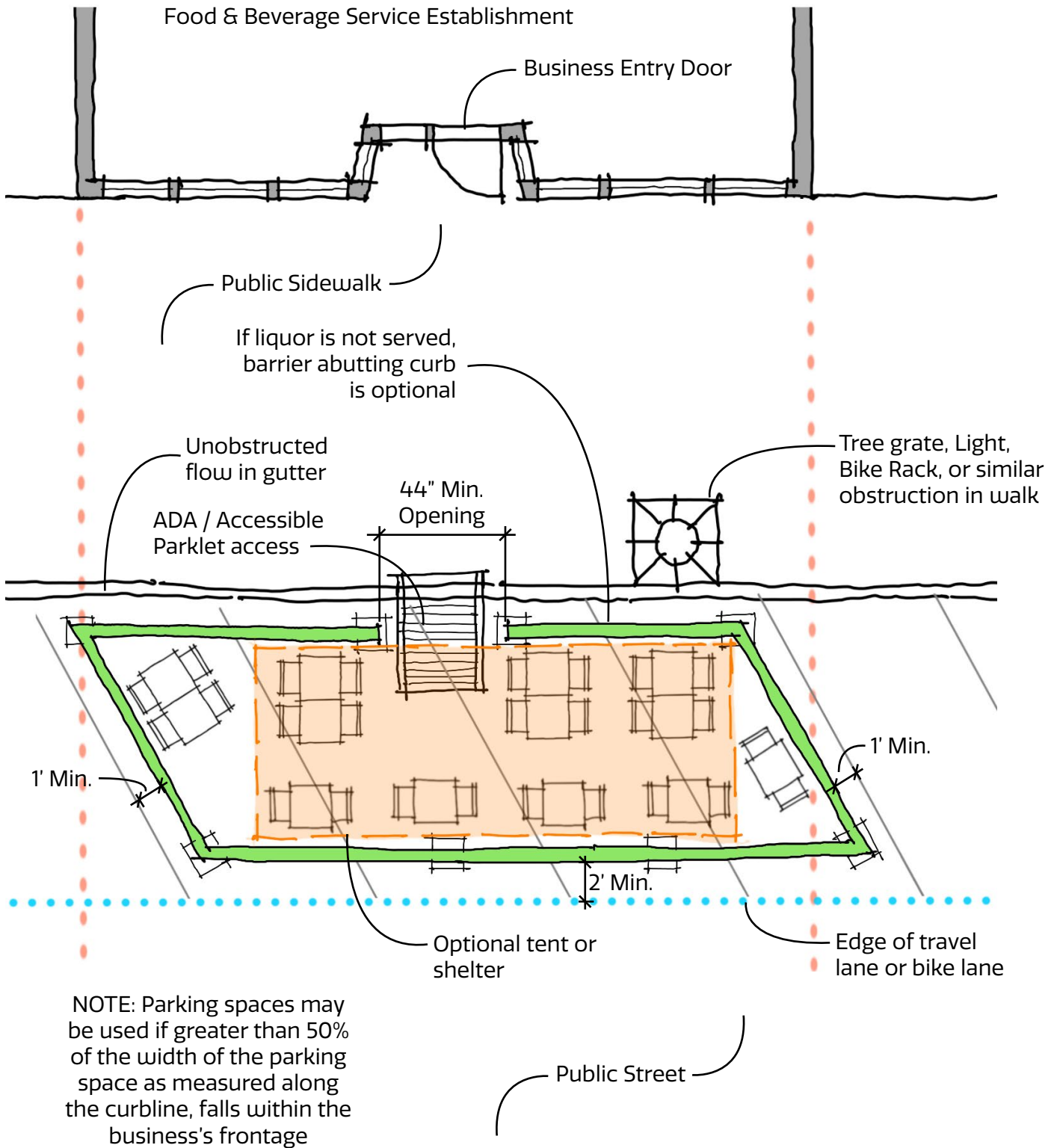
NOTIFICATION OF NEIGHBORING BUSINESSES

During the review and permitting process, neighboring businesses will be notified to seek input on the application.

DESIGN CRITERIA

- Applications for Parklets areas will be reviewed on a "first-come, first-served" basis.
- Parklets cannot be placed in ADA/Accessible parking spaces.
- Dining areas may extend the full length of the permittee's business frontage, but they cannot extend in front of neighboring businesses or shared lobby spaces without authorization by the City.
- Parklet infrastructure must not block flowlines, curb & gutter, drainage inlets and other drainage features.
- Edges of dining area shall be set back 1 foot minimum from center of adjacent parking stripe.
- Safety barriers must be set back from travel and/or bicycle lanes a minimum of 2 feet.
- If liquor is served in your Parklet, barriers are required on all 4 sides.
- If liquor is not served in your Parklet, the barrier abutting the curb is optional, but barriers are required along the other 3 edges.





Dining Areas on Private Property Definition

"Dining Areas on Private Property" means an outdoor dining area that is located on private property, in its entirety.

DESIGN CRITERIA

- Refer to the Fort Collins Land Use Code and the Minor Amendment Process.



PERMITS THAT MAY BE REQUIRED

THE ENGINEERING DEPARTMENT CAN HELP YOU DETERMINE THE PERMIT REQUIREMENTS FOR YOUR PATIO AND GUIDE YOU THROUGH THE PERMITTING PROCESS. 970-221-6605

- **Outdoor Dining Areas on a Public Sidewalk:** If your dining area will be located on a public sidewalk within the public right-of way you will need to apply for an [Encroachment Permit](#) and pay the associated permit and inspection fees.
- **Outdoor Dining Areas in Designated Public On-Street Parking Space(s):** If your dining area will be located in designated public on-street parking space(s), you will need to apply and qualify for an [Obstruction Permit](#) and pay the associated permit and inspection fees.
- **Establishments Serving Liquor:** If you would like to serve liquor in an outdoor dining area, you will need to apply for a [Liquor License](#).
- **Building Permit:** If your dining area includes any of the following improvements, a [Building Permit](#) may be required:
 1. Change in occupancy
 2. Tents
 3. Shelters
 4. Building Mounted and/or Permanent Heat Source Devices
 5. Permanent Electrical Improvements (not just plugged into existing outlet)
 6. Permanent Plumbing improvements
 7. Parklet Platform
 8. Awnings that project more than 54 inches from the exterior wall

- **Dining Areas located in a Floodplain:** If your outdoor dining area will be located in a regulated floodplain you will need to apply for a [Floodplain Use Permit](#) and pay associated application and review fees.
- **Fuel Fired Heating Devices:** If you would like to use fuel fired heating devices in your outdoor dining area, you will need to apply for an [Operational Permit](#) from the Poudre Fire Authority (PFA)
- **Temporary / Seasonal Tents:** If you would like to place temporary/seasonal tents in your outdoor dining area you may need to obtain a [Poudre Fire Authority Tent Permit](#) and pay associated permit and inspection fees.



ALLOWED USES IN OUTDOOR DINING AREAS

- Outdoor dining areas must be used by the permittee's business for food and beverage service. Permits are non-transferrable.
- Outdoor dining areas are not intended to be used as an open bar, a waiting area, or for queuing lines.
- Smoking is prohibited in outdoor dining areas.
- Public right-of-way is a valuable resource for the entire community and outdoor dining areas that are not being used regularly may be subject to a 30-day notice from the City and the encroachment permit may be revoked.



OCCUPANT LOAD AND RESTROOM FIXTURE COUNTS

Seating for indoor and outdoor dining is counted towards a business's occupant load, and restroom fixture quantities must be sufficient to serve both indoor and outdoor occupants.

Building Services can review your occupant load and determine if the existing restroom fixtures can accommodate increased occupancy.

If additional restroom fixtures are needed to accommodate increased occupancy, a building permit is required to show how restroom fixtures will be added for compliance.

Exception: If added outdoor seating capacity is 20% or less of indoor seating capacity, additional restroom fixtures will not be required. Example: establishment has an indoor seating capacity of 100, and applicant wishes to add an outdoor patio with an occupancy of 20. In this scenario additional restroom fixtures would not be required.



DESIGN GUIDELINES

Barriers

Barriers are meant to demarcate the outdoor dining area provided for tables, chairs, and umbrellas, for both temporary and permanent use, and are required for liquor licensing. Barriers may include surface mounted removable fences, freestanding fences, planters, removable columns, and other similar features that are not permanently attached to street or sidewalk.

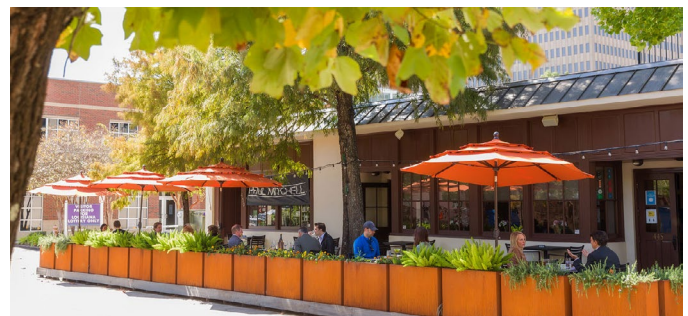
Establishments with patios on public sidewalks that do not serve liquor are not required to install barriers demarcating the outdoor dining space.

MATERIALS & CONSTRUCTION

- Consider materials that feel more permanent. Barriers shall be sturdy and stable. They must have sufficient weight so that they cannot be tipped over easily or be blown over.
- Post bases must be flat and have tapered edges.
- Fence framing shall be composed of metal or wood and must be painted or finished. Raw wood and metal finishes are discouraged, unless wood that has natural weather resistance.
- Fence panels may be composed of aircraft cable, fabric, and metal elements.
- Rigid fence segments may be placed end-to-end to create the appearance of a single fence.
- Chain link fencing, plastic, vinyl, chicken wire and snow fencing shall not be used.
- Crash rated barriers will only be required for safety or traffic volume. In those cases, the City will not allow a concrete 'Jersey-barrier' style and will require a crash-rated barrier that meets the urban design standard of the location (Downtown, for instance).

BARRIER HEIGHT

- Height of barriers shall be a minimum of 36 inches and a maximum of 42 inches (including posts).
- The lower rail/edge of the barrier shall be no more than 27 inches above the sidewalk surface or walking surface.



BARRIERS FOR ESTABLISHMENTS SERVING LIQUOR

- Owner must follow all laws, rules, and regulations related to State of Colorado and City of Fort Collins Liquor enforcement.

BARRIERS LOCATED ON A PUBLIC SIDEWALK

- Where barriers are required, the barrier may be freestanding, or surface mounted to the sidewalk.
- Barriers shall not be permanently attached to existing structures, sidewalk, or other City-owned right of way elements.

BARRIERS LOCATED IN A PUBLIC STREET

- Barriers shall not block access to fire hydrants, ADA/Accessible parking spaces, and ADA/Accessible curb, ramps, or loading zones.

BARRIER ACCESS OPENINGS

- Access and egress requirements to outdoor dining areas will be based on occupancy, the occupant load, and proposed use(s). The Building Department can assist you in determining the occupancy of your patio.
- The access opening shall be located along the front or parallel edge of the dining area barrier. The access opening shall be kept clear of other materials.
- Minimum Access Width. Access openings shall measure no less than 44 inches in width.

PLANTERS AS PART OF THE BARRIER

- Outdoor planters are encouraged as a barrier component.
- Planters shall be kept in clean condition.
- In the case of planters, the planter itself shall not exceed 36 inches in height (measured from the sidewalk/walking surface);
- Plant (live or artificial) height shall not exceed 6 feet in height.
- Live plants must be maintained in a healthy manner and arranged for the best visual impact.



Sidewalk Coverings

Unless approved otherwise, alterations shall not be made to sidewalks, and coverings shall not be placed over a sidewalk dining area.

Pedestrian Circulation

OUTSIDE OF THE DINING AREA

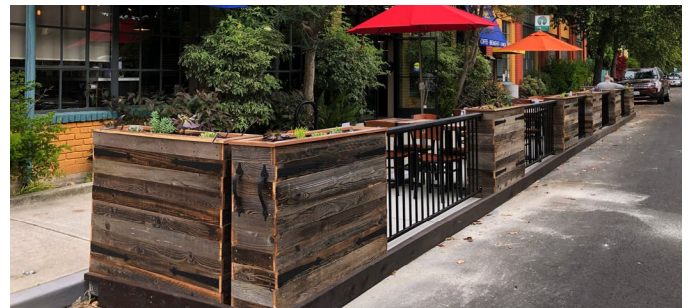
- Outdoor dining areas shall allow a minimum 7-foot wide unobstructed, accessible pedestrian passageway on the sidewalk. The pedestrian passageway allowance may vary to a greater or lesser degree based on site location and a determination of the City. Patio features shall not obstruct the pedestrian passageway.
- Entry/egress requirements will be based on occupancy load and alcohol service
- Business owners are responsible for providing queuing areas outside of pedestrian clear zones for people waiting in line.

INSIDE THE DINING AREA

- If barriers are utilized at dining area perimeters, a minimum of 3 feet shall be allowed for patron and waitstaff circulation inside the dining area. Waitstaff shall not serve patrons from outside of the barrier.

Accessibility

- Outdoor dining areas (including seasonal dining areas) shall comply with Americans with Disabilities Act Guidelines (access, seating, etc.).
- Dining areas shall not obstruct existing ADA/ Accessible curb ramps, routes to businesses, parking spaces, or loading zones.



Shelters and Tents

If you would like to install one or more tents or shelters in your Parklets, please contact the Engineering Department to discuss related code requirements.

- Tents and shelters are allowed and encouraged in Parklets
- Tents and shelters shall not be installed on public sidewalks
- Tents and shelters shall be weighted, anchored or secured to the ground, and shall be anchored in a way that is removable without damaging public improvements. Repairs/patching are the permittee's responsibility.
- Consider products and materials that feel more permanent. Pop up tents and similar features are discouraged.



Awnings

- Awnings can be used over Attached Patios. Awning shall be connected to the permittee's building façade or cantilevered from private property.
- Building permits are required for awnings that project more than 54 inches from the exterior wall.



Furniture

FURNITURE MATERIALS AND FINISHES

- Consider materials that feel more permanent. Furniture shall be constructed from durable materials such as steel, aluminum, wood.
- Raw wood and metal finishes are discouraged. Exceptions may be considered for teak and other woods having natural resistance to weathering.
- Avoid low quality materials, such as plastic.

SECURING/FASTENING

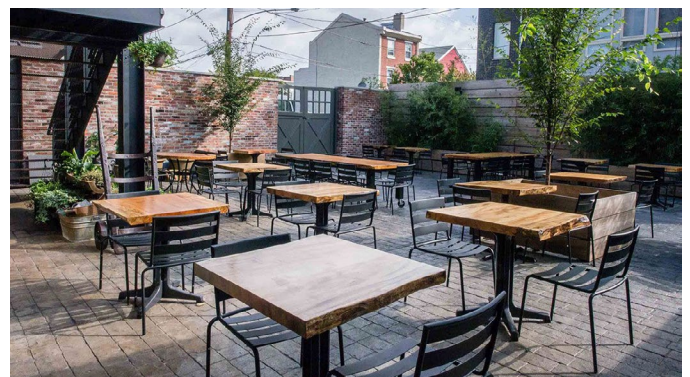
- Furniture shall not be permanently fastened to a public sidewalk or street.
- During off business hours, furniture may be secured to the outdoor dining barrier.
- If your site is located in a regulated floodplain additional requirements may apply.

TABLES

- Table tops shapes and heights may vary.

UMBRELLAS

- Commercial-grade market style umbrellas, designed specifically for patio or outdoor restaurant use, are preferred.
- Umbrellas must be collapsible
- Umbrellas are to maintain a minimum height clearance of 7 feet and a maximum of 10 feet.
- Umbrellas must not extend over the pedestrian clear zones adjacent to the dining area.
- Umbrellas must be free of advertisements. Advertisements are allowed only if it is to advertise the name of the permittee's business.
- Umbrellas must not include fluorescent or strikingly bright or vivid colors.
- Umbrellas must be anchored and secured against wind.



TRASH AND RECYCLING RECEPTACLES

- Waste receptacles are required only in outdoor dining areas that do not provide wait service; otherwise, waste receptacles are not permitted.

PLANTER POTS AND HANGING BASKETS

- Planter pots and hanging baskets are permitted and shall be maintained by the permittee.

ITEMS THAT SHALL NOT BE PLACED IN THE PUBLIC RIGHT-OF-WAY

- Shelves and storage bins
- Serving stations
- Appliances
- Loud speakers
- Televisions
- Barbeques
- Sofas
- Yard games and activities with flying objects (i.e., corn hole)



Heating Devices

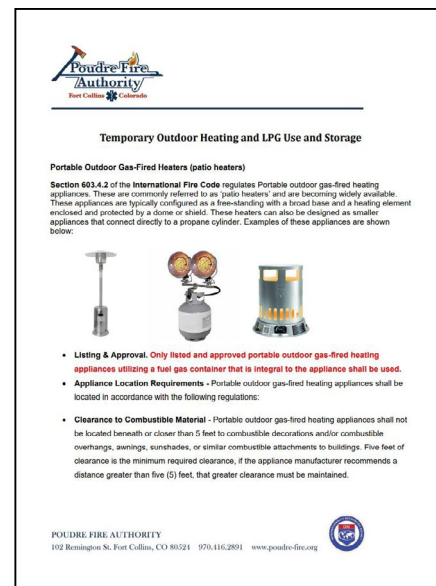
Heating Devices are allowed in outdoor dining areas, but they shall meet the following operational regulations:

PERMANENT HEATING DEVICES

- If you are planning to install permanent outdoor heating devices, a building permit is required.

TEMPORARY/SEASONAL HEATING DEVICES

- The Poudre Fire Authority [Temporary Outdoor Heating and Liquid Propane Gas Use and Storage document](#) provides in-depth explanations of the items required for temporary heating devices. Please review this document as needed to ensure compliance with codes and standards
- Trees are to be protected and heating equipment shall be located a minimum of 3' away from tree trunks and branches.
- Businesses must have sufficient fire extinguishers to cover indoor and outdoor spaces.



Signage

- A [sign permit](#) is required for proposed signage.
- Signage must comply within business' allotted sign allowance.
- Signage and menu displays must be located within the enclosed dining area or on the business's dining area barrier.
- A maximum of four square feet (4 SF) of signage is allowed on a business's outdoor dining area barrier.
- A maximum of four square feet (4SF) of signage is allowed on a single face of a shelter/tent, and a maximum of two sides of a shelter can include signage.
- Menu boards shall be 2 square feet maximum.
- Sandwich Board Signs must comply with City sign code.
- Advertisements unrelated to the business are prohibited.
- Refer to Fort Collins Land Use Code Section 24-1 for additional requirements for Signage.



Lighting

- If new lighting requires electrical work (not just plugged into existing outlet), a [building permit](#) is required.
- Lighting, if proposed, will be reviewed by the City on a case-by-case basis.
- Light levels shall comply with City lighting standards. Refer to Larimer County Urban Area Street Standards for additional lighting criteria within the public right of way.
- Light fixtures shall be Dark Skies compliant.
- Light poles shall not include footings.
- For Extended Patios and Parklets, battery or solar power for lighting is preferred; accessible sidewalk cord covers may be used as an alternative and will be reviewed on a case by case basis.
- Electrical conduit shall not be buried below ground surface or suspended above the sidewalk.
- Wiring for light poles and fixtures must be concealed.
- Electrical conduit for lighting may be run through or on fencing/barriers but the conduit shall be concealed to the greatest extent possible.
- Seasonal Holiday lights are allowed in outdoor dining areas from November 1st to February 14th.
- Disruptive or flashing light that is distracting to drivers shall not be used in outdoor dining areas.
- For state-owned street facilities, lighting must comply with CDOT requirements.



Footings

- Structures requiring footings are not allowed in public right of way.

Publicly Owned Features

ALTERATIONS AND DAMAGE

- Unless approved otherwise, no alterations or damage shall be made to existing sidewalks, roadway concrete or asphalt, curb & gutter, walls, trees, furniture, utilities, and other City-owned right of way elements.
- Damage caused to publicly owned features caused by use of outdoor dining areas shall be repaired by the permittee.

PUBLIC FURNITURE

- Proposals for the relocation of existing public street furniture will be reviewed by City on a case-by-case basis.
- Unless approved otherwise, publicly owned light poles, non-accessible tree wells/grates, fire hydrants, and other items shall not fall within the pedestrian path allowed between the curb and the leading edge of the outdoor dining area.

PUBLIC BIKE PARKING

- Existing public bike parking cannot be displaced without identifying an appropriate location (as deemed by the City) for relocation.

STREET TREES

- Trees located within the public right-of-way are commonly owned by the City.
- Nothing is to be attached or hung from City-owned trees.
- If pruning is desired, please contact the City Forestry Department.
- If approved by the City, pruning shall be performed by the City.



Safety

If your dining area will be located in the public right-of-way, you will be required to meet minimum safety requirements administered by the City, Poudre Fire Authority, Stormwater, and in some cases the Colorado Department of Transportation. These requirements are intended to ensure the right-of-way is safely shared by your customers, drivers, pedestrians, cyclists, and others.

Depending on the characteristics of the public street and the location of your space within the right-of-way, you may need to incorporate minimum safety features to protect users from nearby traffic.

- For two lane, local, or collector streets with average daily traffic volumes under 4000 trips and posted speeds of 25 mph or less, no crash protection or design will be required.
- For streets that do not meet the above criteria, Parklets may be allowed based on approval from the City Engineer and crash protection may be required.

There are inherent risks associated with placing outdoor dining areas within a public street and a public right-of-way. By applying for and obtaining the required permits, the business owner acknowledges and accepts responsibility the associated risks.

Sight Distance Considerations

- If your dining area is located near an intersection or a driveway it will need to comply with the sight distance requirements as described in [Figure 7-16 of Larimer County Urban Area Street Standards](#).
- For Parklets, consider sight distance for drivers exiting adjacent parking spaces.

Sites in Regulated Floodplain

If your outdoor dining area is located in a regulated floodplain the proposed improvements will need to meet the flood protection standards in Chapter 10 of City Code. An approved Floodplain Use Permit is required Prior to construction. Depending on the location additional requirements may also apply.

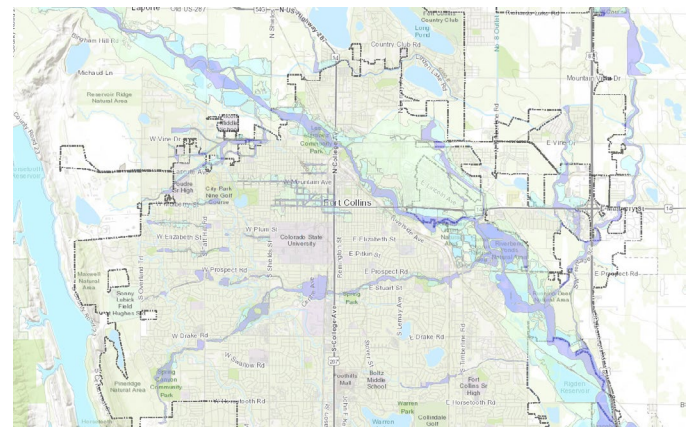
HOW CAN I FIND OUT IF MY SITE IS IN THE FLOODPLAIN?

Check the online map at: fcgov.com/floodplain-maps

- Click on the dark blue "View Map" button

FLOODPLAIN STAFF CONTACT INFORMATION:

- Contact us at 970-416-2632 or FloodplainAdministration@fcgov.com.



VARIANCES

The City may grant variances to these design guidelines where it finds that the proposed improvements would not be detrimental to the public good. Variance requests may be justified for the following reasons:

- Exceptional site specific constraints;
- The proposal will promote the general purpose of the standard for which the variance is requested;
- The proposal will not diverge from the guidelines except in a nominal, inconsequential way when considered in the context of the surroundings.

MAINTENANCE

Repairs, Upkeep, Replacement, Storage, Removals

- Maintain a tidy appearance. Your outdoor dining area and adjacent sidewalks shall be clean and free of obstructions and refuse at all times.
- Barriers and other furniture are the responsibility of the permittee including ownership, fabrication, storage, maintenance, upkeep, replacement, removal, etc.

Snow Removal

- Snow and ice removal inside barriers is the permittee's responsibility.
- Snow may not be stored on the sidewalks

Leaf Removal

- Leaf removal inside the barrier is the permittee's responsibility.

Landscaping

- If you integrate plants, create a plan to ensure landscaping is maintained. High quality artificial plants can be used to reduce maintenance.

Graffiti Removal

- If your space has large blank surfaces, it may be vulnerable to tagging. Be prepared to remove graffiti promptly.

City / CDOT Maintenance Access

- Be aware that you may need to disassemble your patio space if the City or CDOT needs to access the area for construction, maintenance, and other necessary operations.



Acknowledgments

Fort Collins Engineering Department
Fort Collins Zoning Department
Fort Collins Building Department
Fort Collins Stormwater Department
Fort Collins Traffic Operations
Fort Collins City Manager's Office
Poudre Fire Authority
BHA Design, Inc.



November 1, 2022

AGENDA ITEM SUMMARY

City Council



STAFF

Beth Yonce, Social Sustainability Department Director
 Brittany Depew, Homelessness Lead Specialist
 Ingrid Decker, Legal

SUBJECT

Second Reading of Ordinance No. 113, 2022, Suspending Certain Provisions of the City's Land Use Code and Building Code to Permit Temporary Use of City Property at 117 North Mason Street as a Homeless Shelter.

EXECUTIVE SUMMARY

This Ordinance, unanimously adopted on First Reading on October 25, 2022, suspends certain provisions of the City's Land Use Code to allow the temporary use of 117 North Mason Street as a men's overflow shelter site from November 2022 – April 2023.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

BACKGROUND / DISCUSSION

The Seasonal Overflow Shelter (SOS) program creates additional overnight shelter capacity to eliminate people being turned away from shelter due to space constraints. Last year, the overflow location identified was the City-owned building at 212 West Mountain Avenue. This year, City staff and shelter providers explored other options and made the decision to utilize the City-owned building at 117 North Mason Street for the 2022-2023 winter shelter season. This location was identified as the most viable option due to size, location, and availability.

The City is intending to enter into a lease with Fort Collins Rescue Mission for the use of the 117 North Mason Street property as a shelter. The building will be used as a secondary overflow site when the Rescue Mission's primary location (316 Jefferson Street) is over capacity.

The parameters for use of the property will be the same as last year, including the shelter being operated by Fort Collins Rescue Mission with staff present during all open hours, serving men experiencing homelessness overnight-only, having additional support from a third-party security firm, having space for up to 44 men, and operating from November 2022 – April 2023.

While a homeless shelter is a permitted use under the current zoning for the property (Downtown – Civic), the City's Land Use Code (LUC) requires review by the Planning & Zoning Board and requires development standards that would also be applied to the property as part of the review process. The temporary nature

of the proposed use of 117 North Mason Street for this season's overflow shelter, combined with the urgent need to finalize operational plans for the SOS season, are the reasons staff is seeking approval to expedite the process of securing an overflow shelter site.

This item would waive LUC requirements so that additional shelter for people experiencing homelessness can be provided as close to the start of the SOS season, November 1, as possible. Building code requirements essential to protect life and safety for the guests staying in the shelter will *not* be waived.

The projected opening date is November 11, ten days after second reading of this Ordinance.

CITY FINANCIAL IMPACTS

The City will donate use of the building to Fort Collins Rescue Mission to operate a temporary overnight homeless shelter from November 2022 – April 2023, with a one-time upfront payment requested to cover the cost of carpet replacement.

The City may also utilize a portion of its Seasonal Overflow Shelter budget (ARPA funds) to help cover costs related to shelter operations, inclement weather sheltering, and security services.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

Not applicable.

PUBLIC OUTREACH

The following communications have occurred or will occur:

- Virtual neighborhood meeting on October 19.
- Direct outreach to businesses in nearest proximity to this location, to be conducted by City staff and/or collaborative partners (between October and early November).
- Mid-season check in with businesses in nearest proximity, to be conducted by City staff and/or collaborative partners.
- Post-season debrief with nearest businesses and neighbors.

ATTACHMENTS

First Reading attachments not included.

1. Ordinance for Consideration

ORDINANCE NO. 113, 2022
OF THE COUNCIL OF THE CITY OF FORT COLLINS
SUSPENDING CERTAIN PROVISIONS OF THE CITY'S LAND USE CODE AND
BUILDING CODE TO PERMIT TEMPORARY USE OF CITY PROPERTY AT
117 NORTH MASON STREET AS A HOMELESS SHELTER

WHEREAS, because of limited capacity there are many nights when local shelter providers do not have enough space to house all people experiencing homelessness who may be seeking shelter; and

WHEREAS, adequate shelter space will become increasingly important as fall and winter weather sets in and individuals are at risk from cold, flu and COVID viruses as well as severe cold; and

WHEREAS, the State of Colorado declared its first Emergency Disaster Declaration related to COVID-19 on March 11, 2020, and as part of its Seventh Amended Public Health Order 20-38 dated September 30, 2021, the Colorado Department of Public Health and Environment (CDPHE) strongly urged governments to make shelter available to people experiencing homelessness as soon as possible and to the maximum extent practicable; and

WHEREAS, the City's Land Use Code provides a process for operation of seasonal overflow shelters from November through April, and for many years shelter operators, with financial support from the City, were able to operate a seasonal overflow shelter on privately-owned properties; and

WHEREAS, for the winter of 2020-2021 shelter providers partnered with the City to operate a seasonal shelter in space leased from the Food Bank for Larimer County, but for the winter of 2021-2022 the only suitable space that could be located was in a City-owned building at 212 West Mountain Avenue; and

WHEREAS, City staff and shelter providers have been unable to locate a non-City property appropriate for a seasonal overflow shelter for the upcoming winter despite best efforts, so the City intends to lease the City-owned building at 117 North Mason Street (the "Property") to the Fort Collins Rescue Mission to operate as an overnight shelter for persons experiencing homelessness from November 2022 through April 2023; and

WHEREAS, while a homeless shelter is a permitted use under the current zoning for the Property (Downtown Zone – Civic Subdistrict), the City's Land Use Code ("LUC") requires review by the Planning and Zoning Board to permit the use of the Property as a homeless shelter, as such a change in use of the building is considered "development" under LUC Division 5.1.2; and

WHEREAS, LUC Article 3 and LUC Article 4, Division 4.16 set forth development standards that would also be applied to the Property as part of such a review process; and

WHEREAS, in order to provide additional shelter for persons experiencing homelessness as quickly as possible, the City Council finds it is necessary for public health, safety and welfare, and in the best interests of the City and its residents, to suspend the application of certain requirements of the LUC with respect to the Property for so long as the City is using it as a shelter for persons experiencing homelessness.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That, with respect only to the Property and its use as a homeless shelter through April 30, 2023, the City Council hereby suspends the requirements of:

- LUC Article 3 regarding general development standards;
- LUC Division 4.16 regarding development standards and the development review process for use of the property as a homeless shelter;
- LUC Division 2.2 regarding the common development review procedures for development applications; and
- LUC Division 2.4 and 2.5 requiring a project development plan (PDP) and final plan for a proposed homeless shelter on the Property.

Section 3. That all other applicable provisions of the City Code, rules and regulations, including but not limited to health and safety requirements, will continue to apply to the Property.

Introduced, considered favorably at an adjourned meeting, on first reading, and ordered published this 25th day of October, A.D. 2022, and to be presented for final passage on the 1st day of November, A. D. 2022.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading on the 1st day of November, A.D. 2022.

Mayor

ATTEST:

City Clerk

November 1, 2022



AGENDA ITEM SUMMARY

City Council

STAFF

Jen Dial, Water Resources Manager
 Mariel Miller, Water Conservation Manager
 Jason Graham, Director of Water Utilities
 Eric Potyondy, Legal

SUBJECT

Second Reading of Ordinance No. 116, 2022, Amending Chapter 26 of the Code of the City of Fort Collins to Make Various Changes to the Water Supply Requirement for Nonresidential Water Service.

EXECUTIVE SUMMARY

This Ordinance, unanimously adopted on First Reading on October 25, 2022, adopts changes to Fort Collins Utilities (Utilities) Water Supply Requirement (WSR) in Chapter 26 of City Code. Changes to the WSR went into effect January 1, 2022, through Ordinance No. 119, 2021. However, after administering the WSR under that ordinance for several months, staff realized a need for further revision. The Ordinance broadened when Utilities nonresidential water customers doing redevelopment must meet the WSR, such that these customers must meet WSRs for almost any redevelopment. The Ordinance also results in the assignment of an annual allotment and the potential for excess water use surcharges. These changes have resulted in significant staff time for previously routine matters and impacts to customers that are perceived as unfair. The proposed ordinance would return to the previous, historical requirement, where customers must only meet the WSR for new development and redevelopment that is replacing an existing meter or service with a larger size.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

BACKGROUND / DISCUSSION

Fort Collins Utilities (Utilities) water service area covers the central portion of Fort Collins. Utilities supplies water to approximately 75% of residents and business within the Fort Collins city limits. Water service in the surrounding areas is provided by other water providers, including water districts like the East Larimer County Water District (ELCO) and Fort Collins-Loveland Water District (FCLWD). Each water service provider has their own drivers (sources of supply, water rights, development patterns) that determine their WSR calculations and the policies, options, and costs for meeting their WSR. For this proposed revision, all proposed concepts only apply to the Utilities water service area.

WSR are part of the water-related development impact fees met by developers to account for the additional demand created from new development. WSR is a requirement for water service from Utilities. A WSR accounts for the additional water demand, defined in gallons of water, brought into the Utilities water service

area by a new development or redevelopment. The developer satisfies a WSR by paying cash to Utilities. This provides the revenue to develop reliable water resources for the development, including water rights and associated infrastructure. WSRs are in line with the approach that development pays for itself. All non-residential taps (e.g., commercial businesses and irrigation taps) installed after March 1984 have an annual allotment (volume of water in gallons) that is based upon the WSR that was satisfied at the time of development or redevelopment. Only about 1,000 or 33% of non-residential customers have allotments. Customers can pay additional cash-in-lieu to increase their allotments at any time to avoid excess water use surcharges. Below is the history on how WSR has evolved:

1960: Initiation of WSR (previously called “raw water requirements”). Two-acre-foot equivalent of water rights is required for every one acre developed. WSRs can be met via dedication of water rights or cash-in-lieu.

1960 - 1984: Minor, intermittent updates reflecting changing use patterns and costs to develop water supplies and associated infrastructure.

1984: In response to more commercial development, WSR calculations are now based on tap size. First year that new non-residential developments are assigned allotments based on their WSR.

1984 - 2018: Minor updates to the fee (paid with certain water rights or cash-in-lieu of water rights), excess water use surcharge, and WSRs to reflect changing use patterns and costs to develop water supplies and associated infrastructure.

2018: Significant updates to WSR calculations, fee, and excess water use surcharge in response to rising cost of water resources. Included a 166% increase to the cash-in-lieu and surcharge. Customers with allotments experience an increase in surcharges from an average of \$1,500 to \$4,000 per year. Analysis reveals that some exceedances are because the original WSR and the resulting allotment being too low for the property’s water use, even if the customer is efficient. This flagged the need to improve the precision and equity of WSRs and allotments.

2019: Council approved the creation of the Allotment Management Program (Ordinance No. 50, 2019). This program provides existing customers a temporary waiver from surcharges while they implement a long-term water reduction project that will mitigate all or a portion of the surcharges permanently. Staff launches effort to update the WSR calculations for new developments and re-developments.

2021-22: Council approved changing the WSR to be based on Business category, not tap size (Ordinance No. 119, 2021) (see Exhibit 1 to AIS from September 21, 2021 meeting). This methodology followed to same approach as several other Front Range water users. The Agenda Item Summary for Ordinance No. 119, 2021, provides background on WSRs and the ordinance itself: [Water Supply Requirements Agenda Item Summary, September 21, 2021](#)

The change was driven by the fact that basing WSR on tap size was deemed problematic and inaccurate since tap size is determined by peak daily demand, which does not always correlate to annual water demand. Additionally, within a tap size, the current WSR calculation methodology is based on the average annual demand for all customers who currently have that tap size. Within any given tap size, there are many different business types, including mixed-use taps and irrigation taps that serve a variety of different sizes and types of landscapes that are all treated the same. Since it is an average, some development’s actual water use is above the WSR and some is below. This creates equity issues for developers and customers alike; it means some developments subsidize other developments. And, in situations where the WSRs are too low relative to the property’s actual water use, the allotments are also too small, placing the burden on the customers, who may have to pay substantial surcharges each year.

Because of this staff recommended and Council approved Ordinance No. 119, 2021 to change the WSR methodology to calculate WSR based on business category instead of tap size for all new development and redevelopment (including minor amendments and tenant finishes). As staff has been implementing

this code since January 1, 2022, a few issues have arisen that require the need to revise the code to minimize the burden to the city's customers and staff. These include:

1. Customers that are applying for a permit that aren't planning to increase their water use have a hard time understanding why they need to pay for a WSR, especially in situations where there is a large financial impact. It is estimated that as many as twenty-five customers could see a financial impact of over \$60,000.
2. Significant staff time has been needed to perform these more complicated calculations when customers do not fall into a clear business category, as well as provide outreach and education to customers.
3. Because WSR evaluations are taking more time, the timeline to issue a permit has been frustrating and unreasonable for many of our customers for completing projects.

Proposed Revisions

The proposed Ordinance would return to the previous, historical requirement, where customers must only meet the WSR for new development and redevelopment that is replacing an existing meter or service with a larger size.

CITY FINANCIAL IMPACTS

This is unknown and dependent on growth. Revenue from WSR will continue to cover the increased demand related to increased water service.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

Staff felt this was urgent enough to not take to the Water Commission but will update them on the final decision from Council.

PUBLIC OUTREACH

Staff intends to provide improved messaging through the City's WSR website and increased outreach earlier in the application process to prepare customers for an allotment and potential WSR.

ATTACHMENTS

1. Ordinance for Consideration
2. Presentation

ORDINANCE NO. 116, 2022
 OF THE COUNCIL OF THE CITY OF FORT COLLINS
 AMENDING CHAPTER 26 OF THE CODE OF THE CITY OF FORT COLLINS
 TO MAKE VARIOUS CHANGES TO THE WATER SUPPLY REQUIREMENT FOR
 NONRESIDENTIAL WATER SERVICE

WHEREAS, the City Council is empowered and directed by Article XII, Section 6, of the City Charter to fix, establish, maintain, and provide for the collection of such rates, fees, or charges for utility services furnished by the City as will produce revenues sufficient to pay the costs, expenses, and other obligations of the water utility, as set forth therein; and

WHEREAS, the City owns and operates a water utility that provides treated water service to customers in its service area; and

WHEREAS, through various water supply furnishing and development programs, the City has required that persons desiring new or increased water service from the water utility furnish or otherwise provide to the City certain rights to use water or payments of cash in order to offset the impacts of the requested water service, which requirements are currently set forth in Sections 26-129, 26-147, 26-148, 26-149, and 26-150 of City Code as the Water Supply Requirement (“WSR”); and

WHEREAS, City staff has historically reviewed the WSR (and its predecessor water supply furnishing or development requirements) periodically to ensure that the rights to use water and cash payments received by the City are sufficient to offset the impacts from the requested new or increased water service and to ensure that they are administrable and fair for customers; and

WHEREAS, in the lead up to Ordinance No. 119, 2021, City staff completed a comprehensive and thorough review of the WSR and determined that various changes thereto were desirable and beneficial for the water utility and its ratepayers, including to ensure that, among other things, the impacts of new and increased water service were offset and that the water utility has sufficient water supplies and infrastructure to serve customers of the water utility with an adequate level of service, while doing so in a fair and equitable manner such that development through the new or increased water service pays its own way; and

WHEREAS, since Ordinance No. 119, 2021 went into effect on January 1, 2022, City staff has concluded that certain changes to the WSR are necessary to efficiently administer the WSR and for equity and fairness for customers; and

WHEREAS, the City Manager and City staff has recommended to the City Council that the following changes be enacted.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That Section 26-41 of the Code of the City of Fort Collins is hereby amended by the deletion of the definition “Change in use”:

Sec. 26-41. - Definitions.

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this Section:

...

~~Change in use shall mean a material change in how City water is used on a property that requires changes to physical infrastructure, additional legal approvals, or changes to legal classifications of the property. The following circumstances are identified by way of example and not limitation:~~

~~A change in use would result from:~~

- ~~— (1) — the property being included in a different use category for zoning or land use purposes;~~
- ~~— (2) — the property being included in any development review process under the Land Use Code;~~
- ~~— (3) — the property being served by an additional service line;~~
- ~~— (4) — a service line or meter being relocated and applied to a different use or building on the property;~~
- ~~— (5) — a building on the property being expanded;~~
- ~~— (6) — the property requiring any Commercial General Alteration permit under City Code where there is an increase in fixture units or water use; or~~
- ~~— (7) — the property being reclassified from residential to commercial in the Utility’s billing system.~~

~~A change in use would not result from:~~

- ~~— (1) — ownership of a water service being transferred from one owner to another;~~
- ~~— (2) — ownership of a property or premise being transferred from one owner to another;~~
- ~~— (3) — more or less water being delivered under an existing water service;~~
- ~~— (4) — an annual allotment being exceeded and excess water use surcharges are assessed;~~
- ~~— (5) — a water meter being repaired or replaced; or~~
- ~~— (6) — an existing water service line downstream of the curb stop being repaired or replaced.~~

...

Section 3. That Section 26-147 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 26-147. - Grant of water rights; required.

All owners of premises requesting water service from the City, including as a new water service or a change in use replacing an existing meter or service with a larger size, shall, before being granted a water service permit, satisfy the assessed Water Supply Requirements (WSR) as determined in this Division without cost to the City. The WSR is as provided in this Division.

Section 4. That Section 26-149(g) of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 26-149. - Water supply requirement (WSR); nonresidential service.

...

(g) ~~In the case of a change in use of the existing water service to a property or a new water service permit on the property being issued, t~~The utility shall assign an annual allotment in the application of the WSR pursuant to §26-147. ~~and~~In the case of the replacement of an existing meter with a larger size or other change to an existing water service, the utility will credit the nonresidential user towards the water service permit as follows. If an annual allotment has been assigned, the credit towards the water service shall be for the amount of the annual allotment for the property. If the credit towards the water service is greater than the annual allotment that would otherwise be assigned for the new water service permit, the credit for the water service shall establish the allotment and no cash refund or water certificates issued by the City shall be provided to the applicant. If no annual allotment has been assigned, the credit towards the water service shall be the amount set forth below for the existing meters serving the property. The credit authorized under this subsection is not transferrable to other properties.

If no annual allotment has been assigned, the credit towards the water service shall be as follows:	
<i>Meter Size (inches)</i>	<i>Annual Allotment (gallons/year)</i>
¾	152,745
1	509,141
1½	1,018,286
2	1,629,255
3	2,443,880
Above 3	169,714 gallons per

	<p>acre foot of WSR met for the permit or, if such amount cannot be established, the average historical use over a representative time period as determined by the Utilities Executive Director</p>
--	---

...

Introduced, considered favorably on first reading at an adjourned meeting, and ordered published this 25th day of October, A.D. 2022, and to be presented for final passage on the 1st day of November, A.D. 2022.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading on this 1st day of November, A.D. 2022.

Mayor

ATTEST:

City Clerk

November 1, 2022



AGENDA ITEM SUMMARY

City Council

STAFF

Matt Robenalt, DDA Executive Director
 Kristy Klenk, DDA Financial Coordinator
 John Duval, Legal

SUBJECT

First Reading of Ordinance No. 117, 2022, Approving the Fiscal Year 2023 Budget, and Being the Annual Appropriation Ordinance for the Fort Collins Downtown Development Authority, and Fixing the Mill Levy for the Downtown Development Authority for Fiscal Year 2023.

EXECUTIVE SUMMARY

The purpose of this item is to set the Downtown Development Authority ("DDA") Budget.

The following amounts will be appropriated:

DDA Public/Private Investments & Programs	\$7,800,493
DDA Operations & Maintenance	\$2,030,378
Revolving Line of Credit Draws	\$7,000,000
DDA Debt Service Fund	\$7,431,611

The Ordinance sets the 2023 Mill Levy for the Fort Collins DDA at five (5) mills, unchanged since tax year 2002. The approved Budget becomes the Downtown Development Authority's financial plan for 2023.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

BACKGROUND / DISCUSSION

The DDA was created in 1981 with the purpose, according to Colorado state statute, of planning and implementing projects and programs within the boundaries of the DDA. By state statute the purpose of the ad valorem tax levied on all real and personal property in the downtown development district, not to exceed five (5) mills, shall be for the budgeted operations of the authority. The DDA and the City adopted a Plan of Development that specifies the projects and programs the DDA would undertake. In order to carry out the purposes of the State statute and the Plan of Development, the City, on behalf of the DDA, has issued various tax increment bonds, which require debt servicing.

The DDA is requesting approval of the DDA Public/Private Investments and Programs budget for fiscal year 2023 in the amount of \$7,800,493 and DDA Operation and Maintenance budget for fiscal year 2023 in the amount of \$2,030,378. It is requesting appropriation of up to \$7,000,000 for the 2023 Line of Credit draws. It is also requesting approval of the DDA debt payment commitments in the amount of \$7,431,611

for 2023 obligations.

The 2023 Public/Private Investments and Program budget is projected as follows:

Uses:

Alley Operations	\$ 121,669
Alley Capital Reserve Replacement	195,420
Alley Design and Construction (Tenney, W Oak)	120,090
Alley Design and Construction Phase 2 (3 alleys)	4,512,836
Alley Trash Enclosure Lease Payments	22,603
Business Marketing and Communications	92,533
Downtown River District Improvements (Willow St)	435,000
Façade Grant Program	377,470
Gateway Entrances	55,000
Nighttime Impact Study	35,000
Oak 140 Project	825,625
Old Town Square Operations	87,445
Old Town Square Capital Reserve Replacement	61,094
Projects and Programs 2022 Reserve	558,046
Tree Canopy Replacement	11,200
Urban Micro-Space Design Plan	113,314
Warehouse Operations	3,680
Other Public/Private Investments & Programs	<u>172,468</u>
Total	\$ 7,800,493

The 2023 Operations and Maintenance budget is projected as follows:

Uses:

Personnel Services	\$ 953,563
Contractual Professional Services	995,021
Purchased Supplies and Commodities	32,273
Other	<u>49,521</u>
Total	\$2,030,378

The 2023 Line of Credit draws, whose debt service payment will be made from the debt service fund, is projected to fund up to \$7,000,000:

Uses:

Old Firehouse Alley Parking Garage IGA Payment	\$ 300,000
Housing Catalyst/FC DDA LLC Loan (Oak140)	121,869
Multi-Year Reimbursement Payments	673,246
Project Management Fees	257,719
Business Marketing and Communications Program	350,200
Capital Asset General Maintenance Obligations	770,403
Capital Asset Replacement Reserve	306,505
Capital Asset Reserve & Replacement Annual Program	147,900
Future Public/Private Investments & Programs	<u>4,072,158</u>
Total	\$7,000,000

The DDA debt service fund is projected to have sufficient revenue to meet the required debt service payments for 2023.

Uses:

Debt Payment: 2023

\$7,431,611

CITY FINANCIAL IMPACTS

Adoption of this Ordinance will have no direct financial impacts on the City and its budget.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

At its September 8, 2022, meeting, the Downtown Development Authority Board of Directors adopted its proposed budget for 2023 totaling \$24,262,482 and determined the mill levy necessary to provide for payment of administrative costs incurred by the DDA. The amount of \$24,262,482 meets the reporting criteria of the City of Fort Collins accounting standards but the DDA would like City Council to be aware that the total amount does not directly reflect the anticipated revenues from Tax Increment or the 5 mills for 2023. The Public/Private Investments and Programs budget of \$7,800,493 are previously appropriated unspent funds of which 58% is dedicated to the design and construction of three alleys in 2023. The repayment of the Line of Credit of \$7,000,000 is reported as part of the Debt Service Payment total and is then reported separately for anticipated uses.

PUBLIC OUTREACH

Not applicable.

ATTACHMENTS

1. Ordinance for Consideration
2. Boundary Map
3. DDA Resolution 2022-03 Determining and Fixing the Mill Levy
4. DDA Resolution 2022-04 Determining and Recommending the 2023 Budget
5. DDA Resolution 2022-05 Appropriation of the 2023 Line of Credit Draw Service
6. DDA Resolution 2022-06 Appropriation for Debt Service
7. DDA Resolution 2022-07 Appropriation of Public-Private Investments & Programs

ORDINANCE NO. 117, 2022
OF THE COUNCIL OF THE CITY OF FORT COLLINS
APPROVING THE FISCAL YEAR 2023 BUDGET, AND BEING THE ANNUAL
APPROPRIATION ORDINANCE FOR THE FORT COLLINS DOWNTOWN
DEVELOPMENT AUTHORITY, AND FIXING THE
MILL LEVY FOR THE DOWNTOWN DEVELOPMENT AUTHORITY
FOR FISCAL YEAR 2023

WHEREAS, the Fort Collins Downtown Development Authority (the “DDA”) has been duly organized in accordance with the Colorado Revised Statutes (“C.R.S.”) Section 31-25-804; and

WHEREAS, on September 8, 1981, the City Council adopted Resolution 81-129 approving DDA’s original Plan of Development dated July 1981, which Plan has been amended several times since 1981 (the “DDA Plan of Development”); and

WHEREAS, on September 8, 2022, DDA Board of Directors (the “DDA Board”), acting under the provisions of C.R.S. Section 31-25-816, adopted a proposed and recommended DDA budget for the fiscal year beginning January 1, 2023, as reflected in DDA Board Resolutions 2022-04, 2022-05, 2022-06 and 2022-07 (the “Budget”), and determined the mill levy necessary to provide for payment during fiscal year 2023 of properly authorized operational and maintenance expenditures to be incurred by the DDA; and

WHEREAS, the DDA anticipates receiving in 2023 tax increment revenues of approximately \$6,789,733 and approximately \$770,659 in revenues from its five-mill property tax for the DDA’s operational and maintenance expenditures; and

WHEREAS, it is the desire of the Council to appropriate the sum of TWENTY-FOUR MILLION, TWO HUNDRED SIXTY-TWO THOUSAND, FOUR HUNDRED EIGHTY-TWO DOLLARS (\$24,262,482) from the DDA Operation and Maintenance Fund and the DDA Debt Service Fund for the fiscal year beginning January 1, 2023, and ending December 31, 2023, to be used as follows:

DDA Public/Private Investments & Programs (O&M Fund)	\$7,800,493
DDA Operations & Maintenance (O&M Fund)	2,030,378
2023 Revolving Line of Credit Draws	7,000,000
DDA Debt Service Fund	<u>7,431,611</u>
Total	\$24,262,482

; and

WHEREAS, the DDA Board, as reflected in DDA Board Resolution 2022-03, has recommended to the Council that pursuant to C.R.S. Section 31-25-817 the Council set a mill levy of five (5) mills upon each dollar of assessed valuation on all taxable property within the DDA District, such levy representing the amount of taxes necessary to provide for payment during the 2023 fiscal year for all properly authorized operational and maintenance expenditures to be incurred by the DDA; and

WHEREAS, the amount of this proposed mill levy is not an increase over prior years and, as such, prior voter approval of the proposed levy is not required under Article X, Section 20 of the Colorado Constitution; and

WHEREAS, C.R.S. Section 39-5-128(1) requires certification of this mill levy to the Larimer County Board of County Commissioners no later than December 15, 2022.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS, as follows:

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That the City Council hereby approves the Budget as provided in C.R.S. Section 31-25-816(1).

Section 3. That there is hereby appropriated for fiscal year 2023 for expenditure from the DDA Operation and Maintenance Fund for the Downtown Development Authority Public/Private Investments and Programs the sum of SEVEN MILLION, EIGHT HUNDRED THOUSAND, FOUR HUNDRED NINETY-THREE DOLLARS (\$7,800,493), to be expended to fund the payment of the DDA-related obligations that have been entered into or will be entered into in furtherance of the DDA Plan of Development.

Section 4. That there is also hereby appropriated for fiscal year 2023 for expenditure from the DDA Operation and Maintenance Fund for the Downtown Development Authority Operation and Maintenance the sum of TWO MILLION, THIRTY THOUSAND, THREE HUNDRED SEVENTY-EIGHT DOLLARS (\$2,030,378), to be expended for the authorized purposes of the DDA.

Section 5. That there is hereby appropriated for fiscal year 2023 for expenditure from the Downtown Development Authority 2023 Line of Credit draws the sum of up to SEVEN MILLION DOLLARS (\$7,000,000), to be used to finance DDA projects or programs in accordance with the DDA Plan of Development including the multi-year reimbursement payments, and capital asset maintenance obligations.

Section 6. That there is hereby appropriated for the fiscal year 2023 for expenditure from the Downtown Development Authority Debt Service Fund the sum of SEVEN MILLION, FOUR HUNDRED THIRTY-ONE THOUSAND, SIX HUNDRED ELEVEN DOLLARS (\$7,431,611), for payment of debt service on a previously issued and outstanding bond, and for payment on the 2023 Line of Credit draws.

Section 7. That the DDA's mill levy rate for the taxation upon each dollar of the assessed valuation of all taxable property within the DDA District shall be five (5) mills to be imposed on the assessed value of such property as set by state law for property taxes payable in 2023, which levy represents the amount of taxes necessary to provide for payment during fiscal year 2023 of all properly authorized operational and maintenance expenditures to be incurred by

the DDA, as appropriated herein. The City Clerk shall certify said mill levy to the County Assessor and the Board of County Commissioners of Larimer County, Colorado, no later than December 15, 2022.

Introduced, considered favorably on first reading, and ordered published this 1st day of November, A.D. 2022, and to be presented for final passage on the 15th day of November, A.D. 2022.

Mayor

ATTEST:

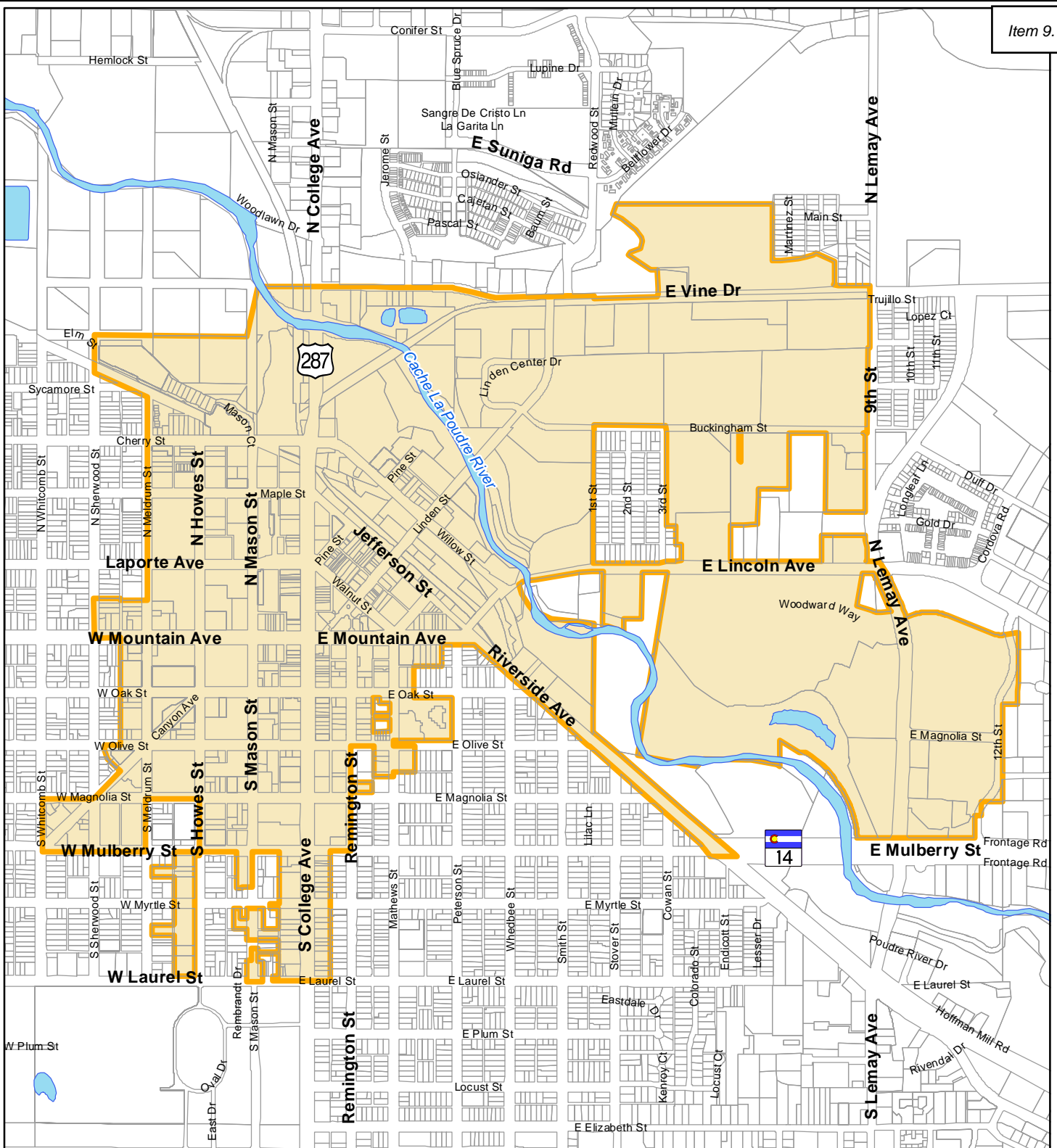
City Clerk

Passed and adopted on final reading on the 15th day of November, A.D. 2022.

Mayor

ATTEST:

City Clerk

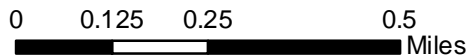


Downtown Development Authority Boundary

Parcels
 DDA Boundary



1 inch = 1,320 feet



Amended: March 7, 2017
 Printed: October 01, 2017

RESOLUTION 2022-03

OF THE BOARD OF DIRECTORS OF THE FORT COLLINS, COLORADO DOWNTOWN DEVELOPMENT AUTHORITY RECOMMENDING TO THE FORT COLLINS CITY COUNCIL THE DETERMINING AND FIXING OF THE MILL LEVY OF THE FORT COLLINS DOWNTOWN DEVELOPMENT AUTHORITY FOR THE FISCAL YEAR ENDING DECEMBER 31, 2023

WHEREAS, The Fort Collins, Colorado Downtown Development Authority (“DDA”) has been duly organized in accordance with the Colorado Revised Statutes 31-25-804, 1973 as amended; and

WHEREAS, the Board of Directors of the DDA finds a mill levy of five (5) mills to be sufficient to meet the operational and maintenance needs of the DDA for fiscal year 2023.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE FORT COLLINS, COLORADO DOWNTOWN DEVELOPMENT AUTHORITY, to recommend to the City Council of the City of Fort Collins the mill levy rate for taxation upon all the taxable property within the boundaries of The Fort Collins, Colorado Downtown Development Authority for the fiscal year ending December 31, 2023 be set at five (5) mills, which mill levy is sufficient to raise ad valorem revenues for the 2023 Operations and Maintenance Budget as approved by the Board of Directors of The Fort Collins, Colorado Downtown Development Authority and which mill levy represents the amount of taxes for The Fort Collins, Colorado Downtown Development Authority. Said mill levy shall be distributed and certified by the County Assessor and the Board of County Commissioners of Larimer County, Colorado by the City Clerk as provided by law.

Passed and adopted at a regular meeting of the Board of Directors of The Fort Collins, Colorado Downtown Development Authority this 8th day of September 2022.



Dwight Hall, Secretary



David Lingle, Chair

RESOLUTION 2022-04

OF THE BOARD OF DIRECTORS OF THE FORT COLLINS, COLORADO DOWNTOWN DEVELOPMENT AUTHORITY APPROVING AND RECOMMENDING TO THE FORT COLLINS CITY COUNCIL THE BUDGET OF THE ESTIMATED AMOUNTS REQUIRED TO PAY THE EXPENSES OF CONDUCTING THE BUSINESS OF THE FORT COLLINS DOWNTOWN DEVELOPMENT AUTHORITY FOR THE FISCAL YEAR ENDING DECEMBER 31, 2023

WHEREAS, The Fort Collins, Colorado Downtown Development Authority (“DDA”) has been duly organized in accordance with the Colorado Revised Statutes 31-25-804, 1973 as amended; and

WHEREAS, the Board of Directors of the DDA shall under Colorado Revised Statutes, 31-25-816, 1973, as amended, adopt a budget of the estimated revenues and expenditures to be received and incurred during fiscal year ending December 31, 2023.

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE FORT COLLINS, COLORADO DOWNTOWN DEVELOPMENT AUTHORITY that the following budget is adopted for the fiscal year ending December 31, 2023 and therefore recommends to the City Council of the City of Fort Collins the adoption of this budget.

Revenues:	
Ad Valorem Taxes	\$770,659
Licenses and Permits	1,800
Auto Specific Ownership Tax	50,000
BMC Gift Card Revenue	555,000
BMC Marketing Admin & Mailing Fee Rev	20,000
BMC Marketing Promotion Fee	20,000
Investment Earnings	5,000
Project Management Fees	257,719
Tax Increment Programs	350,200
TOTAL	\$2,030,378
Expenditures:	
Personnel Services	\$953,563
Contractual Services	995,021
Commodities	32,273
Other	49,521
TOTAL	\$2,030,378

Passed and adopted at a regular meeting of the Board of Directors of The Fort Collins, Colorado Downtown Development Authority this 8th day of September 2022.



 Dwight Hall, Secretary



 David Lingle, Chair

RESOLUTION 2022-05

OF THE BOARD OF DIRECTORS OF THE FORT COLLINS, COLORADO DOWNTOWN DEVELOPMENT AUTHORITY RECOMMENDING TO THE FORT COLLINS CITY COUNCIL THE APPROPRIATION OF UP TO \$7,000,000 (SEVEN MILLION DOLLARS) FROM THE FORT COLLINS DOWNTOWN DEVELOPMENT AUTHORITY 2023 REVOLVING LINE OF CREDIT FOR THE EXPENDITURE ON PROJECTS AND PROGRAMS, ALL IN ACCORDANCE WITH THE DOWNTOWN DEVELOPMENT AUTHORITY PLAN OF DEVELOPMENT

WHEREAS, The Fort Collins, Colorado Downtown Development Authority has been duly organized in accordance with the Colorado Revised Statutes 31-25-804, 1973 as amended; and

WHEREAS, the DDA’s Plan of Development was approved by the City on September 8, 1981, and established the purpose of the DDA and the types of projects in which the DDA would participate; and

WHEREAS, on June 5, 2018 the City Council adopted Ordinance No. 066, 2018 authorizing the renewal of a revolving line of credit to be paid solely with Downtown Development Authority tax increment funds for a six (6) year period to finance DDA projects or programs in accordance with the DDA Plan of Development; and

WHEREAS, the Board of Directors of the DDA has determined that the following projects and programs are in accordance with the Plan of Development, the Downtown Plan and the Downtown Strategic Plan:

EXISTING COMMITMENTS OF \$2,927,842

- Old Firehouse Alley Parking Garage IGA Payment -- \$300,000
- Housing Catalyst/FC DDA LLC Loan (Oak 140) -- \$121,869
- Multi-Year Reimbursement Payments -- \$673,246
- Project Management Fees -- \$257,719
- Business Marketing and Communication Program -- \$350,200
- Capital Asset General Maintenance Obligations -- \$770,403
- Capital Asset Replacement Reserve -- \$306,505
- Capital Asset Reserve & Replacement Annual Program Contribution -- \$147,900

OTHER COSTS OF \$4,072,158

- Future Public/Private Investments & Projects -- \$4,072,158

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE FORT COLLINS, COLORADO DOWNTOWN DEVELOPMENT AUTHORITY, that it recommends to the City Council the appropriation for expenditure from the Downtown Development Authority Fund in accordance with the Downtown Plan of Development of up to Seven Million Dollars (\$7,000,000).

Passed and adopted at a regular meeting of the Board of Directors of The Fort Collins, Colorado Downtown Development Authority this 8th day of September 2022.



Dwight Hall, Secretary



David Lingle, Chair

RESOLUTION 2022-06**OF THE BOARD OF DIRECTORS OF THE FORT COLLINS, COLORADO DOWNTOWN DEVELOPMENT AUTHORITY RECOMMENDING TO THE FORT COLLINS CITY COUNCIL THE APPROPRIATION OF \$7,431,611 (SEVEN MILLION, FOUR HUNDRED THIRTY-ONE THOUSAND, SIX HUNDRED ELEVEN DOLLARS) FROM THE FORT COLLINS DOWNTOWN DEVELOPMENT AUTHORITY DEBT SERVICE FUND FOR PAYMENT OF DEBT SERVICE FOR THE FISCAL YEAR ENDING DECEMBER 31, 2023**

WHEREAS, The Fort Collins, Colorado Downtown Development Authority has been duly organized in accordance with the Colorado Revised Statutes 31-25-804, 1973 as amended; and

WHEREAS, pursuant to Ordinance No. 15, 1983, the City Council of the City of Fort Collins established a special fund consisting of separate accounts for: (1) operation and maintenance expenses of The Fort Collins, Colorado Downtown Development Authority; (2) tax increment funds received by The Fort Collins, Colorado Downtown Development Authority; and (3) project funds consisting of proceeds of bonds, loans, and other forms of indebtedness; and

WHEREAS, Section 2 of Ordinance No. 95, 1987 provides the tax increment monies will be pledged to the payment of principal and interest on Bonds; and

WHEREAS, on June 5, 2018 the City Council adopted Ordinance No. 066, 2018 authorizing the renewal of a revolving line of credit to be paid solely with Downtown Development Authority tax increment funds for a six (6) year period to finance DDA projects or programs in accordance with the DDA Plan of Development; and

WHEREAS, principal and interest on the bonds and the 2023 line of credit draws is due and payable in 2023.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE FORT COLLINS, COLORADO DOWNTOWN DEVELOPMENT AUTHORITY, that it recommends to the City Council of the City of Fort Collins the appropriation for expenditure in 2023 from the tax increment fund, the sum of \$431,611 (Four hundred thirty-one thousand, six hundred eleven dollars) for payment of debt service on outstanding tax increment bonds, and the sum of \$7,000,000 (Seven million dollars) for payment on the 2023 Line of Credit draws.

Passed and adopted at a regular meeting of the Board of Directors of The Fort Collins, Colorado Downtown Development Authority this 8th day of September 2022.



Dwight Hall, Secretary



David Lingle, Chair

**RESOLUTION 2022-07
OF THE BOARD OF DIRECTORS OF THE FORT COLLINS, COLORADO DOWNTOWN DEVELOPMENT
AUTHORITY APPROVING AND RECOMMENDING TO THE FORT COLLINS CITY COUNCIL THE BUDGET OF
THE ESTIMATED AMOUNTS REQUIRED TO PAY THE EXPENSES OF PUBLIC/PRIVATE INVESTMENTS AND
PROGRAMS OF THE FORT COLLINS DOWNTOWN DEVELOPMENT AUTHORITY FOR THE FISCAL YEAR
ENDING DECEMBER 31, 2023**

WHEREAS, The Fort Collins, Colorado Downtown Development Authority (“DDA”) has been duly organized in accordance with the Colorado Revised Statutes 31-25-804, 1973 as amended; and

WHEREAS, the Board of Directors of the DDA shall under Colorado Revised Statutes, 31-25-816, 1973, as amended, adopt a budget of the estimated expenditures to be incurred during fiscal year ending December 31, 2023.

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE FORT COLLINS, COLORADO DOWNTOWN DEVELOPMENT AUTHORITY that the following budget is adopted for public/private investments and programs for the fiscal year ending December 31, 2023 and therefore recommends to the City Council of the City of Fort Collins the adoption of this budget.

Alley Operations	\$121,669
Alley Capital Reserve Replacement	195,420
Alley Design and Construction (W Oak, N Tenney)	120,090
Alley Design and Construction (Harper Goff, Laurel to Myrtle, Olive to Magnolia)	4,512,836
Alley Trash Enclosure Lease Payments	22,603
Business Marketing and Communications	92,533
Downtown River District Improvements (Willow St)	435,000
Façade Grant Program	377,470
Gateway Entrances	55,000
Nighttime Impact Study	35,000
Oak 140 Project	825,625
Old Town Square Operations	87,445
Old Town Square Capital Reserve Replacement	61,094
Projects and Programs 2022 Reserve	558,046
Tree Canopy Replacement	11,200
Urban Micro-Space Design Plan	113,314
Warehouse Operations	3,680
Other Public/Private Investments & Programs	172,468
TOTAL	\$7,800,493

Passed and adopted at a regular meeting of the Board of Directors of The Fort Collins, Colorado Downtown Development Authority this 8th day of September 2022.



Dwight Hall, Secretary



David Lingle, Chair

November 1, 2022



AGENDA ITEM SUMMARY

City Council

STAFF

Jason Licon, Airport Director
Judy Schmidt, Legal

SUBJECT

First Reading of Ordinance No. 118, 2022, Adopting the 2023 Budget and Appropriating the Fort Collins Share of the 2023 Fiscal Year Operating and Capital Improvements Funds for the Northern Colorado Regional Airport.

EXECUTIVE SUMMARY

The purpose of this item is to adopt the 2023 budget for the Northern Colorado Regional Airport and appropriate Fort Collins' share of the 2023 fiscal year operating and capital funds for the Airport. Under the Amended and Restated Intergovernmental Agreement for the Joint Operation of the Airport between Fort Collins and Loveland (the "IGA"), the Airport is operated as a joint venture with each City owning 50% of the assets and revenues and responsible for 50% of the operating and capital costs. The proposed budget does not include any financial contributions from the City's General Fund. Because each City has an ownership interest in 50% of the Airport revenues, each City must appropriate its 50% share of the annual operating and capital budget for the Airport under the IGA.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

BACKGROUND / DISCUSSION

In 1963, the City of Fort Collins and the City of Loveland agreed to the establishment of a regional aviation facility and became owners and operators of the Northern Colorado Regional Airport, located ten miles southeast of downtown Fort Collins, just west of Interstate 25. The Airport is operated as a joint venture between the City of Fort Collins and the City of Loveland, with each city retaining a 50% ownership interest, sharing equally in policy-making and management, and with each assuming responsibility for 50% of the capital and operating costs associated with the Airport. Airport governance and management is set forth in the IGA.

The Airport's mission is: Serving the region, we are a catalyst for innovation in all modes of transportation, a driving force for innovation in business and training, and a global gateway to a magnificent Colorado. According to a 2020 State of Colorado study, the Northern Colorado Airport provides a regional economic impact of approximately \$295,970,000 annually and supports 1,072 area jobs.

All revenues derived from the Airport are applied to both operating and capital expenditures. Each City contributes equal funding, when necessary, for Airport operating and capital needs as defined in the IGA. External funding is also received through grants that are applied for and received by the Airport for eligible

projects from the Federal Aviation Administration and the Colorado Department of Transportation Division of Aeronautics.

This Ordinance appropriates the City's 50% share (\$1,355,650) of the 2023 Airport operating budget (\$2,711,300) and 50% share (\$16,445,834) of the 2023 capital budget (\$32,891,667), for a total appropriation of \$17,801,484 by the City (please refer to Exhibit A to the Ordinance). The City of Loveland will be appropriating the other 50% of the total 2023 Airport budget (\$17,801,484). The Airport's operating budget is used to maintain and operate the facility in compliance with all regulatory standards for safety and security and to achieve goals set by the Northern Colorado Regional Airport Commission on behalf of the Cities. The Airport's capital budget will be used to complete improvement projects, including the design and construction of a new terminal building and associated support infrastructure, the repaving of an existing aircraft taxiway, and design start of a runway widening and repair project.

Financial resources for 2023 are expected from the sources listed below. These include external sources, such as federal and state grants and required grant matches, as well as airport revenues and reserves. These resources will provide the necessary funding for the 2023 operating and capital budgets:

FAA Grants	\$15,000,000
State Grants	\$498,000
State of Colorado ARPA	\$15,000,000
USDOT	\$750,000
Airport Revenues	\$1,805,534
Airport Reserves	<u>\$2,000,000</u>
Total	\$35,053,534

The \$2,000,000 Airport Reserves item is an appropriation as set forth through the IGA for use by the Northern Colorado Regional Airport Commission consistent with the approved 2023 Budget for high priority projects. This Airport Reserve appropriation does not require any additional funding from the Cities.

The Northern Colorado Regional Airport Commission approved the proposed 2023 Airport Budget and recommended it for approval by the Fort Collins and Loveland Councils on September 15, 2022. Loveland's City Council has considered the 2023 Airport budget and it was approved on Second Reading on October 18, 2022.

CITY FINANCIAL IMPACTS

The proposed budget does not include any financial contributions from the City's General Fund. This item appropriates the City's 50% share of the annual budget for fiscal year 2023 for the Northern Colorado Regional Airport, which totals \$17,801,484 and is 50% of the \$35,602,967 total combined 2023 Airport operating and capital budget. The City of Loveland manages the Airport's budget and finances under the IGA; however, each Council must approve the annual budget under the IGA and, since the City of Fort Collins owns 50% of the Airport, it is necessary to appropriate its 50% portion of the total Airport budget.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

Not applicable.

PUBLIC OUTREACH

Not applicable.

ATTACHMENTS

1. Ordinance for Consideration
2. Ordinance Exhibit A
3. Airport Commission Resolution #R-05-2022
4. Northern Colorado Airport Fund Statement

ORDINANCE NO. 118, 2022
 OF THE COUNCIL OF THE CITY OF FORT COLLINS
 ADOPTING THE 2023 BUDGET AND APPROPRIATING THE FORT COLLINS
 SHARE OF THE 2023 FISCAL YEAR OPERATING AND CAPITAL IMPROVEMENT
 FUNDS FOR THE NORTHERN COLORADO REGIONAL AIRPORT

WHEREAS, in 1963, the City of Fort Collins and the City of Loveland (the "Cities") agreed to establish a regional general aviation facility and became owners and operators of the Fort Collins-Loveland Municipal Airport, now known as the Northern Colorado Regional Airport (the "Airport"); and

WHEREAS, the Airport is operated as a joint venture between the Cities, with each city retaining a 50% ownership interest, sharing equally in policy-making and management, and each assuming responsibility for 50% of the Airport's capital and operating costs; and

WHEREAS, pursuant to the Amended and Restated Intergovernmental Agreement for the Joint Operation of the Fort Collins-Loveland Municipal Airport dated January 22, 2015, and the First Amendment to the Amended and Restated Intergovernmental Agreement for the Joint Operation of the Fort Collins-Loveland Municipal Airport, now known as the Northern Colorado Regional Airport dated June 7, 2016, (collectively, the "IGA"), the Airport Manager is responsible for preparing the Airport's annual operating budget and submitting it to the Cities for their approval; and

WHEREAS, under the IGA, the City's share of existing and unanticipated Airport revenue is to be held and disbursed by the City of Loveland as an agent on behalf of the Cities, since the City of Loveland provides finance and accounting services for the Airport; and

WHEREAS, the Airport Manager has submitted for City Council consideration a 2023 Airport budget totaling \$35,602,967 of which the City's 50% share is \$17,801,484 (\$1,355,650 for operations and \$16,445,834 for capital); and

WHEREAS, the City Council is in the process of considering the City's 2023-2024 budget and Ordinance No. 126, 2022, which appropriates \$190,300.88 in City funds for to the Airport operating fund in payment of the City's 50% share of rent due under the approved lease of a portion of the Airport property for operation of the Northern Colorado Regional Law Enforcement Training Center, which amount is included in the Land Lease revenues set forth in the 2023 Airport Budget; and

WHEREAS, pursuant to the IGA, the City of Loveland holds on behalf of both Cities the revenues of, and other financial contributions to, the Airport in a fund, which includes unappropriated and unencumbered reserves (the "Airport Fund"); and

WHEREAS, funding for the Airport's 2023 operating and capital improvement budgets has been identified as follows:

FAA Grants	\$15,000,000
State Grants	\$498,000
State of Colorado ARPA	\$15,000,000
USDOT	\$750,000
Airport Revenues	\$1,805,534
Airport Reserves	<u>\$2,000,000</u>
Total	\$35,053,534

; and

WHEREAS, the City’s 50% share of the 2023 Airport operating costs, to be held in the Airport Fund, is \$1,355,650; and

WHEREAS, the City’s 50% share of the 2023 Airport capital improvement costs, to be held in the Airport fund, is \$16,445,834; and

WHEREAS, the Airport Reserves item is an appropriation for use by the Northern Colorado Regional Airport Commission for discretionary Airport projects; and

WHEREAS, City Finance staff has reviewed the financial statements for the Airport and determined that the requested appropriation of Airport Reserves in the 2023 Airport Budget meets the required limits set forth in the IGA; and

WHEREAS, in accordance with Article V, Section 8(b), of the City Charter, any expense or liability entered into by an agent of the City on behalf of the City, shall not be made unless an appropriation for the same has been made by the City Council; and

WHEREAS, this appropriation benefits the public health, safety and welfare of the residents of Fort Collins and serves the public purpose of enhancing transportation and economic welfare of the City and its residents; and

WHEREAS, this appropriation will not require additional funding from the Cities and is consistent with the IGA.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That the City Council hereby approves and adopts the 2023 Airport operating and capital budget totaling \$17,801,484 (\$1,355,650 for operations and \$16,445,834 for capital), a copy of which is attached hereto as Exhibit “A” and incorporated herein by reference.

Section 3. That the City Council hereby appropriates in the Airport Fund \$1,355,650 to be expended to defray the City’s 50% share of the 2023 operating costs of the Airport.

Section 4. That the City Council hereby appropriates in the Airport Fund \$16,445,834 to be expended to defray the City's 50% share of the 2023 capital costs of the Airport.

Introduced, considered favorably on first reading, and ordered published this 1st day of November, A.D. 2022, and to be presented for final passage on the 15th day of November, A.D. 2022.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading on the 15th day of November, A.D. 2022.

Mayor

ATTEST:

City Clerk

Exhibit A

Item 10.

2023 Proposed Airport Budget



NORTHERN COLORADO
REGIONAL AIRPORT COMMISSION

	2019 Actual	2020 Actual	2021 Actual	2022 Budget	2023 Proposed	Justification	Percent Change
OPERATING REVENUES							
Hangar Rental	131,782	224,059	247,095	242,000	255,000	Increase two year past CPI (2020 & 2021)	5.4%
FBO Rent	92,586	92,586	92,713	94,172	94,134	No change	0.0%
Gas and Oil Commissions	190,731	111,192	265,576	119,000	190,000	This is driven by fuel price and airport activity levels	59.7%
State & County Aircraft Fuel Tax	156,661	119,829	127,754	140,000	166,500	This is driven by fuel price and airport activity levels	18.9%
Land Lease	650,497	694,391	738,561	749,900	891,600	Adjusted for new leases, and CPI lease escalations	18.9%
Terminal Lease and Landing Fees	8,229	5,700	7,160	12,000	5,700	Tied to airline activity	-52.5%
Parking	11,240	4,805	330	75,000	0	Tied to airline activity	-100.0%
Miscellaneous	20,784	23,494	205,476	23,000	31,100	Tied to airline activity	35.2%
TOTAL OPERATING REVENUES	1,262,510	1,276,056	1,684,665	1,455,072	1,634,034	Total	12.3%
OPERATING EXPENSES							
FTE	6	6	6	7.5	9		
Personal Services	596,508	641,868	668,421	827,312	1,089,540	Increase attributed to insurance costs & add one FTE	31.7%
Supplies	72,675	68,129	74,945	100,000	115,400	Inflation adjustments	15.4%
Purchased Services	732,671	513,984	435,275	678,619	1,506,360	\$750,000 Air Service Grant & Inflation adjustments	122.0%
TOTAL OPERATING EXPENSES	1,401,854	1,223,981	1,178,641	1,605,931	2,711,300	Total	68.8%
OPERATING GAIN (LOSS)	(139,344)	52,075	506,023	(195,233)	(1,077,266)		
NONOPERATING REVENUES (EXPENSES)							
City Contributions	355,000	0	0	0	0		
Passenger Facility Charge	0	0	0	65,000	0	No change	N/A
Interest Income	118,764	95,157	(61,294)	75,000	51,000	Finance adjusted investments	-32.0%
Capital Expenditures	(989,250)	(1,481,000)	(3,623,375)	(14,313,373)	(30,891,667)	Increased for anticipated federally funded capital projects	115.8%
TOTAL NONOPERATING REVENUES (EXPENSES)	(515,486)	(1,385,843)	(3,684,669)	(14,173,373)	(30,840,667)		
NET INCOME (LOSS) BEFORE CAPITAL CONTRIBUTIONS	(654,830)	(1,333,768)	(3,178,646)	(14,368,606)	(31,917,933)		
Capital Contributions	892,500	922,000	4,274,041	16,581,373	31,248,000	Terminal Building Construction, Runway Widening Design, potential grants for SCASDG and ARPA	88.5%
CHANGE IN NET POSITION	237,670	(411,768)	1,095,395	2,212,767	(669,933)		
Reserve Appropriation	500,000	500,000	1,000,000	1,000,000	2,000,000	NCRA use for special projects IGA stipulates this amount to be the lesser of 50% of unassigned balances of Airport Operating reserves and Capital Fund or less than 25% of the Airport's annual budget	100.0%

RESOLUTION # R-05-2022

**A RESOLUTION APPROVING THE 2022 AIRPORT BUDGET AND
RECOMMENDING APPROVAL BY THE CITY COUNCILS OF FORT COLLINS
AND LOVELAND**

WHEREAS, the City of Fort Collins (“Fort Collins”) and the City of Loveland (“Loveland”) jointly own and operate the Northern Colorado Regional Airport (the “Airport”) pursuant to that Amended and Restated Intergovernmental Agreement for the Joint Operation of the Fort Collins-Loveland Municipal Airport (the “IGA”), dated January 22, 2015, as amended; and

WHEREAS, pursuant to the IGA, the two Cities formed the Northern Colorado Regional Airport Commission (“Commission”) and granted the Commission certain authority, including the authority to develop the Airport budget; and

WHEREAS, the two Cities reserved to themselves the authority to approve the annual Airport budget and the authority to approve each Cities’ annual contributions to and appropriation of the Airport budget; and

WHEREAS, Airport staff has prepared the annual Airport budget for fiscal year 2023 (the “2023 Airport Budget”) and the Commission has reviewed the 2023 Airport Budget, which is attached hereto as “Exhibit A” and incorporated herein; and

WHEREAS, after such review, the Commission approves the 2023 Airport Budget, and recommends approval by the two City Councils along with appropriation of the necessary funds for such 2023 Airport Budget.

**NOW THEREFORE BE IT RESOLVED BY THE NORTHERN COLORADO
REGIONAL AIRPORT COMMISSION AS FOLLOWS:**

Section 1. That the 2023 Airport Budget attached hereto as “Exhibit A” is hereby approved.

Section 2. That the Commission recommends that the Fort Collins City Council and the Loveland City Council each approve the 2023 Airport Budget. The Commission further recommends that the City Councils approve each City’s annual contributions to and appropriation of the 2023 Airport Budget.

Section 3. That this Resolution shall be effective as of the date and time of its adoption.

ADOPTED this 15th day of September, 2022.



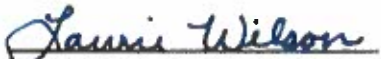
Don Overcash, Chair of the
Northern Colorado Regional Airport Commission

ATTEST:



Secretary

APPROVED AS TO FORM:



Senior Assistant City Attorney

Northern Colorado Regional Airport Fund 600

The Northern Colorado Regional Airport is a separate entity established by the cities of Fort Collins and Loveland. The City of Loveland does not have absolute authority over this fund. However, per the Intergovernmental Agreement between the cities, it is Loveland's responsibility to legally appropriate the budget for the Airport as part of its administrative responsibilities.

Northern Colorado Regional Airport Fund 600

	2021 Actual	2022 Adopted	2022 Revised	2023 Adopted	2022 Adopted/ 2021 Adopted \$ Change	2022 Adopted/ 2021 Adopted % Change
Beginning Fund Balance	\$ 4,454,066	\$ 3,793,435	\$ 4,103,514	\$ 4,549,433	\$ 755,997	19.93%
Revenues by Department						
Fund Administration	5,897,410	18,133,560	18,133,560	33,053,534	14,919,974	82.3%
Total Revenues	\$ 5,897,410	\$ 18,133,560	\$ 18,133,560	\$ 33,053,534	\$ 14,919,974	82.28%
Revenue By Class						
Interest Income	(61,294)	51,000	51,000	51,000	-	0.0%
Intergovern	4,356,144	16,581,373	16,581,373	31,248,000	14,666,627	88.5%
Lease Revenue	366,791	379,900	379,900	391,600	11,700	3.1%
Miscellaneous	123,701	95,500	95,500	144,900	49,400	51.7%
Operating Revenues	1,112,068	1,025,787	1,025,787	1,218,034	192,247	18.7%
Total Revenues	\$ 5,897,410	\$ 18,133,560	\$ 18,133,560	\$ 33,053,534	\$ 14,919,974	82.28%
Expenditures by Department						
Airport	6,247,962	19,074,426	17,687,641	33,602,967	14,528,541	76.2%
Fund Administration	-	-	-	2,000,000	2,000,000	0.0%
Total Expenditures & Capital	\$ 6,247,962	\$ 19,074,426	\$ 17,687,641	\$ 35,602,967	\$ 16,528,541	86.65%
Expenditures by Class						
Personal Services	668,421	827,312	827,312	1,089,540	262,228	31.7%
Supplies	74,945	100,000	100,000	115,400	15,400	15.4%
Purchased Services	411,825	623,664	656,419	1,482,910	859,246	137.8%
Depreciation	1,445,945	-	-	-	-	0.0%
Cost Allocations-Expense	23,450	23,450	23,450	23,450	-	0.0%
Pooled Cash	-	-	-	2,000,000	2,000,000	0.0%
Total Expenditures	\$ 2,624,587	\$ 1,574,426	\$ 1,607,181	\$ 4,711,300	\$ 3,136,874	199.24%
Equipment	-	-	-	75,000	75,000	0.0%
Infrastructure	3,623,375	17,500,000	16,080,460	30,816,667	13,316,667	76.10%
Total Capital Outlay	\$ 3,623,375	\$ 17,500,000	\$ 16,080,460	\$ 30,891,667	\$ 13,391,667	76.52%
Total Expenditures & Capital	\$ 6,247,962	\$ 19,074,426	\$ 17,687,641	\$ 35,602,967	\$ 16,528,541	86.65%
Expenditures by Operating vs. Capital						
Operating & Maintenance	2,624,587	1,574,426	1,607,181	4,711,300	3,136,874	199.24%
Capital & Depreciation	3,623,375	17,500,000	16,080,460	30,891,667	13,391,667	76.52%
Total Expenditures	\$ 6,247,962	\$ 19,074,426	\$ 17,687,641	\$ 35,602,967	\$ 16,528,541	86.65%
<i>Net Income</i>	(350,552)	(940,866)	445,919	(2,549,433)	(1,608,567)	170.97%
Ending Fund Balance	\$ 4,103,514	\$ 2,852,569	\$ 4,549,433	\$ 2,000,000	\$ (852,570)	-29.89%

November 1, 2022



AGENDA ITEM SUMMARY

City Council

STAFF

Nina Bodenhamer, City Give Director
Ted Hewitt, Legal

SUBJECT

First Reading of Ordinance No. 119, 2022, Appropriating Philanthropic Revenue Received Through City Give to Benefit Income-Qualified Youth Sports Programming and Services in the Recreation Department.

EXECUTIVE SUMMARY

The purpose of this item is to request appropriation of \$17,000 in philanthropic revenue received through City Give for Recreation to benefit income-qualified youth sports programming and services.

In 2019, City Give, a formalized enterprise-wide initiative was launched to create a transparent, non-partisan governance structure for the acceptance and appropriations of charitable gifts.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

BACKGROUND / DISCUSSION

The philanthropic revenue is received from Adam Snow, FOCO Snow Charities for the designated purpose to benefit income-qualified youth sports programming and services. The Recreation Discount programs provides children in our community with the opportunity to participate in active and healthy recreational sports and activities that their families might otherwise struggle to afford.

Steak-Out Saloon has been a perennial community giver and for more than eight years, the Steak-Out Scramble has generated tremendous community support through a charity golf event. This year, the Steak Out Saloon Charity Golf Scramble tournament generated \$17,000 in charitable support for the City's Youth Recreational Sports Scholarships which brings Snow Charities total contribution to the City to more than \$80,000.

The Recreation Discount program offers eligible households recreation opportunities with on-line class registration, unlimited drop-in visits to facilities, and significant discounts on activity enrollments for 12 months from date of application approval and pass activation.

CITY FINANCIAL IMPACTS

This Ordinance will appropriate \$17,000 in philanthropic revenue received through City Give for Recreation in the Recreation Fund.

The donated funds have been received and accepted per the City Give Administrative and Financial Policy. The City Manager has also determined that these appropriations are available and previously unappropriated from the designated funds and will not cause the total amount appropriated in these funds to exceed the current estimate of actual and anticipated revenues and all other funds to be received in these funds during fiscal year 2022.

BOARD / COMMISSION RECOMMENDATION

None.

PUBLIC OUTREACH

None.

ATTACHMENTS

1. Ordinance for Consideration

ORDINANCE NO. 119, 2022
OF THE COUNCIL OF THE CITY OF FORT COLLINS
APPROPRIATING PHILANTHROPIC REVENUE RECEIVED THROUGH CITY GIVE TO
BENEFIT INCOME-QUALIFIED YOUTH SPORTS PROGRAMMING AND
SERVICES IN THE RECREATION DEPARTMENT

WHEREAS, City Give has received a generous gift of \$17,000 from Adam Snow of FoCo Snow Charities; and

WHEREAS, the designated purpose of the gift is to fund income-qualified youth sports programming and services; and

WHEREAS, the City's Recreation Discount Program provides children in the community the opportunity to participate in sports and activities that their families might not otherwise be able to afford; and

WHEREAS, this appropriation benefits public health, safety and welfare of the citizens of Fort Collins and serves the public purpose of allowing children in income-qualified families to participate in City recreational programs and services; and

WHEREAS, Article V, Section 9 of the City Charter permits the City Council, upon recommendation of the City Manager, to make a supplemental appropriation by ordinance at any time during the fiscal year, provided that the total amount of such supplemental appropriation, in combination with all previous appropriations for that fiscal year, do not exceed the current estimate of actual and anticipated revenues and all other funds to be received during the fiscal year; and

WHEREAS, the City Manager has recommended the appropriation described herein and determined that this appropriation is available and previously unappropriated from the Recreation Fund and will not cause the total amount appropriated in the Recreation Fund to exceed the current estimate of actual and anticipated revenues and all other funds to be received in this Fund during this fiscal year.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That there is hereby appropriated from new philanthropic revenue in the Recreation Fund the sum of SEVENTEEN THOUSAND DOLLARS (\$17,000) to be expended in the Recreation Fund for income-qualified youth sports programming and services.

Introduced, considered favorably on first reading, and ordered published this 1st day of, November A.D. 2022, and to be presented for final passage on the 15th day of November, A.D. 2022.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading on the 15th day of November, A.D. 2022.

Mayor

ATTEST:

City Clerk

November 1, 2022



AGENDA ITEM SUMMARY

City Council

STAFF

Mallory Gallegos, Interim Director, Transportation Operations
Monica Martinez, PDT FP&A Manager
Aaron Guin, Legal

SUBJECT

First Reading of Ordinance No. 120, 2022, Appropriating Prior Year Reserves in the General Fund and Transportation Services Fund for Snow Removal.

EXECUTIVE SUMMARY

The purpose of this item is to appropriate prior year reserves to cover snow removal costs that have exceeded the 2022 budget. Overspend in the snow budget is driven by severe snowstorms that present cold temperatures, ice, and higher volumes of snow.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

BACKGROUND / DISCUSSION

The 2022 snow budget of \$1,900,000 already has been exceeded by \$1,100,000 bringing actual costs to a total of \$3,000,000. An additional expenditure of \$1,000,000 is estimated for the 2022 October - December snow season which is based on the period's historical average of five storms. Should these storms occur, total overspend for the year would equal \$2,100,000 and total actual spend would equal \$4,220,800. This situation is not unprecedented, as actual snow costs have exceeded budget allocations on a yearly basis for over ten years. In 2021, a year with no significant fall snowstorms, total snow budget costs equaled \$2,800,000. If there had been significant snowstorms, costs likely would have increased by approximately \$200,000 per snowstorm.

Two main factors in the increased costs for snow removal are extremely cold temperatures and large storms. The presence of extremely cold temperatures and/or ice requires the use of more de-icing material to keep roads safe. The need for more de-icing material accounts for almost a third of current expenditures. Other factors impacting the increased cost of snow removal include increases in personnel costs, material costs, and the increase in the number of lane miles.

Underspend in personnel and non-personnel from Planning, Development, and Transportation (PDT) will be used to offset costs as available. The snow removal budget also will be supplemented by available PDT prior year reserve balances. The remaining amount needed for the snow removal budget is requested from General Fund Reserves.

Additionally, supplemental funds need to be appropriated from Harmony Reserves to cover overspend in the snow budget for Harmony Road – Snow Removal. The 2022 Harmony Road snow budget of \$95,800 already has been exceeded by \$74,700. This amount, plus funding for an anticipated \$50,300 in future expenditures, is requested from Harmony Road Fund Reserves.

CITY FINANCIAL IMPACTS

This Ordinance will appropriate \$200,000 of Transportation Services Fund prior year reserves. The funds will be expended to cover costs already incurred, and any additional costs necessary for snow removal and associated costs. Any amount appropriated above actual costs will revert to the Transportation Services Fund Reserves Balance.

Additionally, this Ordinance will appropriate \$1,900,000 from General Fund prior year reserves. These funds will be expended to cover costs already incurred and any additional costs necessary for snow removal and associated costs. Any amount appropriated above actual costs will revert to the General Fund Reserves Balance.

An amount of \$125,000 from the Harmony Road Fund prior year reserves also will be appropriated by this Ordinance. Any amount appropriated above actual costs will revert to the Harmony Road Fund Reserves Balance.

Prior Appropriated Funds	
Prior Appropriated Funds	\$1,975,106
Total Prior Appropriation	\$1,975,106
Funds to be Appropriated with this Action	
Transportation Services Fund Reserves	\$200,000
General Fund Reserves	\$1,920,694
Harmony Road Fund Reserves	\$125,000
Total Funds to be Appropriated per this Action	\$2,245,694
Total Budget (includes Harmony Road Snow Removal)	
	\$4,220,800

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

Not applicable.

PUBLIC OUTREACH

None.

ATTACHMENTS

1. Ordinance for Consideration

ORDINANCE NO. 120, 2022
OF THE COUNCIL OF THE CITY OF FORT COLLINS
APPROPRIATING PRIOR YEAR RESERVES IN THE GENERAL FUND AND
TRANSPORTATION SERVICES FUND FOR SNOW REMOVAL

WHEREAS, the City established a snow removal budget of \$1,900,000 for 2022; and

WHEREAS, the 2022 snow removal budget already has been exceeded by \$1,100,000; and

WHEREAS, in anticipation of snowstorms in October through December of 2022, snow removal costs for 2022 are projected to exceed the 2021 budget by \$2,100,000, for a total of \$4,220,800; and

WHEREAS, the actual costs of snow removal by the City have exceeded annual budget allocations on a yearly basis for more than ten years; and

WHEREAS, two main factors in the increase of snow costs are extremely cold temperatures and large storms, and the presence of extremely cold temperatures requires the use of greater amounts of de-icer material to keep roads safe; and

WHEREAS, the City's need for more de-icer material accounts for nearly a third of the anticipated overspend; and

WHEREAS, large storms such as the one the City experienced in March 2021 drive up costs due to plowing residential roads, removal of downtown snow via truck, and increased costs for sidewalk snow removal; and

WHEREAS, the purpose of this Ordinance is to appropriate \$200,000 of Transportation Services Fund prior year reserves, \$1,920,694 from General Fund prior year reserves, and \$125,000 from Harmony Road Fund prior year reserves to cover costs already incurred and any additional costs necessary for snow removal and associated costs for the remainder of 2022; and

WHEREAS, this appropriation benefits the public health, safety and welfare of the residents of Fort Collins and serves the public purpose of providing community-wide snow removal; and

WHEREAS, Article V, Section 9 of the City Charter permits the City Council, upon the recommendation of the City Manager, to make supplemental appropriations by ordinance at any time during the fiscal year such funds for expenditure as may be available from reserves accumulated in prior years, notwithstanding that such reserves were not previously appropriated; and

WHEREAS, the City Manager has recommended the appropriations described herein and determined that these appropriations are available and previously unappropriated from the General Fund, the Transportation Services Fund, and the Harmony Road Reserves in the Transportation Services Fund, as applicable, and will not cause the total amount appropriated in the General Fund

and the Transportation Services Fund, as applicable, to exceed the current estimate of actual and anticipated revenues and all other funds to be received in these funds during this fiscal year.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That there is hereby appropriated from prior year reserves in the General Fund the sum of ONE MILLION NINE HUNDRED TWENTY THOUSAND SIX HUNDRED NINETY-FOUR DOLLARS (\$1,920,694) to be expended in the General Fund for snow removal.

Section 3. That there is hereby appropriated from prior year reserves in the Transportation Services Fund the sum of TWO HUNDRED THOUSAND DOLLARS (\$200,000) to be expended in the Transportation Services Fund for snow removal.

Section 4. That there is hereby appropriated from prior year reserves in the Harmony Road Reserves in the Transportation Services Fund the sum of ONE HUNDRED TWENTY-FIVE THOUSAND DOLLARS (\$125,000) to be expended in the Transportation Services Fund for snow removal.

Introduced, considered favorably on first reading, and ordered published this 1st day of November, A.D. 2022, and to be presented for final passage on the 15th day of November, A.D. 2022.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading on the 15th day of November, A.D. 2022.

Mayor

ATTEST:

City Clerk

November 1, 2022

AGENDA ITEM SUMMARY

City Council



STAFF

David Lenz, Director, Financial Planning & Analysis
John Duval, Legal

SUBJECT

First Reading of Ordinance No. 121, 2022 Amending Chapter 7.5 of the Code of the City of Fort Collins to Increase for Inflation the Capital Expansion Fees and the Transportation Expansion Fee.

EXECUTIVE SUMMARY

The purpose of this item is to make annual inflation updates effective January 1, 2023, associated with the City's Capital Expansion Fees and its Transportation Expansion Fee. Inflation updates are 8.6% for the Capital Expansion Fees and 7.1% for the Transportation Expansion Fee.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading

BACKGROUND / DISCUSSION

Since the fall of October 2016, staff has worked to coordinate the process for updating all development related impact fees that require Council approval. This resulted in the completion of two studies, the Capital Expansion Fee Study dated August 2016 (CEF Study) for the neighborhood park, community park, fire, police and general government capital expansion fees (CEFs) and the Transportation Capital Expansion Fee Study dated April 2017 (TCEF Study) for transportation capital expansion fee (TEF).

Development related impact fees that are approved by Council are CEFs and TEFs, as well as the five Utility plant investment fees (Utility PIFs).

Type of Fee	Fee Name
Capital Expansion	Neighborhood Park
Capital Expansion	Community Park
Capital Expansion	Fire
Capital Expansion	Police
Capital Expansion	General Government
Capital Expansion	Transportation
Utility	Water Supply Requirement
Utility	Electric Capacity
Utility	Sewer Plant Investment
Utility	Stormwater Plant Investment
Utility	Water Plant Investment

Previously, fee updates were presented to Council on an individual basis. However, it was determined that updates should occur on a regular two and four-year cadence and fees updates should occur together each year to provide a more holistic view of the impact of any fee increases.

Fee coordination includes a detailed fee study analysis for CEFs and the TEF every four years. This is achieved through contracting with an outside consultant with data provided by City staff Findings by the consultant are also verified by City staff. For Utility PIFs, a detailed fee study is planned every two years. These are internal updates by City staff with periodic consultant verification. In the future, fee study analysis will be targeted in the odd year before Budgeting for Outcomes (BFO).

Due to competing work objectives in both 2021 and 2022, the planned study updates to the Capital Expansion Fees and Transportation Capital Expansion fees were deferred, and agreement reached to update the fees to be effective January 1, 2023, would reflect inflation adjustments only. The revised cadence of updates and inflation adjustments is summarized below.

	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027
Capital Expansion Fees		Update	Step II	Step III	Inflation	Inflation	Inflation	Update	Inflation	Inflation	Inflation	Update
Transportation Expansion Fee		Update	Step II		Inflation	Inflation	Inflation	Update	Inflation	Inflation	Inflation	Update
Electric Capacity Fee		Update		Update	Inflation	Update	Inflation	Update	Inflation	Update	Inflation	Update
Water Supply Requirement		Update		Update	Inflation	Update	Inflation	Update	Inflation	Update	Inflation	Update
Water, Sewer, Stormwater PIFs			Update	Update	Inflation	Update	Inflation	Update	Inflation	Update	Inflation	Update

Currently, the work has been re-engaged on both the CEF and TEF updates. The fee study updates are now targeted for completion in 2023. This timeline allows for integration and scoping with other significant City workflows (revenue diversification, East Mulberry annexation evaluation), as well as allowing for more outreach and engagement. The 4-year update cycle originally envisioned will then commence as planned.

The proposed fee updates in the Ordinance to be effective January 1, 2023, only include inflation adjustments for the CEFs and the TEF. (*The adjustments for the Utility PIFs are being presented to Council in a separate agenda item at this meeting*).

As provided in City Code Section 7.5-18, the CPI-U index for Denver-Aurora-Lakewood is used for CEFs inflation (**8.6%**) and the Engineering News Record Construction Cost Index for TEF inflation (**7.1%**). Below is a summary of the inflation adjustments for all six of these fees including the total adjustment for each fee category:

Fees Effective January 2023

Land Use Type	Unit	N'hood Park	Comm. Park	Fire	Police	Gen. Gov't	TEF	Total	Total % Δ
Residential, up to 700 sq. ft.	Dwelling	\$2,108	\$2,977	\$516	\$289	\$703	\$2,703	\$9,296	8.2%
Residential, 701-1,200 sq. ft.	Dwelling	\$2,822	\$3,985	\$698	\$391	\$948	\$5,020	\$13,864	8.1%
Residential, 1,201-1,700 sq. ft.	Dwelling	\$3,082	\$4,351	\$759	\$425	\$1,035	\$6,518	\$16,170	8.0%
Residential, 1,701-2,200 sq. ft.	Dwelling	\$3,114	\$4,396	\$772	\$431	\$1,051	\$7,621	\$17,385	7.9%
Residential, over 2,200 sq. ft.	Dwelling	\$3,470	\$4,901	\$859	\$480	\$1,170	\$8,169	\$19,049	8.0%
Commercial	1,000 sq. ft.	0	0	\$650	\$364	\$1,777	\$9,946	\$12,737	7.4%
Office and Other Services	1,000 sq. ft.	0	0	\$650	\$364	\$1,777	\$7,327	\$10,118	7.5%
Industrial/Warehouse	1,000 sq. ft.	0	0	\$152	\$85	\$419	\$2,365	\$3,021	7.5%

For comparison purposes, the 2021 Fee updates (effective January 1, 2022) were 1.9% for the CEFs and 7.4% for the TEF.

CITY FINANCIAL IMPACTS

Fee updates will result in increases to fee payers. Total impact to City finances will be dependent on level of development activity.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

Reviewed Capital Expansion Fee update schedules with Council Finance Committee on April 7, 2022. Agreement to proceed with the revised schedule presented above and the update for fees effective January 1, 2023, would reflect inflation adjustments only.

PUBLIC OUTREACH

None.

ATTACHMENTS

1. Ordinance for Consideration
2. Council Finance Committee Minutes, April 7, 2022 (excerpt)

ORDINANCE NO. 121, 2022
 OF THE COUNCIL OF THE CITY OF FORT COLLINS
 AMENDING CHAPTER 7.5 OF THE CODE OF THE CITY OF FORT
 COLLINS TO INCREASE FOR INFLATION THE CAPITAL EXPANSION FEES AND THE
 TRANSPORTATION EXPANSION FEE

WHEREAS, the City is a home rule municipality having the full right of self-government in local and municipal matters under the provisions of Article XX, Section 6 of the Colorado Constitution; and

WHEREAS, among the City's home rule powers is the power to regulate, as a matter of purely local and municipal concern, the development of real property within the City and establish impact fees for such development; and

WHEREAS, the City Council has determined that new development should contribute its proportionate share of providing the capital improvements that are typically funded with impact fees; and

WHEREAS, the City Council has broad legislative discretion in determining the appropriate funding mechanisms for financing the construction of public facilities in the City; and

WHEREAS, Article II of City Code Chapter 7.5 imposes as an impact fee on new development capital expansion fees for community parkland, police, fire protection and general government (collectively, "CEFs") and a transportation expansion fee (the "TEF"); and

WHEREAS, Article V of City Code Chapter 7.5 imposes as an impact fee on new development a capital expansion fee for neighborhood parkland (the "Neighborhood Parkland CEF"); and

WHEREAS, City Code Section 7.5-18 provides that the CEFs and the TEF are to be increased or decreased annually for inflation; and

WHEREAS, the CEFs are to be increased or decreased annually according to the Denver-Boulder Consumer Price Index for Urban Consumers, as published by the Bureau of Labor Statistics (the "CEF Inflation Factor"); and

WHEREAS, the TEF is to be increased or decreased annually according to the Engineering News Record Denver Regional Construction Cost Index (the "TEF Inflation Factor"); and

WHEREAS, the CEF Inflation Factor increased by 8.6% in 2022 and the TEF Inflation Factor increased by 7.1% in 2022; and

WHEREAS, the City Council has determined that it is in the best interest of the City and its residents and necessary for the protection of the public's health, safety and welfare, that effective January 1, 2023, the CEFs and the Neighborhood CEF should be increased for inflation by 8.6% and the TEF should be increased for inflation by 7.1%, as hereafter provided.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That Section 7.5-28(a) of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 7.5-28. - Community parkland capital expansion fee.

(a) There is hereby established a community parkland capital expansion fee which shall be imposed pursuant to the provisions of this Article for the purpose of funding capital improvements related to the provision of community parks, as such improvements may be identified in the capital improvements plan for community parkland. Such fee shall be payable prior to the issuance of any building permit for a residential structure. The amount of such fee shall be determined per dwelling unit as follows:

	20212	As of January 1, 20223
Resid., up to 700 sq. ft.	\$2,690.00 2,741.00	\$2,741.00 2,977.00
Resid., 701 to 1,200 sq. ft.	3,601.00 3,669.00	3,669.00 3,985.00
Resid., 1,201 to 1,700 sq. ft.	3,932.00 4,007.00	4,007.00 4,351.00
Resid., 1,701 to 2,200 sq. ft.	3,973.00 4,048.00	4,048.00 4,396.00
Resid., over 2,201 sq. ft.	4,429.00 4,513.00	4,513.00 4,901.00

In the case of duplexes and multi-family structures, the amount of the fee for each dwelling unit shall be based upon the average size of the dwelling units contained within each such structure.

Section 3. That Section 7.5-29(a) of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 7.5-29. - Police capital expansion fee.

(a) There is hereby established a police capital expansion fee which shall be imposed pursuant to the provisions of this Article for the purpose of funding capital improvements related to the provision of police services, as such improvements may be identified in the capital improvements plan for police services. Such fee shall be payable prior to the issuance of any building permit for a residential, commercial or industrial structure. The amount of such fee shall be determined as follows:

	2021 2	As of January 1, 2022 3
Resid., up to 700 sq. ft.	\$ 261.00 266.00	\$ 266.00 289.00
Resid., 701 to 1,200 sq. ft.	353.00 360.00	360.00 391.00
Resid., 1,201 to 1,700 sq. ft.	384.00 391.00	391.00 425.00
Resid., 1,701 to 2,200 sq. ft.	390.00 397.00	397.00 431.00
Resid., over 2,200 sq. ft.	434.00 442.00	442.00 480.00
Commercial buildings (per 1,000 sq. ft.)	329.00 335.00	335.00 364.00
Industrial buildings (per 1,000 sq. ft.)	76.00 78.00	78.00 85.00

In the case of duplexes and multi-family structures, the amount of the fee for each dwelling unit shall be based upon the average size of the dwelling units contained within each such structure.

Section 4. That Section 7.5-30(a) of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 7.5-30. - Fire protection capital expansion fee.

- (a) There is hereby established a fire protection capital expansion fee which shall be imposed pursuant to the provisions of this Article for the purpose of funding capital improvements related to the provision of fire services, as such improvements may be identified in the capital improvements plan for fire protection services. Such fee shall be payable prior to the issuance of any building permit for a residential, commercial or industrial structure. The amount of such fee shall be determined as follows:

	2021 2	As of January 1, 2022 3
Resid., up to 700 sq. ft.	\$ 466.00 475.00	\$ 475.00 516.00
Resid., 701 to 1,200 sq. ft.	631.00 643.00	643.00 698.00
Resid., 1,201 to 1,700 sq. ft.	686.00 699.00	699.00 759.00
Resid., 1,701 to 2,200 sq. ft.	697.00 711.00	711.00 772.00
Resid., over 2,200 sq. ft.	776.00 791.00	791.00 859.00
Commercial buildings (per 1,000 sq. ft.)	588.00 599.00	599.00 650.00
Industrial buildings (per 1,000 sq. ft.)	137.00 140.00	140.00 152.00

In the case of duplexes and multi-family structures, the amount of the fee for each dwelling unit shall be based upon the average size of the dwelling units contained within each such structure.

Section 5. That Section 7.5-31(a) of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 7.5-31. - General governmental capital expansion fee.

(a) There is hereby established a general governmental capital expansion fee which shall be imposed pursuant to the provisions of this Article for the purpose of funding capital improvements related to the provision of general governmental services, as such improvements may be identified in the capital improvements plan for general governmental services. Such fee shall be payable prior to the issuance of any building permit for a residential, commercial or industrial structure. The amount of such fee shall be determined as follows:

	2021	As of January 1, 2023
Resid., up to 700 sq. ft.	\$ 635.00 647.00	\$647.00703.00
Resid., 701 to 1,200 sq. ft.	857.00 873.00	873.00948.00
Resid., 1,201 to 1,700 sq. ft.	935.00 953.00	953.001,035.00
Resid., 1,701 to 2,200 sq. ft.	950.00 968.00	968.001,051.00
Resid., over 2,200 sq. ft.	1,057.00 1,077.00	1,077.001,170.00
Commercial buildings (per 1,000 sq. ft.)	1,606.00 1,637.00	1,637.001,777.00
Industrial buildings (per 1,000 sq. ft.)	379.00 386.00	386.00419.00

In the case of duplexes and multi-family structures, the amount of the fee for each dwelling unit shall be based upon the average size of the dwelling units contained within each such structure.

Section 6. That Section 7.5-32 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 7.5-32. - Transportation expansion fee.

There is hereby established a transportation expansion fee which shall be imposed pursuant to the provisions of this Article for the purpose of funding transportation improvements related to the provision of transportation services. Such fees shall be payable prior to the issuance of any building permit for a residential, commercial or industrial structure. These fees shall be deposited in the “transportation improvements fund” established in § 8-87. The amount of such fee shall be determined as follows:

TRANSPORTATION EXPANSION FEE SCHEDULE

	20212	As of January 1, 20223
Resid., up to 700 sq. ft.	\$2,349.00 2,523.00	\$2,523.00 2,703.00
Resid., 701 to 1,200 sq. ft.	4,362.00 4,686.00	4,686.00 5,020.00
Resid., 1,201 to 1,700 sq. ft.	5,664.00 6,085.00	6,085.00 6,518.00
Resid., 1,701 to 2,200 sq. ft.	6,623.00 7,115.00	7,115.00 7,621.00
Resid., over 2,200 sq. ft.	7,099.00 7,626.00	7,626.00 8,169.00
Commercial	8,642.00 9,285.00	9,285.00 9,946.00
Office and Other Services	6,367.00 6,840.00	6,840.00 7,327.00
Industrial/Warehouse	2,055.00 2,208.00	2,208.00 2,365.00

Section 7. That Section 7.5-71(b) of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 7.5-71. - Neighborhood parkland capital expansion fee.

(b) The amount of the fee established in this Section shall be determined for each dwelling unit as follows:

	20212	As of January 1, 20223
Resid., up to 700 sq. ft.	\$1,905.00 1,941.00	\$1,941.00 2,108.00
Resid., 701 to 1,200 sq. ft.	2,550.00 2,599.00	2,599.00 2,822.00
Resid., 1,201 to 1,700 sq. ft.	2,785.00 2,838.00	2,838.00 3,082.00
Resid., 1,701 to 2,200 sq. ft.	2,814.00 2,867.00	2,867.00 3,114.00
Resid., over 2,200 sq. ft.	3,136.00 3,196.00	3,196.00 3,470.00

Introduced, considered favorably on first reading, and ordered published this 1st day of November, A.D. 2022, and to be presented for final passage on the 15th day of November, A.D. 2022.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading on the 15th day of November, A.D. 2022.

Mayor

ATTEST:

City Clerk



Council Finance Committee Meeting Minutes - Excerpt
April 7, 2022

B. 2023 Capital Expansion Fee Updates

Dave Lenz, Director Financial Planning & Analysis

EXECUTIVE SUMMARY

Since 2016, City staff has made significant changes to how we determine, update, and communicate the various development related impact fees that require City Council approval. Through coordination across service areas and functional teams, the City has consolidated the approach and attempted to consolidate the cadence of updates to City Council for approval of all fee changes. This update focuses primarily on the Capital Expansion Fee updates that are currently under way.

GENERAL DIRECTION SOUGHT AND SPECIFIC QUESTIONS TO BE ANSWERED

What questions or input does Council Finance Committee have related to the Capital Expansion Fee Update?

BACKGROUND/DISCUSSION

Since the fall of October 2016, staff has worked to coordinate the process for updating all development related impact fees that require Council approval. This resulted in the completion of two studies, the Capital Expansion Fee Study dated August 2016 (CEF Study) for the neighborhood park, community park, fire, police, and general government capital expansion fees (CEFs) and the Transportation Capital Expansion Fee Study dated April 2017 (TCEF Study) for the transportation capital expansion fee (TCEF).

Development related impact fees that are approved by Council are CEFs, TCEFs, and five Utility plant investment fees (Utility PIFs).

Type of Fee	Fee Name
Capital Expansion	Neighborhood Park
Capital Expansion	Community Park
Capital Expansion	Fire
Capital Expansion	Police
Capital Expansion	General Government
Capital Expansion	Transportation
Utility	Water Supply Requirement
Utility	Electric Capacity
Utility	Sewer Plant Investment
Utility	Stormwater Plant Investment
Utility	Water Plant Investment

Previously, fee updates were presented to Council on an individual basis. However, it was determined that updates should occur on a regular two and four-year cadence and fees updates should occur together each year to provide a more holistic view of the impact of any fee increases.

Fee coordination includes a detailed fee study analysis for CEFs and the TCEF every four years. This is achieved through contracting with an outside consultant with data provided by City staff Findings by the consultant are also verified by City staff. For Utility PIFs, a detailed fee study is planned every two years. These are internal updates by City staff with periodic consultant verification. In the future, fee study analysis will be targeted in the odd year before Budgeting for Outcomes (BFO). In years without an update, an inflation adjustment occurs.

Additionally, a comprehensive Development Review and Building Permit Fee Study update was also completed in 2019. Due to a number of factors, the implementation of the new fee structure was delayed until January 2022.

Given the nature and magnitude of some of the fee updates, a phased approach was followed for implementation of the updated structures. The original schedule is highlighted below.

	2016	2017	2018	2019	2020	2021	2022
Capital Expansion Fees		Update	Step II	Step III	Inflation	Update	Inflation
Transportation Expansion Fee		Update	Step II		Inflation	Update	Inflation
Electric Capacity Fee		Update		Update	Inflation	Update	Inflation
Water Supply Requirement		Update		Update	Inflation	Update	Inflation
Water, Sewer, Stormwater PIFs			Update	Update	Inflation	Update	Inflation

Due to competing work objectives in 2021, the planned updates to the Capital Expansion Fees and Transportation Capital Expansion fees were deferred in the spring of 2021.

Currently, the work has been re-engaged on both the CEF and TCEF updates. Staff are evaluating study work plans and efforts in conjunction with other City-wide workstreams. Two options are under consideration for the projects.

- **Option 1** would accelerate the completion of the two studies in 2022 and return the update cadence to the original timeframe. The TCEF study was started in 2021 and paused in Q2. This option allows quicker re-engagement with the existing consultant.
- **Option 2** would have the fee updates targeted for completion in 2023. Pursuing this path could allow for potential integration and scoping with other significant workflows (revenue diversification, East Mulberry annexation evaluation), as well as allow for more fulsome outreach and engagement. The 4-year update cycle would then commence as planned.

The two scenario timeframes and update schedules are highlighted below.

Option 1

	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027
Capital Expansion Fees		Update	Step II	Step III	Inflation	Inflation	Update	Inflation	Inflation	Update	Inflation	Inflation
Transportation Expansion Fee		Update	Step II		Inflation	Inflation	Update	Inflation	Inflation	Update	Inflation	Inflation
Electric Capacity Fee		Update		Update	Inflation	Update	Inflation	Update	Inflation	Update	Inflation	Update
Water Supply Requirement		Update		Update	Inflation	Update	Inflation	Update	Inflation	Update	Inflation	Update
Water, Sewer, Stormwater PIFs			Update	Update	Inflation	Update	Inflation	Update	Inflation	Update	Inflation	Update

Option 2

	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027
Capital Expansion Fees		Update	Step II	Step III	Inflation	Inflation	Inflation	Update	Inflation	Inflation	Inflation	Update
Transportation Expansion Fee		Update	Step II		Inflation	Inflation	Inflation	Update	Inflation	Inflation	Inflation	Update
Electric Capacity Fee		Update		Update	Inflation	Update	Inflation	Update	Inflation	Update	Inflation	Update
Water Supply Requirement		Update		Update	Inflation	Update	Inflation	Update	Inflation	Update	Inflation	Update
Water, Sewer, Stormwater PIFs			Update	Update	Inflation	Update	Inflation	Update	Inflation	Update	Inflation	Update

DISCUSSION / NEXT STEPS:

GENERAL DIRECTION SOUGHT AND SPECIFIC QUESTIONS TO BE ANSWERED

What questions or input does Council Finance Committee have related to the Capital Expansion Fee Update?

Julie Pignataro; confirming that option 2 is the staff recommendation

Dave Lenz; yes, as a finance staff that is where we come down, there are other workstreams outside of ours – but we are central to a number of these workstreams; Revenue Diversification, Capital Expansion Fees, the Mulberry Annexation project too which has a number of resources on the finance side

Julie Pignataro; would one cost more in terms of person hours or collection or non-collection of fees?

Dave Lenz; the work itself would be the same regardless of the option – the big concern I have in updating these is thinking about some of the options for revenue diversification that might be integrated into this - if we have better definition about direction on one of those options we have the ability to adjust the study to reflect that potential for a different structure

Kelly Ohlson; disagree with staff recommendation for 2 - I think we should pull the plug on East Mulberry Annexation now – but that is not our discussion today
How sophisticated are we in the inflation rates we are charging?

Land inflation rates around here are very different than the standard inflation rate which is different for street projects (where asphalt went up) which is different from rates for construction
Standard one size fits all inflation rate

Travis Storin; the transportation capital expansion fee is indexed to construction inflation. The other 5 components - parks around construction or land acquisition and when you get to general government, fire and police is where you might see more of a plain vanilla consumer price index

Dave Lenz; it is a single index that reflects that - It is a more general inflationary component for those other key pieces and that is what we have based on the code that has been established - Transportation uses one indices reflective of that component and the rest of the fees are related to a general CPI – Denver, Boulder, Front Range inflationary fee

Kelly Ohlson; so, when we do this again I hope our model gets a little more sophisticated

The development review and building permit fee study was completed in 2019 and should have started January 1, 2020 (pre Covid) What are the real reasons for a full 2-year delay in implementing? What a two-year lag?

Dave Lenz; the study was completed in late 2019 but I don't think it was ever the intent to update those fees as of 1/1/20.

Travis Storin; on the development review side we had some software challenges from the permit side

Monica Martinez; Ocella platform - at that time Ocella had other significant projects - that is where the initial delay came from and then that was compounded by Covid

Caryn Champine; adding a bit of context, we made an intentional decision to not raise fees for customers because it was more of a policy choice given the pandemic and the constraints that businesses were experiencing we felt that coming out with increased customer fee was not the most contextually sensitive piece.

Kelly Ohlson; I guess I am an option 2 because I think Mulberry Annexation may go away and I am more troubled that we only use the standard inflation rate rather that something a bit more sophisticated

If we do option 2 – I am less enthusiast going to the wall for future new fees and taxes – I don't know when we have discussed this – was talked about in detail from 2005 – 2013 to get these on a regular schedule and to do regular updates and the interim inflation figures – this is not something new - we have been struggling with this for 17 years

Travis Storin; in terms of the two options, we are positioned and ready to do either one
There is enough runway to do a 1/1/23 implementation date. We are interested in getting back on the 4-year cadence for the reasons that you stated



Fees Effective January 2022

Land Use Type	Unit	N'hood Park	Comm. Park	Fire	Police	Gen. Gov't	TCEF	Total	Total % Δ
Residential, up to 700 sq. ft.	Dwelling	\$1,941	\$2,741	\$475	\$266	\$647	\$2,523	\$8,594	3.5%
Residential, 701-1,200 sq. ft.	Dwelling	\$2,599	\$3,669	\$643	\$360	\$873	\$4,686	\$12,830	3.9%
Residential, 1,201-1,700 sq. ft.	Dwelling	\$2,838	\$4,007	\$699	\$391	\$953	\$6,085	\$14,973	4.1%
Residential, 1,701-2,200 sq. ft.	Dwelling	\$2,867	\$4,048	\$711	\$397	\$968	\$7,115	\$16,106	4.3%
Residential, over 2,200 sq. ft.	Dwelling	\$3,196	\$4,513	\$791	\$442	\$1,077	\$7,626	\$17,645	4.2%
Commercial	1,000 sq. ft.	0	0	\$599	\$335	\$1,637	\$9,285	\$11,855	6.2%
Office and Other Services	1,000 sq. ft.	0	0	\$599	\$335	\$1,637	\$6,840	\$9,411	5.9%
Industrial/Warehouse	1,000 sq. ft.	0	0	\$140	\$78	\$386	\$2,208	\$2,811	6.2%

Kelly Ohlson; Slide - #15 Appendix (see above)

if you look at Land Use Type / Residential - Neighborhood Parks
Jumps are not in proportion
Between 1200 and 1700 sq. ft it goes up \$239
Between 1200 and 2200 sq ft it only goes up \$29

Dave Lenz; yes, I don't have the detail around why the fees are varied

Kelly Ohlson; different – jumping around – why would that be the case?

Emily Francis; regarding the same slide, why don't we charge commercial businesses for parks?

Dave Lenz; residents are driving the need for community / neighborhood parks

Travis Storin; when it comes to Council being able to establish a nexus for fees – fees have to exist to recover the cost of delivering services – if we don't associate any costs of delivering service for these land use types then we don't have the basis with which to establish a fee

John Duval; the way you describe it is accurate - I would add that in the constitutionality of fees one of the key points is that the fee payers must reasonably benefit from the payment of those fees. In the past the analysis has been that parks are used by residents not companies. I can't say there is any case law that gives us clear direction on this but that gives us the analysis.

Emily Francis; I disagree – I think that commercial businesses do benefit from having a park nearby. To confirm these capital expansion fees are the same fees we are talking about when we talk about how to pay for our parks, transportation, and housing.

Travis Storin; the parks fees we have suggested reconfiguring the code to allow for us to perform asset replacement work in existing parks whereas right now these fees can only be used for new park acquisition. They are one and the same.

Emily Francis; does that impact either of the timelines if we are talking about updating those?

Travis Storin; that was part of the rationale behind the recommendation for option 2 was to allow some integration with the ongoing revenue work but they are not mutually exclusive, and Council could update them for 1/1/23 and then still revisit them earlier than a 4-year cadence if they so desire - you would not be restricted around the revenue conversation based on which option you indicate your comfort with today

Emily Francis; when do we decide if we are going to update our methodology?

Travis Storin; so that is the fee study that is referenced, every 4 years we do a fee study and for the other 3 years you see inflationary updates. During those fee studies, we revisit the methodology, the legal nexus, and the assumptions that feed into the financial models that produce the pricing of the fee.

Emily Francis; I would like to choose the option that is more predictable and consistent for the end user. Smaller more frequent incremental increases are better than a large increase in one year. I don't know which approach is more consistent for the end user.

Dave Lenz; we are going to have cadence of updates that will hopefully be regular – when we do the full fee study update, we may come to a result that says this is too much to bring in at one point in time if it is a significant change – when they did the initial study some of those fees were graduated in over time. Ideally it won't result - we haven't decided to change the nexus – dependent on making a decision to change the code

Emily Francis; Option 2 would make more sense –mainly because I don't want us to do it and then re do it. Giving us the time to do it well makes more sense to me.

Julie Pignataro; appreciate Emily questions and Kelly's concerns – I am almost at 6 of one or half dozen of the other at this point - which would make me lean toward option 2 - your preference and staff's recommendation

Kelly Ohlson; delay in fees costs us – do we have any context for the amount per year – cost of delay?

If we are going to look at how we are doing parks fees to include refresh then it probably makes sense to get it done all at once.

Travis Storin; message received around sophistication in the inflation rates for the pricing models

Across our 6 fee categories – (excluding Utilities) \$11M per year of revenue

Each 1% of inflation that would be missed out on could be \$100K - \$110K per year

But again, with inflation rising as fast as it is - we will be making adjustments

Kelly Ohlson; not massive amounts of money – we are talking a relatively small amount of money – I had heard in the past a much more significant number

Travis Storin; low 6 figures – I am going off of 2020 revenue

Kelly Ohlson; less than \$1M

Travis Storin; yea

Kelly Ohlson - Let's make sure we do it right with the methodology inflation and the different in the size of the homes – let's have a state-of-the-art thing – I can live with Option 2

Travis Storin; it actually creates more pain the longer you wait to update fees so delays are as unattractive for staff as they would be from a policy making standpoint - firm commitment

Kelly Ohlson; when we don't do it – then you have that sticker shock

Travis Storin; summary / action items;

- 1) Support for Option #2 by consensus
- 2) Clear direction around the use of construction or land-based indices for inflation in the 3 off years the next time we update fees

Kelly Ohlson; and justification to explain to Council for the weird numbers on the appendix slide

November 1, 2022

AGENDA ITEM SUMMARY

City Council



STAFF

Sue Beck-Ferkiss, Social Policy and Housing Program Manager
Ingrid Decker, Legal

SUBJECT

Items Related to an Affordable Housing Development Incentives Grant from the Colorado Department of Local Affairs for Kechter Townhomes.

EXECUTIVE SUMMARY

A. Resolution 2022-109 Authorizing the Mayor to Execute an Intergovernmental Grant Agreement for an Affordable Housing Development Incentives Grant from the Colorado Department of Local Affairs.

B. First Reading of Ordinance No. 122, 2022, Making Supplemental Appropriations in the General Fund of Grant Proceeds from the Colorado Department of Local Affairs for the Kechter Townhomes Project.

The purpose of this item is to consider a Resolution authorizing execution of a state Grant Agreement providing \$2.2 million to pay water and wastewater tap and permit fees to the Fort Collins-Loveland Water District for the Kechter Townhomes project and adoption of an Ordinance making an appropriation of unanticipated grant revenue in the General Fund. In November of 2021, the City sold a property from the Land Bank Program located at 3620 Kechter Road to Kechter TWG, LLLP for the purpose of building 54 permanently affordable townhomes. The City applied for and was awarded a grant from the Colorado Department of Local Affairs (DOLA) to support water and wastewater utility costs associated with this development. This item seeks approval of the intergovernmental grant agreement and authority to spend the grant proceeds.

STAFF RECOMMENDATION

Staff recommends adoption of the Resolution and the Ordinance on First Reading.

BACKGROUND / DISCUSSION

The City applied for and was awarded an Affordable Housing Development Incentives Grant from DOLA in the amount of \$2.2 million to mitigate water and wastewater costs for the Kechter Townhomes development currently under construction at 3620 Kechter Road. To formally accept this grant funding, Council needs to take two actions: 1) approve an Intergovernmental Grant Agreement between the State and the City, and 2) appropriate unanticipated grant revenue to enable disbursement of the grant proceeds.

Affordable Housing Development Incentives Grant Background:

Colorado House Bill 21-1271 created the Affordable Housing Development Incentives Grant program to provide grants to local governments to develop one or more affordable housing developments in their community that are livable, vibrant, and driven by community benefits.

These grants can be used for infrastructure and amenities that support affordable housing projects. This grant program is funded through the State's American Recovery Plan Act (ARPA) allocation and must be spent by June 2024.

Funding of approximately \$37,728,000 is available in phases. A first round for Catalyst projects was launched for projects that exceeded grant requirements, were ready to implement quickly and had demonstration value. The goal of this Catalyst round is to complete exemplary and innovative examples of affordable housing projects or programs, to celebrate local governments who have made strong commitments in reducing barriers to affordable housing development, and to support time-sensitive projects ready for investment that will serve as examples for applicants in the main round of funding. The Kechter Townhomes development was one of 14 projects awarded funding in the Catalyst round.

Fort Collins Grant Milestones:

- Staff submitted the Kechter Townhome project for consideration under the Catalyst round of the Affordable Housing Development Incentives Grant Program for funding on October 21, 2021 through an initial Letter of Intent because the project:
 - exceeded grant guidelines,
 - was shovel-ready but still had a funding gap due to increased costs, and
 - had demonstration value for future affordable home ownership projects.
- On January 21, 2022, the City was formally invited to apply to the Catalyst round of funding.
- On February 15, 2022, City Council passed Resolution 2022-029 supporting a grant application for the Kechter Townhomes project and an application was submitted in March.
- In May 2022 the City was awarded the full \$2.2 million request to mitigate water and wastewater costs associated with the construction of affordable housing at Kechter Townhomes. Award Letter attached.
- The State's Intergovernmental Agreement, attached as an exhibit to the Resolution, requires City Council's approval and the Mayor's signature. Additionally, an appropriation is sought to allow for the use of these funds.

Project History:

The Kechter Townhomes project is the result of a 2017 Council priority seeking to develop a property held in the City's Affordable Housing Land Bank Program as permanently affordable for-sale homes. After two Request for Proposal (RFP) processes, a partnership team was assembled in 2019 for the purpose of developing 54 permanently affordable for-sale townhomes, now known as Kechter Townhomes. The partnership is led by TWG (developer) and includes Elevation Community Land Trust (ECLT) and Housing Catalyst (HC).

Following formation of this partnership, the City sold the 5 acre land bank parcel for \$25,000 in order to use the value of the land to subsidize the development via Ordinance No. 128, 2021. The value of the land has also been used as the required in-kind match for this State grant funding. A summary of subsidy for the project before this grant, including the City's contributions to date, is included below:

Investor	Per Unit	Typical Subsidy Amount	Total Subsidy
Elevations Community Land Trust (cash)	\$48,500	\$30,000	\$2,619,000
Division of Housing (cash)	\$27,500	\$15,000	\$1,485,000
City of Fort Collins (in kind - land value)	\$21,759	\$38,970 (\$50K for for-sale)	\$1,175,000
	\$97,759 total subsidy per unit		\$5.28M total subsidy

Despite the efforts of all partners to acquire needed subsidy for the project, escalating construction costs resulted in a significant gap in the project's financing. This State grant funding will pay utility costs and reduce the funding gap, ensuring that the project is able to complete construction without unnecessary delay. Construction on Kechter Townhomes began in April 2022 and is expected to take 18 months. When completed, the development will be sold to ECLT who will retain ownership of the land and sell the homes to generations of income-qualified buyers. This innovative partnership will result in the first permanently affordable for-sale homes in the City's affordable housing inventory.

Policy Alignment:

This grant implements the City's Housing Strategic Plan and vision that "everyone has healthy, stable housing they can afford" by funding the first permanently affordable for-sale homes in the City's affordable housing inventory. It specifically supports Strategy 19 – Bolster city land bank activity by allocating additional funding to the program. This project addresses housing stability, the escalating costs of building housing, leverages City funding with unanticipated revenue, and provides needed affordable homes that will be permanently affordable for generations of income-qualified households.

CITY FINANCIAL IMPACTS

The City has been awarded a state-funded grant from DOLA in the amount of \$2.2M to provide cash incentives for fees for construction of new affordable housing at Kechter Townhomes. The grant will be administered on a reimbursement basis; funds will be spent and reimbursed to the General Fund monthly or as expended. The City will receive an interim reimbursement payment in the amount of \$2,090,000 and a final payment of \$110,000 upon substantial completion of the project and all required reports, for a total award of \$2,200,000.

The City's in-kind contribution of the 5-acre land bank parcel satisfies the matching requirement for the grant. The City sold the property to the project for \$25,000. This contribution is valued at \$1,175,000.

There is no additional financial impact to the City of Fort Collins. These funds will directly benefit the Kechter Townhome development and will be cost neutral to the City.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

At the February 3, 2022, meeting, the Affordable Housing Board supported the application for this grant.

PUBLIC OUTREACH

This matter was discussed at the February 3, 2022, meeting of the Affordable Housing Board which was open to the public. The Resolution supporting the grant application was on the Consent Agenda for the February 15, 2022, City Council meeting that was also open to the public. No additional outreach was conducted on this grant award.

ATTACHMENTS

1. Resolution for Consideration
2. Resolution Exhibit A
3. Ordinance for Consideration
4. Grant Award Letter
5. Affordable Housing Board Minutes

RESOLUTION 2022-109
 OF THE COUNCIL OF THE CITY OF FORT COLLINS
 AUTHORIZING THE MAYOR TO EXECUTE AN
 INTERGOVERNMENTAL GRANT AGREEMENT FOR AN
 AFFORDABLE HOUSING DEVELOPMENT INCENTIVES GRANT FROM THE
 COLORADO DEPARTMENT OF LOCAL AFFAIRS

WHEREAS, in 2021 the Colorado General Assembly passed H.B.21-1271, creating the Affordable Housing Development Incentives Grant program, managed by the Colorado Department of Local Affairs (DOLA), to provide grants to local governments to develop one or more affordable housing developments in their communities; and

WHEREAS, grants funds can be used to offset tap fees, infrastructure costs, and other needs and amenities that support affordable housing projects; and

WHEREAS, in January 2022 DOLA invited the City to apply in the “Catalyst” round of funding for a grant of \$2.2 million; and

WHEREAS, Catalyst projects must be shovel-ready, exceed the requirements of the grant guidelines, have demonstration value, and be able to spend the funds by June of 2024; and

WHEREAS, on November 2, 2021, the City Council adopted Ordinance No. 138, 2021, authorizing the conveyance of the City-owned Affordable Housing Land Bank Property at 3620 Kechter Road to TWG, LLLP, to construct an affordable home-ownership townhome project (the “Project”); and

WHEREAS, the Project still has a funding gap currently being covered by loans from development partners to the Project; and

WHEREAS, on February 15, 2022, the City Council adopted Resolution 2022-029 supporting a grant application for a Catalyst grant to be used to pay water and wastewater tap fees for the Project to the Fort Collins – Loveland Water District; and

WHEREAS, DOLA has awarded the City a grant of \$2.2 million (the “Grant”) to be used for such purposes, subject to the City’s execution of an Intergovernmental Grant Agreement between the City and DOLA in substantially the form attached as Exhibit “A” and incorporated herein by reference (the “IGA”); and

WHEREAS, the City will pass applicable obligations of the IGA on to TWG, LLLP, through a sub-grant agreement between the City and TWG, LLLP; and

WHEREAS, Section 29-1-203 of the Colorado Revised Statutes provides that government may cooperate or contract with one another to provide certain services or facilities when such cooperation or contracts are authorized by each party thereto with the approval of its legislative body or other authority having the power to so approve; and

WHEREAS, Article II, Section 16 of the City Charter empowers the City Council, by ordinance or resolution, to enter into contracts with governmental bodies to furnish governmental services and make charges for such services, or enter into cooperative or joint activities with other governmental bodies; and

WHEREAS, City Code Section 1-22 requires the City Council to approve intergovernmental agreements that require the City to make a direct monetary payment over \$50,000; and

WHEREAS, the Grant requires a City match, and DOLA considers the City’s sale of the Kechter Road Land Bank parcel to the Project for significantly less than fair market value pursuant to Ordinance No. 138, 2021, a total subsidy of approximately \$1,175,000, to be the City’s in-kind match for the Grant funds.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That the City Council hereby authorizes the Mayor to execute the Intergovernmental Grant Agreement with DOLA in substantially the form attached as Exhibit “A”, including such additional terms and conditions as the City Manager, in consultation with the City Attorney determines to be necessary and appropriate to protect the interests of the City or effectuate the purposes of this Resolution.

Passed and adopted at a regular meeting of the Council of the City of Fort Collins this 1st day of November, A.D. 2022.

Mayor

ATTEST:

City Clerk

State of Colorado Intergovernmental Grant Agreement for SLFRF

COVER PAGE

State Agency DEPARTMENT OF LOCAL AFFAIRS		Agreement CMS Number 176941	
Grantee City of Fort Collins		CORE Doc ID Number	
SAM UEI Number LXN8TU3HC2Y4		Agreement Performance Beginning Date The later of the Effective Date or June 28, 2022	
Agreement Maximum Amount		Agreement Expiration Date March 31, 2024	
Initial Term		Retainage (5%)	
State Fiscal Year 2023	\$2,200,000.00	\$110,000.00	
Extension Terms			
State Fiscal Year 20xx	\$0.00	\$0.00	
State Fiscal Year 20xx	\$0.00	\$0.00	
State Fiscal Year 20xx	\$0.00	\$0.00	
Total for All State Fiscal Years	\$2,200,000.00	\$110,000.00	
Agreement Title and Purpose <u>IHOI-INC003 Fort Collins Kechter Townhomes</u> The Project consists of providing cash incentives for construction of new affordable workforce housing in Fort Collins, Colorado.			
Exhibits and Order of Precedence The following Exhibits and attachments are included with this Agreement: <ul style="list-style-type: none"> 1. Exhibit A, Statement of Work. 2. Exhibit B, Sample Option Letter. 3. Exhibit C, Budget. 4. Exhibit D, Federal Provisions. 5. Exhibit E, Agreement with Subrecipient of Federal Recovery Funds 6. Exhibit F, SLFRF Subrecipient Quarterly Report 7. Exhibit G, SLFRF Reporting Modification Form <p>In the event of a conflict or inconsistency between this Agreement and any Exhibit or attachment, such conflict or inconsistency shall be resolved by reference to the documents in the following order of priority:</p> <ul style="list-style-type: none"> 1. Exhibit D, Federal Provisions 2. Exhibit E, Agreement with Subrecipient of Federal Recovery Funds 3. Colorado Special Provisions in §17 of the main body of this Agreement 4. Any executed Amendment or Option Letter/Exhibit B to this Agreement 5. The provisions of the other sections of the main body of this Agreement 6. Exhibit A, Statement of Work 7. Exhibit C, Budget 8. Exhibit F, SLFRF Subrecipient Quarterly Report 9. Exhibit G, SLFRF Reporting Modification Form 			
Principal Representatives			
For the State:		For Grantee:	
Chantal Unfug, Director, Division of Local Government		Jeni Arndt, Mayor	
Department of Local Affairs		City of Fort Collins	
1313 Sherman Street, Room 521		PO Box 580	
Denver, CO 80203		Fort Collins, CO 80522	
chantal.unfug@state.co.us		jarndt@fcgov.com	

EXHIBIT A

Item 14.

FEDERAL AWARD(S) APPLICABLE TO THIS GRANT AWARD

Federal Awarding Agency	US Department of the Treasury
Grant Program	Coronavirus State and Local Fiscal Recovery Funds
Assistance Listing Number	21.027
Federal Award Number	SLFRP0126
Federal Award Date *	May 18, 2021
Federal Award End Date	December 31, 2024
Federal Statutory Authority	Title VI of the Social Security Act, Section 602
Total Amount of Federal Award (<i>this is <u>not</u> the award amount of this Intergovernmental Grant Agreement</i>)	\$3,828,761,790

* Funds may not be available through the Federal Award End Date subject to the provisions in §2 and §5 below.

THE REST OF THIS PAGE INTENTIONALLY LEFT BLANK

SIGNATURE PAGE

THE SIGNATORIES LISTED BELOW AUTHORIZE THIS GRANT

<p style="text-align: center;">GRANTEE CITY OF FORT COLLINS</p> <hr/> <p>By: <u>Jeni Arndt</u></p> <p>Title: <u>Mayor</u></p> <p>Date: _____</p> <p>APPROVED AS TO FORM:</p> <hr/> <p>Sr. Assistant City Attorney</p>	<p style="text-align: center;">STATE OF COLORADO Jared S. Polis, Governor DEPARTMENT OF LOCAL AFFAIRS Rick M. Garcia, Executive Director</p> <hr/> <p style="text-align: center;">By: Rick M. Garcia, Executive Director</p> <p style="text-align: center;">Date: _____</p> <hr/> <p style="text-align: center;">DEPARTMENT OF LOCAL AFFAIRS PROGRAM REVIEWER</p> <hr/> <p style="text-align: center;">By: Mitch Hendrick, IHOI Program Manager</p> <p style="text-align: center;">Date: _____</p>
<p>In accordance with §24-30-202 C.R.S., this Agreement is not valid until signed and dated below by the State Controller or an authorized delegate (the “Effective Date”).</p>	
<p><u>STATE CONTROLLER</u> <u>Robert Jaros, CPA, MBA, JD</u></p> <hr style="width: 30%; margin: 10px auto;"/> <p style="text-align: center;">By: Beulah Messick, Controller Delegate Department of Local Affairs</p> <p style="text-align: center;">Effective Date: _____</p>	

VCUST# 14149 ADDR CODE CN005 EFT DLG Portal # IHOI-INC003

THE REST OF THIS PAGE INTENTIONALLY LEFT BLANK

1. GRANT

As of the Agreement Effective Date, the State Agency shown on the first page of this Intergovernmental Grant Agreement (the “State”) hereby obligates and awards to Grantee shown on the first page of this Intergovernmental Grant Agreement (the “Grantee”) an award of Grant Funds in the amounts shown on the first page of this Intergovernmental Grant Agreement. By accepting the Grant Funds provided under this Intergovernmental Grant Agreement, Grantee agrees to comply with the terms and conditions of this Intergovernmental Grant Agreement and requirements and provisions of all Exhibits to this Intergovernmental Grant Agreement.

2. TERM

A. Initial Grant Term and Extension

The Parties’ respective performances under this Intergovernmental Grant Agreement shall commence on the Agreement Effective Date and shall terminate on the Agreement Expiration Date unless sooner terminated or further extended in accordance with the terms of this Intergovernmental Grant Agreement. Upon request of Grantee, the State may, in its sole discretion, extend the term of this Intergovernmental Grant Agreement by providing Grantee with an updated Intergovernmental Grant Agreement or executed Amendment or executed Option Letter showing the new Agreement Expiration Date. If the Work will be performed in multiple phases, the period of performance start and end date of each phase is detailed under the Project Schedule in **Exhibit A**.

B. Early Termination in the Public Interest

The State is entering into this Intergovernmental Grant Agreement to serve the public interest of the State of Colorado as determined by its Governor, General Assembly, or Courts. If this Intergovernmental Grant Agreement ceases to further the public interest of the State or if State, Federal or other funds used for this Intergovernmental Grant Agreement are not appropriated, or otherwise become unavailable to fund this Intergovernmental Grant Agreement, the State, in its discretion, may terminate this Intergovernmental Grant Agreement in whole or in part by providing written notice to Grantee that includes, to the extent practicable, the public interest justification for the termination. If the State terminates this Intergovernmental Grant Agreement in the public interest, the State shall pay Grantee an amount equal to the percentage of the total reimbursement payable under this Intergovernmental Grant Agreement that corresponds to the percentage of Work satisfactorily completed, as determined by the State, less payments previously made. Additionally, the State, in its discretion, may reimburse Grantee for a portion of actual, out-of-pocket expenses not otherwise reimbursed under this Intergovernmental Grant Agreement that are incurred by Grantee and are directly attributable to the uncompleted portion of Grantee’s obligations, provided that the sum of any and all reimbursements shall not exceed the maximum amount payable to Grantee hereunder. This subsection shall not apply to a termination of this Intergovernmental Grant Agreement by the State for breach by Grantee.

C. Grantee’s Termination Under Federal Requirements

Grantee may request termination of this Grant by sending notice to the State, or to the Federal Awarding Agency with a copy to the State, which includes the reasons for the termination and the effective date of the termination. If this Grant is terminated in this manner, then Grantee shall return any advanced payments made for work that will not be performed prior to the effective date of the termination.

3. DEFINITIONS

The following terms shall be construed and interpreted as follows:

- A. “**Agreement Effective Date**” means the Agreement Effective Date shown on the first page of this Intergovernmental Grant Agreement.
- B. “**Agreement Expiration Date**” means the Agreement Expiration Date shown on the first page of this Intergovernmental Grant Agreement.
- C. “**Budget**” means the budget for the Work described in **Exhibit C**.
- D. “**Business Day**” means any day in which the State is open and conducting business, but shall not include Saturday, Sunday or any day on which the State observes one of the holidays listed in §24-11-101(1), C.R.S.
- E. “**CJI**” means criminal justice information collected by criminal justice agencies needed for the performance of their authorized functions, including, without limitation, all information defined as criminal justice information by the U.S. Department of Justice, Federal Bureau of Investigation, Criminal Justice Information Services Security Policy, as amended and all Criminal Justice Records as defined under §24-72-302, C.R.S.
- F. “**CORA**” means the Colorado Open Records Act, §§24-72-200.1, *et seq.*, C.R.S.
- G. “**Exhibits**” exhibits and attachments included with this Intergovernmental Grant Agreement as shown on the first page of this Agreement.
- H. “**Extension Term**” means the period of time by which the Agreement Expiration Date is extended by the State through delivery of an executed amendment or option letter to this Intergovernmental Grant Agreement.
- I. “**Federal Award**” means an award of Federal financial assistance or a cost-reimbursement contract under the Federal Acquisition Regulations by a Federal Awarding Agency to the Recipient. “Federal Award” also means an agreement setting forth the terms and conditions of the Federal Award. The term does not include payments to a contractor or payments to an individual that is a beneficiary of a Federal program.
- J. “**Federal Awarding Agency**” means a Federal agency providing a Federal Award to a Recipient. The U.S. Department of the Treasury (“Treasury”) is the Federal Awarding Agency for the Federal Award which is the subject of this Grant.
- K. “**Goods**” means any movable material acquired, produced, or delivered by Grantee as set forth in this Intergovernmental Grant Agreement and shall include any movable material acquired, produced, or delivered by Grantee in connection with the Services.
- L. “**Grant**” means this Intergovernmental Grant Agreement.
- M. “**Grant Funds**” means the SLFRF funds that have been appropriated, designated, encumbered, or otherwise made available for payment by the State under this Intergovernmental Grant Agreement.
- N. “**Incident**” means any accidental or deliberate event that results in or constitutes an imminent threat of the unauthorized access or disclosure of State Confidential Information or of the unauthorized modification, disruption, or destruction of any State Records.

- O.** “**Initial Term**” means the time period between the Agreement Effective Date and the Agreement Expiration Date at the time of execution.
- P.** “**Intergovernmental Grant Agreement**” means this Agreement which offers Grant Funds to Grantee, including all attached Exhibits, all documents incorporated by reference, all referenced statutes, rules and cited authorities, and any future updates thereto.
- Q.** “**Matching Funds**” means the funds provided by Grantee as a match required to receive the Grant Funds.
- R.** “**Party**” means the State or Grantee, and “**Parties**” means both the State and Grantee.
- S.** “**PCI**” means payment card information including any data related to credit card holders’ names, credit card numbers, or the other credit card information as may be protected by state or federal law.
- T.** “**PII**” means personally identifiable information including, without limitation, any information maintained by the State about an individual that can be used to distinguish or trace an individual’s identity, such as name, social security number, date and place of birth, mother’s maiden name, or biometric records; and any other information that is linked or linkable to an individual, such as medical, educational, financial, and employment information. PII includes, but is not limited to, all information defined as personally identifiable information in §§24-72-501 and 24-73-101, C.R.S.
- U.** “**PHI**” means any protected health information, including, without limitation any information whether oral or recorded in any form or medium: (i) that relates to the past, present or future physical or mental condition of an individual; the provision of health care to an individual; or the past, present or future payment for the provision of health care to an individual; and (ii) that identifies the individual or with respect to which there is a reasonable basis to believe the information can be used to identify the individual. PHI includes, but is not limited to, any information defined as Individually Identifiable Health Information by the federal Health Insurance Portability and Accountability Act.
- V.** “**Recipient**” means the State Agency shown on the first page of this Intergovernmental Grant Agreement, for the purposes of the Federal Award.
- W.** “**Services**” means the services to be performed by Grantee as set forth in this Intergovernmental Grant Agreement, and shall include any services to be rendered by Grantee in connection with the Goods.
- X.** “**SLFRF**” means the Coronavirus State and Local Fiscal Recovery Funds program, a part of the American Rescue Plan (Pub L. No. 117-2 (March 11, 2021)).
- Y.** “**State Confidential Information**” means any and all State Records not subject to disclosure under CORA. State Confidential Information shall include, but is not limited to, PII, PHI, PCI, Tax Information, CJI, and State personnel records not subject to disclosure under CORA. State Confidential Information shall not include information or data concerning individuals that is not deemed confidential but nevertheless belongs to the State, which has been communicated, furnished, or disclosed by the State to Contractor which (i) is subject to disclosure pursuant to CORA; (ii) is already known to Contractor without restrictions at the time of its disclosure to Contractor; (iii) is or subsequently becomes publicly available without breach of any obligation owed by Contractor to the State; (iv) is disclosed to Contractor, without confidentiality obligations, by a third party who has the right to disclose

such information; or (v) was independently developed without reliance on any State Confidential Information.

- Z.** “**State Fiscal Rules**” means the fiscal rules promulgated by the Colorado State Controller pursuant to §24-30-202(13)(a), C.R.S.
- AA.** “**State Fiscal Year**” means a 12 month period beginning on July 1 of each calendar year and ending on June 30 of the following calendar year. If a single calendar year follows the term, then it means the State Fiscal Year ending in that calendar year.
- BB.** “**State Records**” means any and all State data, information, and records, regardless of physical form, including, but not limited to, information subject to disclosure under CORA.
- CC.** “**Sub-Award**” means this Grant by the State (a Recipient) to Grantee (a Subrecipient) funded in whole or in part by a Federal Award. The terms and conditions of the Federal Award flow down to this Sub-Award unless the terms and conditions of the Federal Award specifically indicate otherwise.
- DD.** “**Subcontractor**” means third-parties, if any, engaged by Grantee to aid in performance of the Work. “Subcontractor” also includes sub-grantees.
- EE.** “**Subrecipient**” means a state, local government, Indian tribe, institution of higher education (IHE), or nonprofit organization entity that receives a Sub-Award from a Recipient to carry out part of a Federal program, but does not include an individual that is a beneficiary of such program. A Subrecipient may also be a recipient of other Federal Awards directly from a Federal Awarding Agency. For the purposes of this Grant, Grantee is a Subrecipient.
- FF.** “**Tax Information**” means Federal and State of Colorado tax information including, without limitation, Federal and State tax returns, return information, and such other tax-related information as may be protected by Federal and State law and regulation. Tax Information includes, but is not limited to all information defined as Federal tax information in Internal Revenue Service Publication 1075.
- GG.** “**Uniform Guidance**” means the Office of Management and Budget Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, 2 CFR Part 200, commonly known as the “Super Circular, which supersedes requirements from OMB Circulars A-21, A-87, A-110, A-122, A-89, A-102, and A-133, and the guidance in Circular A-50 on Single Audit Act follow-up.
- HH.** “**Work**” means the delivery of the Goods and performance of the Services described in this Intergovernmental Grant Agreement.
- II.** “**Work Product**” means the tangible and intangible results of the Work, whether finished or unfinished, including drafts. Work Product includes, but is not limited to, documents, text, software (including source code), research, reports, proposals, specifications, plans, notes, studies, data, images, photographs, negatives, pictures, drawings, designs, models, surveys, maps, materials, ideas, concepts, know-how, and any other results of the Work. “Work Product” does not include any material that was developed prior to the Agreement Effective Date that is used, without modification, in the performance of the Work.

Any other term used in this Intergovernmental Grant Agreement that is defined in an Exhibit shall be construed and interpreted as defined in that Exhibit.

4. STATEMENT OF WORK

Grantee shall complete the Work as described in this Intergovernmental Grant Agreement and in accordance with the provisions of **Exhibit A**. The State shall have no liability to compensate or reimburse Grantee for the delivery of any goods or the performance of any services that are not specifically set forth in this Intergovernmental Grant Agreement.

5. PAYMENTS TO GRANTEE

A. Maximum Amount

Payments to Grantee are limited to the unpaid, obligated balance of the Grant Funds. The State shall not pay Grantee any amount under this Grant that exceeds the Grant Amount for each State Fiscal Year shown on the first page of this Intergovernmental Grant Agreement. Financial obligations of the State payable after the current State Fiscal Year are contingent upon funds for that purpose being appropriated, budgeted, and otherwise made available. The State shall not be liable to pay or reimburse Grantee for any Work performed or expense incurred before the Agreement Effective Date or after the Agreement Expiration Date; provided, however, that Work performed and expenses incurred by Grantee before the Agreement Effective Date that are chargeable to an active Federal Award may be submitted for reimbursement as permitted by the terms of the Federal Award.

B. Federal Recovery

The close out of a Federal Award does not affect the right of the Federal Awarding Agency or the State to disallow costs and recover funds on the basis of a later audit or other review. Any cost disallowance recovery is to be made within the Record Retention Period, as defined below.

C. Matching Funds

Grantee shall provide the Local Match Amount shown and described in **Exhibit A** (the "Local Match Amount"). Grantee shall appropriate and allocate all Local Match Amounts to the purpose of this Intergovernmental Grant Agreement each fiscal year prior to accepting any Grant Funds for that fiscal year. Grantee does not by accepting this Intergovernmental Grant Agreement irrevocably pledge present cash reserves for payments in future fiscal years, and this Intergovernmental Grant Agreement is not intended to create a multiple-fiscal year debt of Grantee. Grantee shall not pay or be liable for any claimed interest, late charges, fees, taxes or penalties of any nature, except as required by Grantee's laws or policies.

D. Reimbursement of Grantee Costs

The State shall reimburse Grantee's allowable costs, not exceeding the maximum total amount described in this Intergovernmental Grant Agreement for all allowable costs described in this Intergovernmental Grant Agreement and shown in the Budget. The State shall reimburse Grantee for the Federal share of properly documented allowable costs related to the Work after the State's review and approval thereof, subject to the provisions of this Grant. The State shall only reimburse allowable costs if those costs are: **(i)** reasonable and necessary to accomplish the Work and for the Goods and Services provided; and **(ii)** equal to the actual net cost to Grantee (i.e. the price paid minus any items of value received by Grantee that reduce the cost actually incurred).

E. Close Out

Grantee shall close out this Grant **within 45 days** after the Agreement Expiration Date. To complete close out, Grantee shall submit to the State all deliverables (including documentation) as defined in this Intergovernmental Grant Agreement and Grantee's final reimbursement request or invoice. The State will withhold 5% of allowable costs until all final documentation has been submitted and accepted by the State as substantially complete. If the Federal Awarding Agency has not closed this Federal Award within 1 year and 90 days after the Agreement Expiration Date due to Grantee's failure to submit required documentation, then Grantee may be prohibited from applying for new Federal Awards through the State until such documentation is submitted and accepted.

6. REPORTING - NOTIFICATION**A. Performance and Final Status**

Grantee shall submit all financial, performance and other reports to the State no later than the end of the close out described in §5.E, containing an evaluation and review of Grantee's performance and the final status of Grantee's obligations hereunder.

B. Violations Reporting

Grantee shall disclose, in a timely manner, in writing to the State and the Federal Awarding Agency, all violations of federal or State criminal law involving fraud, bribery, or gratuity violations potentially affecting the Federal Award. The State or the Federal Awarding Agency may impose any penalties for noncompliance allowed under 2 CFR Part 180 and 31 U.S.C. 3321, which may include, without limitation, suspension or debarment.

7. GRANTEE RECORDS**A. Maintenance and Inspection**

Grantee shall make, keep, and maintain, all records, documents, communications, notes and other written materials, electronic media files, and communications, pertaining in any manner to this Grant for a period of five years following the completion of the close out of this Grant. Grantee shall permit the State to audit, inspect, examine, excerpt, copy and transcribe all such records during normal business hours at Grantee's office or place of business, unless the State determines that an audit or inspection is required without notice at a different time to protect the interests of the State.

B. Monitoring

The State will monitor Grantee's performance of its obligations under this Intergovernmental Grant Agreement using procedures as determined by the State. Grantee shall allow the State to perform all monitoring required by the Uniform Guidance, based on the State's risk analysis of Grantee. The State shall have the right, in its sole discretion, to change its monitoring procedures and requirements at any time during the term of this Agreement. The State shall monitor Grantee's performance in a manner that does not unduly interfere with Grantee's performance of the Work. If Grantee enters into a subcontract or subgrant with an entity that would also be considered a Subrecipient, then the subcontract or subgrant entered into by Grantee shall contain provisions permitting both Grantee and the State to perform all monitoring of that Subcontractor in accordance with the Uniform Guidance.

C. Final Audit Report

Grantee shall promptly submit to the State a copy of any final audit report of an audit performed on Grantee's records that relates to or affects this Grant or the Work, whether the audit is conducted by Grantee or a third party. Additionally, if Grantee is required to perform a single audit under 2 CFR 200.501, *et seq.*, then Grantee shall submit a copy of the results of that audit to the State within the same timelines as the submission to the federal government.

8. CONFIDENTIAL INFORMATION-STATE RECORDS**A. Confidentiality**

Grantee shall hold and maintain, and cause all Subcontractors to hold and maintain, any and all State Records that the State provides or makes available to Grantee for the sole and exclusive benefit of the State, unless those State Records are otherwise publically available at the time of disclosure or are subject to disclosure by Grantee under CORA. Grantee shall not, without prior written approval of the State, use for Grantee's own benefit, publish, copy, or otherwise disclose to any third party, or permit the use by any third party for its benefit or to the detriment of the State, any State Records, except as otherwise stated in this Intergovernmental Grant Agreement. Grantee shall provide for the security of all State Confidential Information in accordance with all policies promulgated by the Colorado Office of Information Security and all applicable laws, rules, policies, publications, and guidelines. If Grantee or any of its Subcontractors will or may receive the following types of data, Grantee or its Subcontractors shall provide for the security of such data according to the following: (i) the most recently promulgated IRS Publication 1075 for all Tax Information and in accordance with the Safeguarding Requirements for Federal Tax Information attached to this Grant as an Exhibit, if applicable, (ii) the most recently updated PCI Data Security Standard from the PCI Security Standards Council for all PCI, (iii) the most recently issued version of the U.S. Department of Justice, Federal Bureau of Investigation, Criminal Justice Information Services Security Policy for all CJI, and (iv) the federal Health Insurance Portability and Accountability Act for all PHI and the HIPAA Business Associate Agreement attached to this Grant, if applicable. Grantee shall immediately forward any request or demand for State Records to the State's principal representative.

B. Other Entity Access and Nondisclosure Agreements

Grantee may provide State Records to its agents, employees, assigns and Subcontractors as necessary to perform the Work, but shall restrict access to State Confidential Information to those agents, employees, assigns and Subcontractors who require access to perform their obligations under this Intergovernmental Grant Agreement. Grantee shall ensure all such agents, employees, assigns, and Subcontractors sign nondisclosure agreements with provisions at least as protective as those in this Grant, and that the nondisclosure agreements are in force at all times the agent, employee, assign or Subcontractor has access to any State Confidential Information. Grantee shall provide copies of those signed nondisclosure restrictions to the State upon request.

C. Use, Security, and Retention

Grantee shall use, hold and maintain State Confidential Information in compliance with any and all applicable laws and regulations in facilities located within the United States, and shall maintain a secure environment that ensures confidentiality of all State Confidential Information wherever located. Grantee shall provide the State with access, subject to

Grantee's reasonable security requirements, for purposes of inspecting and monitoring access and use of State Confidential Information and evaluating security control effectiveness. Upon the expiration or termination of this Grant, Grantee shall return State Records provided to Grantee or destroy such State Records and certify to the State that it has done so, as directed by the State. If Grantee is prevented by law or regulation from returning or destroying State Confidential Information, Grantee warrants it will guarantee the confidentiality of, and cease to use, such State Confidential Information.

D. Incident Notice and Remediation

If Grantee becomes aware of any Incident, it shall notify the State immediately and cooperate with the State regarding recovery, remediation, and the necessity to involve law enforcement, as determined by the State. After an Incident, Grantee shall take steps to reduce the risk of incurring a similar type of Incident in the future as directed by the State, which may include, but is not limited to, developing and implementing a remediation plan that is approved by the State at no additional cost to the State.

E. Safeguarding PII

If Grantee or any of its Subcontractors will or may receive PII under this Agreement, Grantee shall provide for the security of such PII, in a manner and form acceptable to the State, including, without limitation, State non-disclosure requirements, use of appropriate technology, security practices, computer access security, data access security, data storage encryption, data transmission encryption, security inspections, and audits. Grantee shall be a "Third-Party Service Provider" as defined in §24-73-103(1)(i), C.R.S. and shall maintain security procedures and practices consistent with §§24-73-101 *et seq.*, C.R.S.

9. CONFLICTS OF INTEREST

Grantee shall not engage in any business or activities, or maintain any relationships that conflict in any way with the full performance of the obligations of Grantee under this Grant. Grantee acknowledges that, with respect to this Grant, even the appearance of a conflict of interest shall be harmful to the State's interests and absent the State's prior written approval, Grantee shall refrain from any practices, activities or relationships that reasonably appear to be in conflict with the full performance of Grantee's obligations under this Grant. If a conflict or the appearance of a conflict arises, or if Grantee is uncertain whether a conflict or the appearance of a conflict has arisen, Grantee shall submit to the State a disclosure statement setting forth the relevant details for the State's consideration.

10. INSURANCE

Grantee shall maintain at all times during the term of this Grant such liability insurance, by commercial policy or self-insurance, as is necessary to meet its liabilities under the Colorado Governmental Immunity Act, §24-10-101, *et seq.*, C.R.S. (the "GIA"). Grantee shall ensure that any Subcontractors maintain all insurance customary for the completion of the Work done by that Subcontractor and as required by the State or the GIA.

11. REMEDIES

In addition to any remedies available under any exhibit to this Intergovernmental Grant Agreement, if Grantee fails to comply with any term or condition of this Grant or any terms of the Federal Award, the State may terminate some or all of this Grant and require Grantee to repay any or all Grant funds to the State in the State's sole discretion. The State may also terminate this Intergovernmental Grant Agreement at any time if the State has determined, in its sole discretion,

that Grantee has ceased performing the Work without intent to resume performance, prior to the completion of the Work.

12. DISPUTE RESOLUTION

Except as herein specifically provided otherwise or as required or permitted by federal regulations related to any Federal Award that provided any of the Grant Funds, disputes concerning the performance of this Grant that cannot be resolved by the designated Party representatives shall be referred in writing to a senior departmental management staff member designated by the State and a senior manager or official designated by Grantee for resolution.

13. NOTICES AND REPRESENTATIVES

Each Party shall identify an individual to be the principal representative of the designating Party and shall provide this information to the other Party. All notices required or permitted to be given under this Intergovernmental Grant Agreement shall be in writing, and shall be delivered either in hard copy or by email to the representative of the other Party. Either Party may change its principal representative or principal representative contact information by notice submitted in accordance with this §13.

14. RIGHTS IN WORK PRODUCT AND OTHER INFORMATION

Grantee hereby grants to the State a perpetual, irrevocable, non-exclusive, royalty free license, with the right to sublicense, to make, use, reproduce, distribute, perform, display, create derivatives of and otherwise exploit all intellectual property created by Grantee or any Subcontractors or Subgrantees and paid for with Grant Funds provided by the State pursuant to this Grant.

15. GOVERNMENTAL IMMUNITY

Liability for claims for injuries to persons or property arising from the negligence of the Parties, their departments, boards, commissions committees, bureaus, offices, employees and officials shall be controlled and limited by the provisions of the Colorado Governmental Immunity Act, §24-10-101, et seq., C.R.S.; the Federal Tort Claims Act, 28 U.S.C. Pt. VI, Ch. 171 and 28 U.S.C. 1346(b), and the State's risk management statutes, §§24-30-1501, *et seq.* C.R.S. No term or condition of this Intergovernmental Grant Agreement shall be construed or interpreted as a waiver, express or implied, of any of the immunities, rights, benefits, protections, or other provisions, contained in these statutes.

16. GENERAL PROVISIONS

A. Assignment

Grantee's rights and obligations under this Grant are personal and may not be transferred or assigned without the prior, written consent of the State. Any attempt at assignment or transfer without such consent shall be void. Any assignment or transfer of Grantee's rights and obligations approved by the State shall be subject to the provisions of this Intergovernmental Grant Agreement.

B. Captions and References

The captions and headings in this Intergovernmental Grant Agreement are for convenience of reference only, and shall not be used to interpret, define, or limit its provisions. All references in this Intergovernmental Grant Agreement to sections (whether spelled out or using the § symbol), subsections, exhibits or other attachments, are references to sections, subsections, exhibits or other attachments contained herein or incorporated as a part hereof, unless otherwise noted.

C. Entire Understanding

This Intergovernmental Grant Agreement represents the complete integration of all understandings between the Parties related to the Work, and all prior representations and understandings related to the Work, oral or written, are merged into this Intergovernmental Grant Agreement.

D. Modification

The State may modify the terms and conditions of this Grant by issuance of an updated Intergovernmental Grant Agreement, which shall be effective if Grantee accepts Grant Funds following receipt of the updated letter. The Parties may also agree to modification of the terms and conditions of the Grant in a formal amendment or option letter to this Grant, properly executed and approved in accordance with applicable Colorado State law and State Fiscal Rules.

E. Statutes, Regulations, Fiscal Rules, and Other Authority

Any reference in this Intergovernmental Grant Agreement to a statute, regulation, State Fiscal Rule, fiscal policy or other authority shall be interpreted to refer to such authority then current, as may have been changed or amended since the Agreement Effective Date. Grantee shall strictly comply with all applicable Federal and State laws, rules, and regulations in effect or hereafter established, including, without limitation, laws applicable to discrimination and unfair employment practices.

F. Digital Signatures

If any signatory signs this agreement using a digital signature in accordance with the Colorado State Controller Contract, Grant and Purchase Order Policies regarding the use of digital signatures issued under the State Fiscal Rules, then any agreement or consent to use digital signatures within the electronic system through which that signatory signed shall be incorporated into this Intergovernmental Grant Agreement by reference.

G. Severability

The invalidity or unenforceability of any provision of this Intergovernmental Grant Agreement shall not affect the validity or enforceability of any other provision of this Intergovernmental Grant Agreement, which shall remain in full force and effect, provided that the Parties can continue to perform their obligations under the Grant in accordance with the intent of the Grant.

H. Survival of Certain Intergovernmental Grant Agreement Terms

Any provision of this Intergovernmental Grant Agreement that imposes an obligation on a Party after termination or expiration of the Grant shall survive the termination or expiration of the Grant and shall be enforceable by the other Party.

I. Third Party Beneficiaries

Except for the Parties' respective successors and assigns described above, this Intergovernmental Grant Agreement does not and is not intended to confer any rights or remedies upon any person or entity other than the Parties. Any services or benefits which third parties receive as a result of this Grant are incidental to the Grant, and do not create any rights for such third parties.

J. Waiver

A Party's failure or delay in exercising any right, power, or privilege under this Intergovernmental Grant Agreement, whether explicit or by lack of enforcement, shall not operate as a waiver, nor shall any single or partial exercise of any right, power, or privilege preclude any other or further exercise of such right, power, or privilege.

K. Compliance with State and Federal Law, Regulations, and Executive Orders

Grantee shall comply with all State and Federal law, regulations, executive orders, State and Federal Awarding Agency policies, procedures, directives, and reporting requirements at all times during the term of this Grant.

L. Accessibility

i. Grantee shall comply with and the Work Product provided under this Agreement shall be in compliance with all applicable provisions of §§24-85-101, et seq., C.R.S., and the Accessibility Standards for Individuals with a Disability, as established by the Governor's Office of Information Technology (OIT), pursuant to Section §24-85-103 (2.5), C.R.S. Grantee shall also comply with all State of Colorado technology standards related to technology accessibility and with Level AA of the most current version of the Web Content Accessibility Guidelines (WCAG), incorporated in the State of Colorado technology standards.

~~ii. Grantee shall indemnify, save, and hold harmless the Indemnified Parties against any and all costs, expenses, claims, damages, liabilities, court awards and other amounts (including attorneys' fees and related costs) incurred by any of the Indemnified Parties in relation to Grantee's failure to comply with §§24-85-101, et seq., C.R.S., or the Accessibility Standards for Individuals with a Disability as established by OIT pursuant to Section §24-85-103 (2.5), C.R.S.~~

iii. The State may require Grantee's compliance to the State's Accessibility Standards to be determined by a third party selected by the State to attest to Grantee's Work Product and software is in compliance with §§24-85-101, et seq., C.R.S., and the Accessibility Standards for Individuals with a Disability as established by OIT pursuant to Section §24-85-103 (2.5), C.R.S.

THE REST OF THIS PAGE INTENTIONALLY LEFT BLANK

EXHIBIT A, STATEMENT OF WORK**1. PURPOSE**

1.1. Affordable Housing Development Incentives Grant Program. The Incentives Grant Program (IHOI) provides grants to local governments to promote the development of affordable housing that is driven by community benefits and that focuses on critical housing needs as identified by the local government.

2. DESCRIPTION OF THE PROJECT(S) AND WORK

2.1. Project Description. The Project consists of providing cash incentives for construction of new affordable workforce housing in Fort Collins, Colorado.

2.2. Work Description. The City of Fort Collins (“Grantee”) will use Grant Funds as cash incentives to pay for water/sewer tap fees and permit fees for the construction of affordable housing units on the Kechter Land Bank Parcel. The resulting units will be affordable as defined in C.R.S. 24-32-130(1)(a). Grantee will donate land, estimated at \$1,175,000 as in-kind match for this Project.

2.3. In addition, a Final Informal Memo will be submitted that contains analysis of the following: 1) lessons learned, 2) community impact, 3) units added, 4) number of persons impacted, and 5) any other pertinent data that addresses the housing crisis and/or impact these projects made to alleviate barriers to affordable housing construction. Grantee will begin to close out, sell, and turn over homes starting in September 2023.

2.4. Responsibilities. Grantee shall be responsible for the completion of the Work and to provide required documentation to DOLA as specified herein.

2.4.1. Grantee shall notify DOLA at least 30 days in advance of Project Completion.

2.5. Recapture of Advanced Funds. To maximize the use of Grant Funds, the State shall evaluate Grantee's expenditure of the Grant Funds for timeliness and compliance with the terms of this Grant. DOLA reserves the right to recapture advanced Grant Funds when Grantee has not or is not complying with the terms of this Grant.

2.6. Eligible Expenses. Eligible expenses shall include: payments to rebate water and sanitary sewer tap fees and permit fees for the construction of affordable housing units.

3. DEFINITIONS

3.1. “Substantial Completion” means the Work is sufficiently complete in accordance with the Grant so it can be utilized for its intended purpose without undue interference.

4. DELIVERABLES

4.1. Outcome. The final outcome of this Grant is payment of water/sewer tap fees and permit fees, as part of a larger effort in the construction of approximately 54 for-sale townhomes, all of which will be permanently restricted as affordable to households in accordance with C.R.S. 24-32-130(1)(a).

4.2. Service Area. The performance of the Work described within this Grant shall be located in Fort Collins, Colorado.

4.3. Performance Measures. Grantee shall comply with the following performance measures:

EXHIBIT A

Item 14.

<u>Milestone/Performance Measure/Grantee will:</u>	<u>By:</u>
Report on 2019 Baseline Data for number of affordable housing development projects applied versus number of permit approvals.	Within 90 days after the Effective Date of this Grant Agreement, to be included in the Quarterly Report.
Payment of water/sewer tap and permit fees.	Within 360 days after the Effective Date of this Grant Agreement.
Submit draft of Final Informal Memo to DOLA for review.	60 days prior to the Agreement Expiration Date.
Submit Quarterly Pay Requests	See §4.5.2 below
Submit Quarterly Status Reports	See §4.5.2 below
Submit Project Final Report	May 15, 2024

4.4. Quarterly Pay Request and Status Reports. Beginning ten (10) days after the end of the first quarter following execution of this Grant and for each quarter thereafter until termination of this Grant, Grantee shall submit Pay Requests and Status Reports using a form provided by the State. The State shall pay or reimburse the Grantee for actual eligible expenditures made in the performance of this Grant based on the submission of statements in the format prescribed by the State. The Grantee shall submit Pay Requests setting forth a detailed description and provide documentation of the amounts and types of reimbursable expenses. Pay Requests and Status Reports are due within ten (10) days of the end of the quarter but may be submitted more frequently at the discretion of the Grantee.

4.4.1. For quarters in which there are no expenditures to reimburse, Grantee shall indicate zero (0) requested in the Pay Request and describe the status of the Work in the Status Report. The report will contain an update of expenditure of funds by Expenditure Category as per **Exhibit C, Budget** as well as a projection of all Work expected to be accomplished in the following quarter, including an estimate of Grant Funds to be expended.

4.4.2. Specific submittal dates.

Quarter	Year	Due Date	Pay Request Due	Status Report Due
3rd (Jul-Sep)	2022	October 10, 2022	Yes	Yes
4th (Oct-Dec)	2022	January 10, 2023	Yes	Yes
1st (Jan-Mar)	2023	April 10, 2023	Yes	Yes
2nd (Apr-Jun)	2023	*JULY 10, 2023	Yes	Yes
3rd (Jul-Sep)	2023	October 10, 2023	Yes	Yes
4th (Oct-Dec)	2023	January 10, 2024	Yes	Yes
1st (Jan-Mar)	2024	April 10, 2024	Yes	Yes

***State fiscal year runs July 1 – June 30 annually. Grantee must request reimbursement for all eligible costs incurred during a State fiscal year by July 10 annually.**

4.5. DOLA Acknowledgment. The Grantee agrees to acknowledge the Colorado Department of Local Affairs in any and all materials or events designed to promote or educate the public about the Work and the Project, including but not limited to: press releases, newspaper articles, op-ed pieces, press conferences, presentations and brochures/pamphlets.

5. PERSONNEL

5.1. Responsible Administrator. Grantee's performance hereunder shall be under the direct supervision of **Meagan Overton, Housing Manager, (moverton@fcgov.com)**, who is an employee or agent of Grantee, and is hereby designated as the responsible administrator of this Project and a key person under this §5. Such administrator shall be updated through the process in §5.3. If this person is an agent of the Grantee, such person must have signature authority to bind the Grantee and must provide evidence of such authority.

5.2. Other Key Personnel. **Sue Beck-Ferkiss, Social Policy & Housing Programs Manager, (sbeckferkiss@fcgov.com)**. Such key personnel shall be updated through the process in §5.3.

5.3. Replacement. Grantee shall immediately notify the State if any key personnel specified in §5 of this **Exhibit A** cease to serve. All notices sent under this subsection shall be sent in accordance with §13 of the Grant.

5.4. DLG Program Manager: **Mitch Hendrick, (303) 548-9364, (mitch.hendrick@state.co.us)**

6. FUNDING

The State provided funds shall be limited to the amount and type specified in **Exhibit C, Budget**.

7. ADMINISTRATIVE REQUIREMENTS

7.1. Reporting. Grantee shall submit the following reports to DOLA using the State-provided forms. DOLA may withhold payment(s) if such reports are not submitted timely.

7.1.1. Quarterly Pay Request and Status Reports. Quarterly Pay Requests shall be submitted to DOLA in accordance with §4.4 of this **Exhibit A**.

7.1.2. Final Reports. Within 45 days after the completion of the Project, Grantee shall submit the final Pay Request and Status Report to DOLA.

7.2. Monitoring. DOLA shall monitor this Work on an as-needed basis. DOLA may choose to audit the records for activities performed under this Grant. Grantee shall maintain a complete file of all records, documents, communications, notes and other written materials or electronic media, files or communications, which pertain in any manner to the operation of activities undertaken pursuant to an executed Grant. Such books and records shall contain documentation of the Grantee's pertinent activity under this Grant in accordance with Generally Accepted Accounting Principles.

7.2.1. Subgrantee/Subcontractor. Grantee shall monitor its Subgrantees and/or Subcontractors, if any, during the term of this Grant. Results of such monitoring shall be documented by Grantee and maintained on file.

7.3. Bonds. If Project includes construction or facility improvements, Grantee and/or its contractor (or subcontractors) performing such work shall secure the bonds hereunder from companies holding certificates of authority as acceptable sureties pursuant to 31 CFR Part 223 and are authorized to do business in Colorado.

7.3.1. Bid Bond. A bid guarantee from each bidder equivalent to 5 percent of the bid price. The "bid guarantee" shall consist of a firm commitment such as a bid bond, certified

check, or other negotiable instrument accompanying a bid as assurance that the bidder shall, upon acceptance of his bid, execute such contractual documents as may be required within the time specified.

7.3.2. Performance Bond. A performance bond on the part of the contractor for 100 percent of the contract price. A “performance bond” is one executed in connection with a contract to secure fulfillment of all the contractor's obligations under such contract.

7.3.3. Payment Bond. A payment bond on the part of the contractor for 100 percent of the contract price. A “payment bond” is one executed in connection with a contract to assure payment as required by statute of all persons supplying labor and material in the execution of the work provided for in the contract.

7.3.4. Substitution. The bonding requirements in this §7.3 may be waived in lieu of an irrevocable letter of credit if the price is less than \$50,000.

8. CONSTRUCTION/RENOVATION. The following subsections shall apply to construction and/or renovation related projects/activities:

8.1. Plans & Specifications. Construction plans and specifications shall be drawn up by a qualified engineer or architect licensed in the State of Colorado, or pre-engineered in accordance with Colorado law, and hired by the Grantee through a competitive selection process.

8.2. Procurement. A construction contract shall be awarded to a qualified construction firm through a formal selection process with the Grantee being obligated to award the construction contract to the lowest responsive, responsible bidder meeting the Grantee's specifications.

8.3. Subcontracts. Copies of any and all contracts entered into by the Grantee in order to accomplish this Project shall be submitted to DOLA upon request, and any and all contracts entered into by the Grantee or any of its Subcontractors shall comply with all applicable federal and state laws and shall be governed by the laws of the State of Colorado.

8.4. Standards. Grantee, Subgrantees and Subcontractors shall comply with all applicable statutory design and construction standards and procedures that may be required, including the standards required by Colorado Department of Public Health and Environment, and shall provide the State with documentation of such compliance.

THE REST OF THIS PAGE INTENTIONALLY LEFT BLANK

EXHIBIT B, SAMPLE OPTION LETTER

State Agency Insert Department's or IHE's Full Legal Name		Option Letter Number Insert Option Letter # for this Amendment	
Grantee Insert Grantee's Full Legal Name		Original Agreement Number Insert CMS number for orig Agreement, and any prior chg docs	
Agreement Maximum Amount		Option Agreement Number Insert CMS number for this Amendment	
Initial Term	Retainage (5%)	Prior Grant Agreement Expiration Date Month Day, Year	
State Fiscal Year 20xx	\$0.00 \$0.00		
Extension Terms		Current Grant Agreement Expiration Date Month Day, Year	
State Fiscal Year 20xx	\$0.00 \$0.00		
State Fiscal Year 20xx	\$0.00 \$0.00		
State Fiscal Year 20xx	\$0.00 \$0.00		
Total for All State Fiscal Years	\$0.00 \$0.00		

1. OPTIONS:

- A. Option to extend for an Extension Term
- B. Option to change the quantity of Goods under the Agreement
- C. Option to change the quantity of Services under the Agreement
- D. Option to modify Agreement rates
- E. Option to initiate next phase of the Agreement

2. REQUIRED PROVISIONS:

- A. **For use with Option 1(A):** In accordance with Section(s) Number of the Original Agreement referenced above, the State hereby exercises its option for an additional term, beginning Insert start date and ending on the current Agreement expiration date shown above, at the rates stated in the Original Agreement, as amended.
- B. **For use with Options 1(B and C):** In accordance with Section(s) Number of the Original Agreement referenced above, the State hereby exercises its option to Increase/Decrease the quantity of the Goods/Services or both at the rates stated in the Original Agreement, as amended.
- C. **For use with Option 1(D):** In accordance with Section(s) Number of the Original Agreement referenced above, the State hereby exercises its option to modify the Agreement rates specified in Exhibit/Section Number/Letter. The Agreement rates attached to this Option Letter replace the rates in the Original Agreement as of the Option Effective Date of this Option Letter.
- D. **For use with Option 1(E):** In accordance with Section(s) Number of the Original Agreement referenced above, the State hereby exercises its option to initiate Phase indicate which Phase: 2, 3, 4, etc, which shall begin on Insert start date and end on Insert ending date at the cost/price specified in Section Number.
- E. **For use with all Options that modify the Agreement Maximum Amount:** The Agreement Maximum Amount table on the Agreement's Signature and Cover Page is hereby deleted and replaced with the Current Agreement Maximum Amount table shown above.

3. OPTION EFFECTIVE DATE:

The effective date of this Option Letter is upon approval of the State Controller or _____, whichever is later.

<p style="text-align: center;">STATE OF COLORADO Jared S. Polis, Governor INSERT-Name of Agency or IHE INSERT-Name & Title of Head of Agency or IHE</p> <p>By: _____ Name & Title of Person Signing for Agency or IHE</p> <p>Date: _____</p>	<p>In accordance with §24-30-202, C.R.S., this Option Letter is not valid until signed and dated below by the State Controller or an authorized delegate.</p> <p style="text-align: center;">STATE CONTROLLER Robert Jaros, CPA, MBA, JD</p> <p>By: _____ Name of Agency or IHE Delegate-Please delete if agreement will be routed to OSC for approval</p> <p>Option Effective Date: _____</p>
---	--

EXHIBIT C, BUDGET**1. BUDGET BY US TREASURY EXPENDITURE CATEGORY**

1.1 Expenditure Categories identified in **Exhibit C** will determine what is reported on as outlined in **Exhibits D-G**.

Project Number	Project Title	US Treasury Expenditure Category Number and Name	Budget
IHOI-INC003	Fort Collins Kechter Townhomes	2.15. Long-term Housing Security: Affordable Housing	\$2,200,000
Total			\$2,200,000

1.2 Expenditure Categories

Expenditure Category	
1: Public Health	
COVID-19 Mitigation & Prevention	
1.1	COVID-19 Vaccination
1.2	COVID-19 Testing
1.3	COVID-19 Contact Tracing
1.4	Prevention in Congregate Settings (Nursing Homes, Prisons/Jails, Dense Work Sites, Schools, Child care facilities, etc.)
1.5	Personal Protective Equipment
1.6	Medical Expenses (including Alternative Care Facilities)
1.7	Other COVID-19 Public Health Expenses (including Communications, Enforcement, Isolation/Quarantine)
1.8	COVID-19 Assistance to Small Businesses
1.9	COVID-19 Assistance to Non-Profits
1.10	COVID-19 Aid to Impacted Industries
Community Violence Interventions	
1.11	Community Violence Interventions
Behavioral Health	
1.12	Mental Health Services
1.13	Substance Use Substances
Other	
1.14	Other Public Health Services
2: Negative Economic Impacts	
Assistance to Households	
2.1	Household Assistance: Food Programs
2.2	Household Assistance: Rent, Mortgage, and Utility Aid
2.3	Household Assistance: Cash Transfers
2.4	Household Assistance: Internet Access Programs
2.5	Household Assistance: Paid Sick and Medical Leave
2.6	Household Assistance: Health Insurance
2.7	Household Assistance: Services for Un/Unbanked
2.8	Household Assistance: Survivor's Benefits
2.9	Unemployment Benefits or Cash Assistance to Unemployed Workers
2.10	Assistance to Unemployed or Underemployed Workers (e.g., job training, subsidized employment, employment supports or incentives)
2.11	Healthy Childhood Environments: Child Care
2.12	Healthy Childhood Environments: Home Visiting
2.13	Healthy Childhood Environments: Services to Foster Youth or Families Involved in Child Welfare System
2.14	Healthy Childhood Environments: Early Learning
2.15	Long-term Housing Security: Affordable Housing

EXHIBIT A

Item 14.

2.16	Long-term Housing Security: Services for Unhoused Persons
2.17	Housing Support: Housing Vouchers and Relocation Assistance for Disproportionately Impacted Communities
2.18	Housing Support: Other Housing Assistance
2.19	Social Determinants of Health: Community Health Workers or Benefits Navigators
2.20	Social Determinants of Health: Lead Remediation
2.21	Medical Facilities for Disproportionately Impacted Communities
2.22	Strong Healthy Communities: Neighborhood Features that Promote Health and Safety
2.23	Strong Healthy Communities: Demolition and Rehabilitation of Properties
2.24	Addressing Educational Disparities: Aid to High-Poverty Districts
2.25	Addressing Educational Disparities: Academic, Social, and Emotional Services
2.26	Addressing Educational Disparities: Mental Health Services
2.27	Addressing Impacts of Lost Instructional Time
2.28	Contributions to UI Trust Funds
Assistance to Small Businesses	
2.29	Loans or Grants to Mitigate Financial Hardship
2.30	Technical Assistance, Counseling, or Business Planning
2.31	Rehabilitation of Commercial Properties or Other Improvements
2.32	Business Incubators and Start-Up or Expansion Assistance
2.33	Enhanced Support to Microbusinesses
Assistance to Non-Profits	
2.34	Assistance to Impacted Nonprofit Organizations (Impacted or Disproportionately Impacted)
Aid to Impacted Industries	
2.35	Aid to Tourism, Travel, or Hospitality
2.36	Aid to Other Impacted Industries
Other	
2.37	Economic Impact Assistance: Other
3: Public Health - Negative Economic Impact: Public Section Capacity	
General Provisions	
3.1	Public Sector Workforce: Payroll and Benefits for Public Health, Public Safety, or Human Services Workers
3.2	Public Sector Workforce: Rehiring Public Sector Staff
3.3	Public Sector Workforce: Other
3.4	Public Sector Capacity: Effective Service Delivery
3.5	Public Sector Capacity: Administrative Needs
4: Premium Pay	
4.1	Public Sector Employees
4.2	Private Sector: Grants to Other Employers
5: Infrastructure	
Water and Sewer	
5.1	Clean Water: Centralized Wastewater Treatment
5.2	Clean Water: Centralized Wastewater Collection and Conveyance
5.3	Clean Water: Decentralized Wastewater
5.4	Clean Water: Combined Sewer Overflows
5.5	Clean Water: Other Sewer Infrastructure
5.6	Clean Water: Stormwater
5.7	Clean Water: Energy Conservation
5.8	Clean Water: Water Conservation
5.9	Clean Water: Nonpoint Source
5.10	Drinking Water: Treatment
5.11	Drinking Water: Transmission & Distribution
5.12	Drinking Water: Lead Remediation, including in Schools and Daycares
5.13	Drinking Water: Source
5.14	Drinking Water: Storage
5.15	Drinking Water: Other Infrastructure
5.16	Water and Sewer: Private Wells
5.17	Water and Sewer: IJJA Bureau of Reclamation Match

EXHIBIT A

Item 14.

5.18	Water and Sewer: Other
Broadband	
5.19	Broadband: "Last Mile" Projects
5.20	Broadband: IJA Match
5.21	Broadband: Other Projects
6: Revenue Replacement	
6.1	Provision of Government Services
6.2	Non-federal Match for Other Federal Programs
7: Administrative	
7.1	Administrative Expenses
7.2	Transfers to Other Units of Governments

2. BUDGET BY FUNCTION**2.1. Project Budget Lines.**

2.1.1. "EC 2.15 - Long-term Housing Security: Affordable Housing Development Cash Incentives" means cash contributions or rebates for affordable housing development incentives, such as water and sanitary sewer tap fees, gap funding, labor and materials costs, and renewable energy or sustainability-oriented components.

3. FUNDING

3.1. Matching/Other Funds. Grantee shall provide **approximately 35%** of the Total Project Cost as documented by Grantee and verified by DOLA at Project Closeout. Initial estimates of Grantee's contribution are noted in the "Other Funds" column of **§3.2** below. Increases to Grantee's contribution to Total Project Cost do not require modification of this Grant Award Letter and/or **Exhibit C**.

3.2. Budget

Budget Line(s)		Total Project Cost	Grant Funds	Other Funds	Other Funds Source
Line #	Cost Category				
1	EC 2.15 - Long-term Housing Security: Affordable Housing - Development Cash Incentives	\$3,375,000	\$2,200,000	\$1,175,000	Grantee In-Kind
Total		\$3,375,000	\$2,200,000	\$1,175,000	

4. PAYMENT

Payments shall be made in accordance with this section and the provisions set forth in **§7** of the Grant.

4.1. Payment Schedule. If Work is subcontracted or subgranted and such Subcontractors and/or Subgrantees are not previously paid, Grantee shall disburse Grant Funds received from the State to such Subcontractor or Subgrantee within fifteen days of receipt. Excess funds shall be returned to DOLA.

THE REST OF THIS PAGE INTENTIONALLY LEFT BLANK

EXHIBIT A

Item 14.

Payment	Amount	
Interim Payment(s)	\$2,090,000	Paid upon receipt of actual expense documentation and written Pay Requests from the Grantee for reimbursement of eligible approved expenses.
Final Payment	\$110,000	Paid upon Substantial Completion of the Project (as determined by the State in its sole discretion), provided that the Grantee has submitted, and DOLA has accepted, all required reports.
Total	\$2,200,000	

5. EXPENDITURE CATEGORY MODIFICATIONS

5.1. Increases or decreases in any Expenditure Category must be requested and approved by the State Agency by using the SLFRF Expenditure Modification Form. This form can be found at: <https://osc.colorado.gov/american-rescue-plan-act> (see SLFRF Grant Agreement Templates tab).

THE REST OF THIS PAGE INTENTIONALLY LEFT BLANK

Exhibit D, Federal Provisions

1. APPLICABILITY OF PROVISIONS.

- 1.1. The Grant to which these Federal Provisions are attached has been funded, in whole or in part, with an Award of Federal funds. In the event of a conflict between the provisions of these Federal Provisions, the Special Provisions, the body of the Grant, or any attachments or exhibits incorporated into and made a part of the Grant, the provisions of these Federal Provisions shall control.
- 1.2. The State of Colorado is accountable to Treasury for oversight of their subrecipients, including ensuring their subrecipients comply with the SLFRF statute, SLFRF Award Terms and Conditions, Treasury's Final Rule, and reporting requirements, as applicable.
- 1.3. Additionally, any subrecipient that issues a subaward to another entity (2nd tier subrecipient), must hold the 2nd tier subrecipient accountable to these provisions and adhere to reporting requirements.
- 1.4. These Federal Provisions are subject to the Award as defined in §2 of these Federal Provisions, as may be revised pursuant to ongoing guidance from the relevant Federal or State of Colorado agency or institutions of higher education.

2. DEFINITIONS.

- 2.1. For the purposes of these Federal Provisions, the following terms shall have the meanings ascribed to them below.
 - 2.1.1. "Award" means an award of Federal financial assistance, and the Grant setting forth the terms and conditions of that financial assistance, that a non-Federal Entity receives or administers.
 - 2.1.2. "Entity" means:
 - 2.1.2.1. a Non-Federal Entity;
 - 2.1.2.2. a foreign public entity;
 - 2.1.2.3. a foreign organization;
 - 2.1.2.4. a non-profit organization;
 - 2.1.2.5. a domestic for-profit organization (for 2 CFR Parts 25 and 170 only);
 - 2.1.2.6. a foreign non-profit organization (only for 2 CFR Part 170) only);
 - 2.1.2.7. a Federal agency, but only as a Subrecipient under an Award or Subaward to a non-Federal entity (or 2 CFR 200.1); or
 - 2.1.2.8. a foreign for-profit organization (for 2 CFR Part 170 only).
 - 2.1.3. "Executive" means an officer, managing partner or any other employee in a management position.
 - 2.1.4. "Expenditure Category (EC)" means the category of eligible uses as defined by the US Department of Treasury in "Appendix 1 of the Compliance and Reporting Guidance, State and Local Fiscal Recovery Funds" report available at www.treasury.gov.
 - 2.1.5. "Federal Awarding Agency" means a Federal agency providing a Federal Award to a Recipient as described in 2 CFR 200.1

- 2.1.6.** “Grant” means the Grant to which these Federal Provisions are attached.
- 2.1.7.** “Grantee” means the party or parties identified as such in the Grant to which these Federal Provisions are attached.
- 2.1.8.** “Non-Federal Entity” means a State, local government, Indian tribe, institution of higher education, or nonprofit organization that carries out a Federal Award as a Recipient or a Subrecipient.
- 2.1.9.** “Nonprofit Organization” means any corporation, trust, association, cooperative, or other organization, not including IHEs, that:
- 2.1.9.1.** Is operated primarily for scientific, educational, service, charitable, or similar purposes in the public interest;
 - 2.1.9.2.** Is not organized primarily for profit; and
 - 2.1.9.3.** Uses net proceeds to maintain, improve, or expand the operations of the organization.
- 2.1.10.** “OMB” means the Executive Office of the President, Office of Management and Budget.
- 2.1.11.** “Pass-through Entity” means a non-Federal Entity that provides a Subaward to a Subrecipient to carry out part of a Federal program.
- 2.1.12.** “Prime Recipient” means the Colorado State agency or institution of higher education identified as the Grantor in the Grant to which these Federal Provisions are attached.
- 2.1.13.** “Subaward” means an award by a Prime Recipient to a Subrecipient funded in whole or in part by a Federal Award. The terms and conditions of the Federal Award flow down to the Subaward unless the terms and conditions of the Federal Award specifically indicate otherwise in accordance with 2 CFR 200.101. The term does not include payments to a Contractor or payments to an individual that is a beneficiary of a Federal program.
- 2.1.14.** “Subrecipient” or “Subgrantee” means a non-Federal Entity (or a Federal agency under an Award or Subaward to a non-Federal Entity) receiving Federal funds through a Prime Recipient to support the performance of the Federal project or program for which the Federal funds were awarded. A Subrecipient is subject to the terms and conditions of the Federal Award to the Prime Recipient, including program compliance requirements. The term does not include an individual who is a beneficiary of a federal program.
- 2.1.15.** “System for Award Management (SAM)” means the Federal repository into which an Entity must enter the information required under the Transparency Act, which may be found at <http://www.sam.gov>. “Total Compensation” means the cash and noncash dollar value earned by an Executive during the Prime Recipient’s or Subrecipient’s preceding fiscal year (see 48 CFR 52.204-10, as prescribed in 48 CFR 4.1403(a)) and includes the following:
- 2.1.15.1.** Salary and bonus;
 - 2.1.15.2.** Awards of stock, stock options, and stock appreciation rights, using the dollar amount recognized for financial statement reporting purposes with respect to the fiscal year in accordance with the Statement of Financial Accounting Standards No. 123 (Revised 2005) (FAS 123R), Shared Based Payments;

- 2.1.15.3.** Earnings for services under non-equity incentive plans, not including group life, health, hospitalization or medical reimbursement plans that do not discriminate in favor of Executives and are available generally to all salaried employees;
 - 2.1.15.4.** Change in present value of defined benefit and actuarial pension plans;
 - 2.1.15.5.** Above-market earnings on deferred compensation which is not tax-qualified;
 - 2.1.15.6.** Other compensation, if the aggregate value of all such other compensation (e.g., severance, termination payments, value of life insurance paid on behalf of the employee, perquisites or property) for the Executive exceeds \$10,000.
- 2.1.16.** “Transparency Act” means the Federal Funding Accountability and Transparency Act of 2006 (Public Law 109-282), as amended by §6202 of Public Law 110-252.
- 2.1.17.** “Uniform Guidance” means the Office of Management and Budget Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards. The terms and conditions of the Uniform Guidance flow down to Awards to Subrecipients unless the Uniform Guidance or the terms and conditions of the Federal Award specifically indicate otherwise.
- 2.1.18.** “Unique Entity ID Number” means the twelve-character alphanumeric ID assigned to an entity by SAM.gov to uniquely identify a business entity. Information on UEIs can be found at: sam.gov/content/duns-uei

3. COMPLIANCE.

- 3.1.** Grantee shall comply with all applicable provisions of the Transparency Act and the regulations issued pursuant thereto, all applicable provisions of the Uniform Guidance, and all applicable Federal Laws and regulations required by this Federal Award. Any revisions to such provisions or regulations shall automatically become a part of these Federal Provisions, without the necessity of either party executing any further instrument. The State of Colorado, at its discretion, may provide written notification to Grantee of such revisions, but such notice shall not be a condition precedent to the effectiveness of such revisions.
- 3.2.** Per US Treasury Final Award requirements, grantee programs or services must not include a term or conditions that undermines efforts to stop COVID-19 or discourages compliance with recommendations and CDC guidelines.

4. SYSTEM FOR AWARD MANAGEMENT (SAM) AND UNIQUE ENTITY IDENTIFIER (UEI) REQUIREMENTS.

- 4.1.** SAM. Grantee shall maintain the currency of its information in SAM until the Grantee submits the final financial report required under the Award or receives final payment, whichever is later. Grantee shall review and update SAM information at least annually after the initial registration, and more frequently if required by changes in its information.
- 4.2.** UEI. Grantee shall provide its UEI number to its Prime Recipient, and shall update Grantee’s information in SAM at least annually after the initial registration, and more frequently if required by changes in Grantee’s information.

5. TOTAL COMPENSATION.

- 5.1.** Grantee shall include Total Compensation in SAM for each of its five most highly compensated Executives for the preceding fiscal year if:

5.1.1. The total Federal funding authorized to date under the Award is \$30,000 or more; and

5.1.2. In the preceding fiscal year, Grantee received:

5.1.2.1. 80% or more of its annual gross revenues from Federal procurement Agreements and Subcontracts and/or Federal financial assistance Awards or Subawards subject to the Transparency Act; and

5.1.2.2. \$30,000,000 or more in annual gross revenues from Federal procurement Agreements and Subcontracts and/or Federal financial assistance Awards or Subawards subject to the Transparency Act; and

5.1.2.3. The public does not have access to information about the compensation of such Executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d) or § 6104 of the Internal Revenue Code of 1986.

6. REPORTING.

6.1. If Grantee is a Subrecipient of the Award pursuant to the Transparency Act, Grantee shall report data elements to SAM and to the Prime Recipient as required in this Exhibit. No direct payment shall be made to Grantee for providing any reports required under these Federal Provisions and the cost of producing such reports shall be included in the Grant price. The reporting requirements in this Exhibit are based on guidance from the OMB, and as such are subject to change at any time by OMB. Any such changes shall be automatically incorporated into this Grant and shall become part of Grantee's obligations under this Grant.

7. EFFECTIVE DATE AND DOLLAR THRESHOLD FOR FEDERAL REPORTING.

7.1. Reporting requirements in **§8** below apply to new Awards as of October 1, 2010, if the initial award is \$30,000 or more. If the initial Award is below \$30,000 but subsequent Award modifications result in a total Award of \$30,000 or more, the Award is subject to the reporting requirements as of the date the Award exceeds \$30,000. If the initial Award is \$30,000 or more, but funding is subsequently de-obligated such that the total award amount falls below \$30,000, the Award shall continue to be subject to the reporting requirements. If the total award is below \$30,000 no reporting required; if more than \$30,000 and less than \$50,000 then FFATA reporting is required; and, \$50,000 and above SLFRF reporting is required.

7.2. The procurement standards in **§9** below are applicable to new Awards made by Prime Recipient as of December 26, 2015. The standards set forth in **§11** below are applicable to audits of fiscal years beginning on or after December 26, 2014.

8. SUBRECIPIENT REPORTING REQUIREMENTS.

8.1. Grantee shall report as set forth below.

8.1.1. Grantee shall use the SLFRF Subrecipient Quarterly Report Workbook as referenced in **Exhibit F** to report to the State Agency within ten (10) days following each quarter ended September, December, March and June. Additional information on specific requirements are detailed in the SLFRF Subrecipient Quarterly Report Workbooks and in the "Compliance and Reporting Guidance, State and Local Fiscal Recovery Funds" report available at www.treasury.gov.

8.1.1.1. EC 1 - Public Health

8.1.1.1.1. All Public Health Projects

EXHIBIT A

Item 14.

- a. Description of structure and objectives
- b. Description of relation to COVID-19
- c. Identification of impacted and/or disproportionately impacted communities
- d. Capital Expenditures
 - i. Presence of capital expenditure in project
 - ii. Total projected capital expenditure
 - iii. Type of capital expenditure
 - iv. Written justification
 - v. Labor reporting

8.1.1.1.2. COVID-19 Interventions and Mental Health (EC 1.4, 1.11, 1.12, 1.13)

- a. Amount of total project used for evidence-based programs
- b. Evaluation plan description

8.1.1.1.3. COVID-19 Small Business Assistance (EC 1.8)

- a. Number of small businesses served

8.1.1.1.4. Assistance to Non-Profits (EC 1.9)

- a. Number of non-profits served

8.1.1.1.5. COVID-19 Aid to Travel, Tourism, and Hospitality or Other Impacted Industries (EC 1.10)

- a. Sector of employer
- b. Purpose of funds

8.1.1.2 EC 2 - Negative Economic Impacts**8.1.1.2.1.** All Negative Economic Impacts Projects

- a. Description of project structure and objectives
- b. Description of project's response to COVID-19
- c. Identification of impacted and/or disproportionately impacted communities
- d. Amount of total project used for evidence-based programs and description of evaluation plan (*not required for 2.5, 2.8, 2.21-2.24, 2.27-2.29, 2.31, 2.34-2.36*)
- e. Number of workers enrolled in sectoral job training programs
- f. Number of workers completing sectoral job training programs
- g. Number of people participating in summer youth employment programs
- h. Capital Expenditures
 - i. Presence of capital expenditure in project
 - ii. Total projected capital expenditure
 - iii. Type of capital expenditure
 - iv. Written justification
 - v. Labor reporting

8.1.1.2.2. Household Assistance (EC 2.1-2.8)

- a. Number of households served

EXHIBIT A

Item 14.

- b. Number of people or households receiving eviction prevention services (2.2 & 2.5 only) (*Federal guidance may change this requirement in July 2022*)
- c. Number of affordable housing units preserved or developed (2.2 & 2.5 only) (*Federal guidance may change this requirement in July 2022*)
- 8.1.1.2.3.** Healthy Childhood Environments (EC 2.11-2.13)
 - a. Number of children served by childcare and early learning (*Federal guidance may change this requirement in July 2022*)
 - b. Number of families served by home visiting (*Federal guidance may change this requirement in July 2022*)
- 8.1.1.2.4.** Education Assistance (EC 2.14, 2.24-2.27)
 - a. National Center for Education Statistics (“NCES”) School ID or NCES District ID
 - b. Number of students participating in evidence-based programs (*Federal guidance may change this requirement in July 2022*)
- 8.1.1.2.5.** Housing Support (EC 2.15, 2.16, 2.18)
 - a. Number of people or households receiving eviction prevention services (*Federal guidance may change this requirement in July 2022*)
 - b. Number of affordable housing units preserved or developed (*Federal guidance may change this requirement in July 2022*)
- 8.1.1.2.6.** Small Business Economic Assistance (EC 2.29-2.33)
 - a. Number of small businesses served
- 8.1.1.2.7.** Assistance to Non-Profits (EC 2.34)
 - a. Number of non-profits served
- 8.1.1.2.8.** Aid to Travel, Tourism, and Hospitality or Other Impacted Industries (EC 2.35-2.36)
 - a. Sector of employer
 - b. Purpose of funds
 - c. If other than travel, tourism and hospitality (2.36) – description of hardship
- 8.1.1.3. EC 3 – Public Health – Negative Economic Impact: Public Sector Capacity**
 - 8.1.1.3.1.** Payroll for Public Health and Safety Employees (EC 3.1)
 - a. Number of government FTEs responding to COVID-19
 - 8.1.1.3.2.** Rehiring Public Sector Staff (EC 3.2)
 - a. Number of FTEs rehired by governments

8.1.1.4. EC 4 - Premium Pay**8.1.1.4.1. All Premium Pay Projects**

- a. List of sectors designated as critical by the chief executive of the jurisdiction, if beyond those listed in the final rule
- b. Numbers of workers served
- c. Employer sector for all subawards to third-party employers
- d. Written narrative justification of how premium pay is responsive to essential work during the public health emergency for non-exempt workers or those making over 150 percent of the state/county's average annual wage
- e. Number of workers to be served with premium pay in K-12 schools

8.1.1.5. EC 5 – Infrastructure Projects**8.1.1.5.1. All Infrastructure Projects**

- a. Projected/actual construction start date (month/year)
- b. Projected/actual initiation of operations date (month/year)
- c. Location (for broadband, geospatial data of locations to be served)
- d. Projects over \$10 million
 - i. Prevailing wage certification or detailed project employment and local impact report
 - ii. Project labor agreement certification or project workforce continuity plan
 - iii. Prioritization of local hires
 - iv. Community benefit agreement description, if applicable

8.1.1.5.2. Water and sewer projects (EC 5.1-5.18)

- a. National Pollutant Discharge Elimination System (NPDES) Permit Number (if applicable; for projects aligned with the Clean Water State Revolving Fund)
- b. Public Water System (PWS) ID number (if applicable; for projects aligned with the Drinking Water State Revolving Fund)
- c. Median Household Income of service area
- d. Lowest Quintile Income of the service area

8.1.1.5.3. Broadband projects (EC 5.19-5.21)

- a. Confirm that the project is designed to, upon completion, reliably meet or exceed symmetrical 100 Mbps download and upload speeds.
 - i. If the project is not designed to reliably meet or exceed symmetrical 100 Mbps download and upload speeds, explain why not, and
 - ii. Confirm that the project is designed to, upon completion, meet or exceed 100 Mbps download speed and between at least 20 Mbps and 100 Mbps upload speed, and be scalable to a minimum of 100 Mbps download speed and 100 Mbps upload speed.
- b. Additional programmatic data will be required for broadband projects and will be defined in a subsequent version of the US Treasury

EXHIBIT A

Item 14.

Reporting Guidance, including, but not limited to (*Federal guidance may change this requirement in July 2022*):

- i. Number of households (broken out by households on Tribal lands and those not on Tribal lands) that have gained increased access to broadband meeting the minimum speed standards in areas that previously lacked access to service of at least 25 Mbps download and 3 Mbps upload, with the number of households with access to minimum speed standard of reliable 100 Mbps symmetrical upload and download and number of households with access to minimum speed standard of reliable 100 Mbps download and 20 Mbps upload.
- ii. Number of institutions and businesses (broken out by institutions on Tribal lands and those not on Tribal lands) that have projected increased access to broadband meeting the minimum speed standards in areas that previously lacked access to service of at least 25 Mbps download and 3 Mbps upload, in each of the following categories: business, small business, elementary school, secondary school, higher education institution, library, healthcare facility, and public safety organization, with the number of each type of institution with access to the minimum speed standard of reliable 100 Mbps symmetrical upload and download; and number of each type of institution with access to the minimum speed standard of reliable 100 Mbps download and 20 Mbps upload.
- iii. Narrative identifying speeds/pricing tiers to be offered, including the speed/pricing of its affordability offering, technology to be deployed, miles of fiber, cost per mile, cost per passing, number of households (broken out by households on Tribal lands and those not on Tribal lands) projected to have increased access to broadband meeting the minimum speed standards in areas that previously lacked access to service of at least 25 Mbps download and 3 Mbps upload, number of households with access to minimum speed standard of reliable 100 Mbps symmetrical upload and download, number of households with access to minimum speed standard of reliable 100 Mbps download and 20 Mbps upload, and number of institutions and businesses (broken out by institutions on Tribal lands and those not on Tribal lands) projected to have increased access to broadband meeting the minimum speed standards in areas that previously lacked access to service of at least 25 Mbps download and 3 Mbps upload, in each of the following categories: business, small business, elementary school, secondary school, higher education institution, library, healthcare facility, and public safety organization. Specify

the number of each type of institution with access to the minimum speed standard of reliable 100 Mbps symmetrical upload and download; and the number of each type of institution with access to the minimum speed standard of reliable 100 Mbps download and 20 Mbps upload.

8.1.1.6. All Expenditure Categories

8.1.1.6.1. Program income earned and expended to cover eligible project costs

8.1.2. A Subrecipient shall report the following data elements to Prime Recipient no later than five days after the end of the month following the month in which the Subaward was made.

8.1.2.1. Subrecipient UEI Number;

8.1.2.2. Subrecipient UEI Number if more than one electronic funds transfer (EFT) account;

8.1.2.3. Subrecipient parent's organization UEI Number;

8.1.2.4. Subrecipient's address, including: Street Address, City, State, Country, Zip + 4, and Congressional District;

8.1.2.5. Subrecipient's top 5 most highly compensated Executives if the criteria in §4 above are met; and

8.1.2.6. Subrecipient's Total Compensation of top 5 most highly compensated Executives if the criteria in §4 above met.

8.1.3. To Prime Recipient. A Subrecipient shall report to its Prime Recipient, the following data elements:

8.1.3.1. Subrecipient's UEI Number as registered in SAM.

8.1.3.2. Primary Place of Performance Information, including: Street Address, City, State, Country, Zip code + 4, and Congressional District.

8.1.3.3. Narrative identifying methodology for serving disadvantaged communities. See the "Project Demographic Distribution" section in the "Compliance and Reporting Guidance, State and Local Fiscal Recovery Funds" report available at www.treasury.gov. This requirement is applicable to all projects in Expenditure Categories 1 and 2.

8.1.3.4. Narrative identifying funds allocated towards evidenced-based interventions and the evidence base. See the "Use of Evidence" section in the "Compliance and Reporting Guidance, State and Local Fiscal Recovery Funds" report available at www.treasury.gov. See §8.11 above for relevant Expenditure Categories.

8.1.3.5. Narrative describing the structure and objectives of the assistance program and in what manner the aid responds to the public health and negative economic impacts of COVID-19. This requirement is applicable to Expenditure Categories 1 and 2. For aid to travel, tourism, and hospitality or other impacted industries (EC 2.11-2.12), also provide the sector of employer, purpose of funds, and if not travel, tourism and hospitality a description of the pandemic impact on the industry.

- 8.1.3.6.** Narrative identifying the sector served and designated as critical to the health and well-being of residents by the chief executive of the jurisdiction and the number of workers expected to be served. For groups of workers (e.g., an operating unit, a classification of worker, etc.) or, to the extent applicable, individual workers, other than those where the eligible worker receiving premium pay is earning (with the premium pay included) below 150 percent of their residing state or county's average annual wage for all occupations, as defined by the Bureau of Labor Statistics Occupational Employment and Wage Statistics, whichever is higher, OR the eligible worker receiving premium pay is not exempt from the Fair Labor Standards Act overtime provisions, include justification of how the premium pay or grant is responsive to workers performing essential work during the public health emergency. This could include a description of the essential workers' duties, health or financial risks faced due to COVID-19 but should not include personally identifiable information. This requirement applies to EC 4.1, and 4.2.
- 8.1.3.7.** For infrastructure projects (EC 5), or capital expenditures in any expenditure category, narrative identifying the projected construction start date (month/year), projected initiation of operations date (month/year), and location (for broadband, geospatial location data). For projects over \$10 million:
- 8.1.3.7.1.** Certification that all laborers and mechanics employed by Contractors and Subcontractors in the performance of such project are paid wages at rates not less than those prevailing, as determined by the U.S. Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code (commonly known as the "Davis-Bacon Act"), for the corresponding classes of laborers and mechanics employed on projects of a character similar to the Agreement work in the civil subdivision of the State (or the District of Columbia) in which the work is to be performed, or by the appropriate State entity pursuant to a corollary State prevailing-wage-in-construction law (commonly known as "baby Davis-Bacon Acts"). If such certification is not provided, a recipient must provide a project employment and local impact report detailing (1) the number of employees of Contractors and sub-contractors working on the project; (2) the number of employees on the project hired directly and hired through a third party; (3) the wages and benefits of workers on the project by classification; and (4) whether those wages are at rates less than those prevailing. Recipients must maintain sufficient records to substantiate this information upon request.
- 8.1.3.7.2.** A Subrecipient may provide a certification that a project includes a project labor agreement, meaning a pre-hire collective bargaining agreement consistent with section 8(f) of the National Labor Relations Act (29 U.S.C. 158(f)). If the recipient does not provide such certification, the recipient must provide a project workforce continuity plan, detailing: (1) how the Subrecipient will ensure the project has ready access to a sufficient supply of appropriately skilled and unskilled labor to ensure high-quality construction throughout the life of the project; (2) how the Subrecipient will minimize risks of labor disputes and disruptions that would jeopardize timeliness and cost-effectiveness of the project; and (3) how the Subrecipient will provide a safe and healthy workplace that avoids delays and costs associated with workplace illnesses, injuries, and fatalities; (4) whether workers on the project will receive wages and benefits that will secure an appropriately skilled workforce in the context of the local or

regional labor market; and (5) whether the project has completed a project labor agreement.

8.1.3.7.3. Whether the project prioritizes local hires.

8.1.3.7.4. Whether the project has a Community Benefit Agreement, with a description of any such agreement.

8.1.4. Subrecipient also agrees to comply with any reporting requirements established by the US Treasury, Governor's Office and Office of the State Controller. The State of Colorado may need additional reporting requirements after this agreement is executed. If there are additional reporting requirements, the State will provide notice of such additional reporting requirements via **Exhibit G** – SLFRF Reporting Modification Form.

9. PROCUREMENT STANDARDS.

9.1. Procurement Procedures. A Subrecipient shall use its own documented procurement procedures which reflect applicable State, local, and Tribal laws and applicable regulations, provided that the procurements conform to applicable Federal law and the standards identified in the Uniform Guidance, including without limitation, 2 CFR 200.318 through 200.327 thereof.

9.2. Domestic preference for procurements (2 CFR 200.322). As appropriate and to the extent consistent with law, the non-Federal entity should, to the greatest extent practicable under a Federal award, provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States (including but not limited to iron, aluminum, steel, cement, and other manufactured products). The requirements of this section must be included in all subawards including all Agreements and purchase orders for work or products under this award.

9.3. Procurement of Recovered Materials. If a Subrecipient is a State Agency or an agency of a political subdivision of the State, its Contractors must comply with section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act. The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 CFR Part 247, that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds \$10,000 or the value of the quantity acquired during the preceding fiscal year exceeded \$10,000; procuring solid waste management services in a manner that maximizes energy and resource recovery; and establishing an affirmative procurement program for procurement of recovered materials identified in the EPA guidelines.

10. ACCESS TO RECORDS.

10.1. A Subrecipient shall permit Prime Recipient and its auditors to have access to Subrecipient's records and financial statements as necessary for Recipient to meet the requirements of 2 CFR 200.332 (Requirements for pass-through entities), 2 CFR 200.300 (Statutory and national policy requirements) through 2 CFR 200.309 (Period of performance), and Subpart F-Audit Requirements of the Uniform Guidance.

11. SINGLE AUDIT REQUIREMENTS.

11.1. If a Subrecipient expends \$750,000 or more in Federal Awards during the Subrecipient's fiscal year, the Subrecipient shall procure or arrange for a single or program-specific audit conducted for that year in accordance with the provisions of Subpart F-Audit Requirements of the Uniform Guidance, issued pursuant to the Single Audit Act Amendments of 1996, (31 U.S.C. 7501-7507). 2 CFR 200.501.

11.1.1. Election. A Subrecipient shall have a single audit conducted in accordance with Uniform Guidance 2 CFR 200.514 (Scope of audit), except when it elects to have a program-specific audit conducted in accordance with 2 CFR 200.507 (Program-specific audits). The Subrecipient may elect to have a program-specific audit if Subrecipient expends Federal Awards under only one Federal program (excluding research and development) and the Federal program's statutes, regulations, or the terms and conditions of the Federal award do not require a financial statement audit of Prime Recipient. A program-specific audit may not be elected for research and development unless all of the Federal Awards expended were received from Recipient and Recipient approves in advance a program-specific audit.

11.1.2. Exemption. If a Subrecipient expends less than \$750,000 in Federal Awards during its fiscal year, the Subrecipient shall be exempt from Federal audit requirements for that year, except as noted in 2 CFR 200.503 (Relation to other audit requirements), but records shall be available for review or audit by appropriate officials of the Federal agency, the State, and the Government Accountability Office.

11.1.3. Subrecipient Compliance Responsibility. A Subrecipient shall procure or otherwise arrange for the audit required by Subpart F of the Uniform Guidance and ensure it is properly performed and submitted when due in accordance with the Uniform Guidance. Subrecipient shall prepare appropriate financial statements, including the schedule of expenditures of Federal awards in accordance with 2 CFR 200.510 (Financial statements) and provide the auditor with access to personnel, accounts, books, records, supporting documentation, and other information as needed for the auditor to perform the audit required by Uniform Guidance Subpart F-Audit Requirements.

12. GRANT PROVISIONS FOR SUBRECIPIENT AGREEMENTS.

12.1. In addition to other provisions required by the Federal Awarding Agency or the Prime Recipient, Grantees that are Subrecipients shall comply with the following provisions. Subrecipients shall include all of the following applicable provisions in all Subcontracts entered into by it pursuant to this Grant:

12.1.1. [Applicable to federally assisted construction Agreements.] Equal Employment Opportunity. Except as otherwise provided under 41 CFR Part 60, all Agreements that meet the definition of "federally assisted construction Agreement" in 41 CFR Part 60-1.3 shall include the equal opportunity clause provided under 41 CFR 60-1.4(b), in accordance with Executive Order 11246, "Equal Employment Opportunity" (30 FR 12319, 12935, 3 CFR Part, 1964-1965 Comp., p. 339), as amended by Executive Order 11375, "Amending Executive Order 11246 Relating to Equal Employment Opportunity," and implementing regulations at 41 CFR Part 60, Office of Federal Agreement Compliance Programs, Equal Employment Opportunity, Department of Labor.

12.1.2. [Applicable to on-site employees working on government-funded construction, alteration and repair projects.] Davis-Bacon Act. Davis-Bacon Act, as amended (40 U.S.C. 3141-3148).

- 12.1.3.** Rights to Inventions Made Under a grant or agreement. If the Federal Award meets the definition of “funding agreement” under 37 CFR 401.2 (a) and the Prime Recipient or Subrecipient wishes to enter into an Agreement with a small business firm or nonprofit organization regarding the substitution of parties, assignment or performance of experimental, developmental, or research work under that “funding agreement,” the Prime Recipient or Subrecipient must comply with the requirements of 37 CFR Part 401, “Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Agreements and Cooperative Agreements,” and any implementing regulations issued by the Federal Awarding Agency.
- 12.1.4.** Clean Air Act (42 U.S.C. 7401-7671q.) and the Federal Water Pollution Control Act (33 U.S.C. 1251-1387), as amended. Agreements and subgrants of amounts in excess of \$150,000 must contain a provision that requires the non-Federal awardees to agree to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401-7671q) and the Federal Water Pollution Control Act as amended (33 U.S.C. 1251-1387). Violations must be reported to the Federal Awarding Agency and the Regional Office of the Environmental Protection Agency (EPA).
- 12.1.5.** Debarment and Suspension (Executive Orders 12549 and 12689). An Agreement award (see 2 CFR 180.220) must not be made to parties listed on the government wide exclusions in SAM, in accordance with the OMB guidelines at 2 CFR 180 that implement Executive Orders 12549 (3 CFR Part 1986 Comp., p. 189) and 12689 (3 CFR Part 1989 Comp., p. 235), “Debarment and Suspension.” SAM Exclusions contains the names of parties debarred, suspended, or otherwise excluded by agencies, as well as parties declared ineligible under statutory or regulatory authority other than Executive Order 12549.
- 12.1.6.** Byrd Anti-Lobbying Amendment (31 U.S.C. 1352). Contractors that apply or bid for an award exceeding \$100,000 must file the required certification. Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal Agreement, grant or any other award covered by 31 U.S.C. 1352. Each tier must also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the non-Federal award.
- 12.1.7.** Never Agreement with the enemy (2 CFR 200.215). Federal awarding agencies and recipients are subject to the regulations implementing “Never Agreement with the enemy” in 2 CFR Part 183. The regulations in 2 CFR Part 183 affect covered Agreements, grants and cooperative agreements that are expected to exceed \$50,000 within the period of performance, are performed outside the United States and its territories, and are in support of a contingency operation in which members of the Armed Forces are actively engaged in hostilities.
- 12.1.8.** Prohibition on certain telecommunications and video surveillance services or equipment (2 CFR 200.216). Grantee is prohibited from obligating or expending loan or grant funds on certain telecommunications and video surveillance services or equipment pursuant to 2 CFR 200.216.
- 12.1.9.** Title VI of the Civil Rights Act. The Subgrantee, Contractor, Subcontractor, transferee, and assignee shall comply with Title VI of the Civil Rights Act of 1964, which prohibits

recipients of federal financial assistance from excluding from a program or activity, denying benefits of, or otherwise discriminating against a person on the basis of race, color, or national origin (42 U.S.C. § 2000d et seq.), as implemented by the Department of Treasury's Title VI regulations, 31 CFR Part 22, which are herein incorporated by reference and made a part of this Agreement (or agreement). Title VI also includes protection to persons with "Limited English Proficiency" in any program or activity receiving federal financial assistance, 42 U.S. C. § 2000d et seq., as implemented by the Department of the Treasury's Title VI regulations, 31 CFR Part 22, and herein incorporated by reference and made part of this Agreement or agreement.

13. CERTIFICATIONS.

- 13.1.** Subrecipient Certification. Subrecipient shall sign a "State of Colorado Agreement with Recipient of Federal Recovery Funds" Certification Form in **Exhibit E** and submit to State Agency with signed grant agreement.
- 13.2.** Unless prohibited by Federal statutes or regulations, Prime Recipient may require Subrecipient to submit certifications and representations required by Federal statutes or regulations on an annual basis. 2 CFR 200.208. Submission may be required more frequently if Subrecipient fails to meet a requirement of the Federal award. Subrecipient shall certify in writing to the State at the end of the Award that the project or activity was completed or the level of effort was expended. 2 CFR 200.201(3). If the required level of activity or effort was not carried out, the amount of the Award must be adjusted.

14. EXEMPTIONS.

- 14.1.** These Federal Provisions do not apply to an individual who receives an Award as a natural person, unrelated to any business or non-profit organization he or she may own or operate in his or her name.
- 14.2.** A Grantee with gross income from all sources of less than \$300,000 in the previous tax year is exempt from the requirements to report Subawards and the Total Compensation of its most highly compensated Executives.

15. EVENT OF DEFAULT AND TERMINATION.

- 15.1.** Failure to comply with these Federal Provisions shall constitute an event of default under the Grant and the State of Colorado may terminate the Grant upon 30 days prior written notice if the default remains uncured five calendar days following the termination of the 30-day notice period. This remedy will be in addition to any other remedy available to the State of Colorado under the Grant, at law or in equity.
- 15.2.** Termination (2 CFR 200.340). The Federal Award may be terminated in whole or in part as follows:
- 15.2.1.** By the Federal Awarding Agency or Pass-through Entity, if a Non-Federal Entity fails to comply with the terms and conditions of a Federal Award;
- 15.2.2.** By the Federal awarding agency or Pass-through Entity, to the greatest extent authorized by law, if an award no longer effectuates the program goals or agency priorities;
- 15.2.3.** By the Federal awarding agency or Pass-through Entity with the consent of the Non-Federal Entity, in which case the two parties must agree upon the termination conditions, including the effective date and, in the case of partial termination, the portion to be terminated;

EXHIBIT A

Item 14.

- 15.2.4.** By the Non-Federal Entity upon sending to the Federal Awarding Agency or Pass-through Entity written notification setting forth the reasons for such termination, the effective date, and, in the case of partial termination, the portion to be terminated. However, if the Federal Awarding Agency or Pass-through Entity determines in the case of partial termination that the reduced or modified portion of the Federal Award or Subaward will not accomplish the purposes for which the Federal Award was made, the Federal Awarding Agency or Pass-through Entity may terminate the Federal Award in its entirety; or
- 15.2.5.** By the Federal Awarding Agency or Pass-through Entity pursuant to termination provisions included in the Federal Award.

THE REST OF THIS PAGE INTENTIONALLY LEFT BLANK

Exhibit E, AGREEMENT WITH SUBRECIPIENT OF FEDERAL RECOVERY FUNDS

Section 602(b) of the Social Security Act (the Act), as added by section 9901 of the American Rescue Plan Act (ARPA), Pub. L. No. 117-2 (March 11, 2021), authorizes the Department of the Treasury (Treasury) to make payments to certain Subrecipients from the Coronavirus State Fiscal Recovery Fund. The State of Colorado has signed and certified a separate agreement with Treasury as a condition of receiving such payments from the Treasury. This agreement is between your organization and the State and your organization is signing and certifying the same terms and conditions included in the State’s separate agreement with Treasury. Your organization is referred to as a Subrecipient.

As a condition of your organization receiving federal recovery funds from the State, the authorized representative below hereby (i) certifies that your organization will carry out the activities listed in section 602(c) of the Act and (ii) agrees to the terms attached hereto. Your organization also agrees to use the federal recovery funds as specified in bills passed by the General Assembly and signed by the Governor.

Under penalty of perjury, the undersigned official certifies that the authorized representative has read and understood the organization’s obligations in the Assurances of Compliance and Civil Rights Requirements, that any information submitted in conjunction with this assurances document is accurate and complete, and that the organization is in compliance with the nondiscrimination requirements.

Subrecipient Name _____

Authorized Representative: _____

Title: _____

Signature: _____

AGREEMENT WITH SUBRECIPIENT OF FEDERAL RECOVERY FUNDS
TERMS AND CONDITIONS

1. Use of Funds.
 - a. Subrecipient understands and agrees that the funds disbursed under this award may only be used in compliance with section 602(c) of the Social Security Act (the Act) and Treasury's regulations implementing that section and guidance.
 - b. Subrecipient will determine prior to engaging in any project using this assistance that it has the institutional, managerial, and financial capability to ensure proper planning, management, and completion of such project.
2. Period of Performance. The period of performance for this subaward is shown on page one of this Agreement. Subrecipient may use funds to cover eligible costs incurred, as set forth in Treasury's implementing regulations, during this period of performance.
3. Reporting. Subrecipient agrees to comply with any reporting obligations established by Treasury as they relate to this award. Subrecipient also agrees to comply with any reporting requirements established by the Governor's Office and Office of the State Controller. The State will provide notice of such additional reporting requirements via **Exhibit G** – SLFRF Reporting Modification Form.
4. Maintenance of and Access to Records
 - a. Subrecipient shall maintain records and financial documents sufficient to evidence compliance with section 602(c), Treasury's regulations implementing that section, and guidance issued by Treasury regarding the foregoing.
 - b. The Treasury Office of Inspector General and the Government Accountability Office, or their authorized representatives, shall have the right of access to records (electronic and otherwise) of Subrecipient in order to conduct audits or other investigations.
 - c. Records shall be maintained by Subrecipient for a period of five (5) years after all funds have been expended or returned to Treasury, whichever is later.
5. Pre-award Costs. Pre-award costs, as defined in 2 C.F.R. § 200.458, may not be paid with funding from this award.
6. Administrative Costs. Subrecipient may use funds provided under this award to cover both direct and indirect costs. Subrecipient shall follow guidance on administrative costs issued by the Governor's Office and Office of the State Controller.
7. Cost Sharing. Cost sharing or matching funds are not required to be provided by Subrecipient.

8. Conflicts of Interest. The State of Colorado understands and agrees it must maintain a conflict of interest policy consistent with 2 C.F.R. § 200.318(c) and that such conflict of interest policy is applicable to each activity funded under this award. Subrecipient and Contractors must disclose in writing to the Office of the State Controller or the pass-through entity, as appropriate, any potential conflict of interest affecting the awarded funds in accordance with 2 C.F.R. § 200.112. The Office of the State Controller shall disclose such conflict to Treasury.
9. Compliance with Applicable Law and Regulations.
- a. Subrecipient agrees to comply with the requirements of section 602 of the Act, regulations adopted by Treasury pursuant to section 602(f) of the Act, and guidance issued by Treasury regarding the foregoing. Subrecipient also agrees to comply with all other applicable federal statutes, regulations, and executive orders, and Subrecipient shall provide for such compliance by other parties in any agreements it enters into with other parties relating to this award.
 - b. Federal regulations applicable to this award include, without limitation, the following:
 - i. Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, 2 C.F.R. Part 200, other than such provisions as Treasury may determine are inapplicable to this Award and subject to such exceptions as may be otherwise provided by Treasury. Subpart F – Audit Requirements of the Uniform Guidance, implementing the Single Audit Act, shall apply to this award.
 - ii. Universal Identifier and System for Award Management (SAM), 2 C.F.R. Part 25, pursuant to which the award term set forth in Appendix A to 2 C.F.R. Part 25 is hereby incorporated by reference.
 - iii. Reporting Subaward and Executive Compensation Information, 2 C.F.R. Part 170, pursuant to which the award term set forth in Appendix A to 2 C.F.R. Part 170 is hereby incorporated by reference.
 - iv. OMB Guidelines to Agencies on Government wide Debarment and Suspension (Nonprocurement), 2 C.F.R. Part 180, including the requirement to include a term or condition in all lower tier covered transactions (Agreements and Subcontracts described in 2 C.F.R. Part 180, subpart B) that the award is subject to 2 C.F.R. Part 180 and Treasury’s implementing regulation at 31 C.F.R. Part 19.
 - v. Subrecipient Integrity and Performance Matters, pursuant to which the award term set forth in 2 C.F.R. Part 200, Appendix XII to Part 200 is hereby incorporated by reference.
 - vi. Government wide Requirements for Drug-Free Workplace, 31 C.F.R. Part 20.
 - vii. New Restrictions on Lobbying, 31 C.F.R. Part 21.
 - viii. Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (42 U.S.C. §§ 4601-4655) and implementing regulations.
 - ix. Generally applicable federal environmental laws and regulations.

- c. Statutes and regulations prohibiting discrimination applicable to this award include, without limitation, the following:
- i. Title VI of the Civil Rights Act of 1964 (42 U.S.C. §§ 2000d et seq.) and Treasury's implementing regulations at 31 C.F.R. Part 22, which prohibit discrimination on the basis of race, color, or national origin under programs or activities receiving federal financial assistance;
 - ii. The Fair Housing Act, Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§ 3601 et seq.), which prohibits discrimination in housing on the basis of race, color, religion, national origin, sex, familial status, or disability;
 - iii. Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of disability under any program or activity receiving federal financial assistance;
 - iv. The Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101 et seq.), and Treasury's implementing regulations at 31 C.F.R. Part 23, which prohibit discrimination on the basis of age in programs or activities receiving federal financial assistance; and
 - v. Title II of the Americans with Disabilities Act of 1990, as amended (42 U.S.C. §§ 12101 et seq.), which prohibits discrimination on the basis of disability under programs, activities, and services provided or made available by state and local governments or instrumentalities or agencies thereto.
10. Remedial Actions. In the event of Subrecipient's noncompliance with section 602 of the Act, other applicable laws, Treasury's implementing regulations, guidance, or any reporting or other program requirements, Treasury may impose additional conditions on the receipt of a subsequent tranche of future award funds, if any, or take other available remedies as set forth in 2 C.F.R. § 200.339. In the case of a violation of section 602(c) of the Act regarding the use of funds, previous payments shall be subject to recoupment as provided in section 602(e) of the Act and any additional payments may be subject to withholding as provided in sections 602(b)(6)(A)(ii)(III) of the Act, as applicable.
11. Hatch Act. Subrecipient agrees to comply, as applicable, with requirements of the Hatch Act (5 U.S.C. §§ 1501-1508 and 7324-7328), which limit certain political activities of State or local government employees whose principal employment is in connection with an activity financed in whole or in part by this federal assistance.
12. False Statements. Subrecipient understands that making false statements or claims in connection with this award is a violation of federal law and may result in criminal, civil, or administrative sanctions, including fines, imprisonment, civil damages and penalties, debarment from participating in federal awards or Agreements, and/or any other remedy available by law.
13. Publications. Any publications produced with funds from this award must display the following language: "This project [is being] [was] supported, in whole or in part, by

federal award number SLFRF0126 awarded to the State of Colorado by the U.S. Department of the Treasury.”

14. Debts Owed the Federal Government.

- a. Any funds paid to the Subrecipient (1) in excess of the amount to which the Subrecipient is finally determined to be authorized to retain under the terms of this award; (2) that are determined by the Treasury Office of Inspector General to have been misused; or (3) that are determined by Treasury to be subject to a repayment obligation pursuant to sections 602(e) and 603(b)(2)(D) of the Act and have not been repaid by the Subrecipient shall constitute a debt to the federal government.
- b. Any debts determined to be owed to the federal government must be paid promptly by Subrecipient. A debt is delinquent if it has not been paid by the date specified in Treasury’s initial written demand for payment, unless other satisfactory arrangements have been made or if the Subrecipient knowingly or improperly retains funds that are a debt as defined in paragraph 14(a). Treasury will take any actions available to it to collect such a debt.

15. Disclaimer.

- a. The United States expressly disclaims any and all responsibility or liability to Subrecipient or third persons for the actions of Subrecipient or third persons resulting in death, bodily injury, property damages, or any other losses resulting in any way from the performance of this award or any other losses resulting in any way from the performance of this award or any Agreement, or Subcontract under this award.
- b. The acceptance of this award by Subrecipient does not in any way establish an agency relationship between the United States and Subrecipient.

16. Protections for Whistleblowers.

- a. In accordance with 41 U.S.C. § 4712, Subrecipient may not discharge, demote, or otherwise discriminate against an employee in reprisal for disclosing to any of the list of persons or entities provided below, information that the employee reasonably believes is evidence of gross mismanagement of a federal Agreement or grant, a gross waste of federal funds, an abuse of authority relating to a federal Agreement or grant, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a federal Agreement (including the competition for or negotiation of an Agreement) or grant.
- b. The list of persons and entities referenced in the paragraph above includes the following:
 - i. A member of Congress or a representative of a committee of Congress;
 - ii. An Inspector General;
 - iii. The Government Accountability Office;
 - iv. A Treasury employee responsible for Agreement or grant oversight or management;

EXHIBIT A

Item 14.

- v. An authorized official of the Department of Justice or other law enforcement agency;
 - vi. A court or grand jury; or
 - vii. A management official or other employee of Subrecipient, Contractor, or Subcontractor who has the responsibility to investigate, discover, or address misconduct.
- c. Subrecipient shall inform its employees in writing of the rights and remedies provided under this section, in the predominant native language of the workforce.
17. Increasing Seat Belt Use in the United States. Pursuant to Executive Order 13043, 62 FR 19217 (Apr. 18, 1997), Subrecipient should encourage its Contractors to adopt and enforce on-the-job seat belt policies and programs for their employees when operating company-owned, rented or personally owned vehicles.
18. Reducing Text Messaging While Driving. Pursuant to Executive Order 13513, 74 FR 51225 (Oct. 6, 2009), Subrecipient should encourage its employees, Subrecipients, and Contractors to adopt and enforce policies that ban text messaging while driving, and Subrecipient should establish workplace safety policies to decrease accidents caused by distracted drivers.

THE REST OF THIS PAGE INTENTIONALLY LEFT BLANK

ASSURANCES OF COMPLIANCE WITH CIVIL RIGHTS REQUIREMENTS

ASSURANCES OF COMPLIANCE WITH TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

As a condition of receipt of federal financial assistance from the Department of the Treasury, the Subrecipient provides the assurances stated herein. The federal financial assistance may include federal grants, loans and Agreements to provide assistance to the Subrecipient's beneficiaries, the use or rent of Federal land or property at below market value, Federal training, a loan of Federal personnel, subsidies, and other arrangements with the intention of providing assistance. Federal financial assistance does not encompass Agreements of guarantee or insurance, regulated programs, licenses, procurement Agreements by the Federal government at market value, or programs that provide direct benefits.

The assurances apply to all federal financial assistance from or funds made available through the Department of the Treasury, including any assistance that the Subrecipient may request in the future.

The Civil Rights Restoration Act of 1987 provides that the provisions of the assurances apply to all of the operations of the Subrecipient's program(s) and activity(ies), so long as any portion of the Subrecipient's program(s) or activity(ies) is federally assisted in the manner prescribed above.

1. Subrecipient ensures its current and future compliance with Title VI of the Civil Rights Act of 1964, as amended, which prohibits exclusion from participation, denial of the benefits of, or subjection to discrimination under programs and activities receiving federal financial assistance, of any person in the United States on the ground of race, color, or national origin (42 U.S.C. § 2000d *et seq.*), as implemented by the Department of the Treasury Title VI regulations at 31 CFR Part 22 and other pertinent executive orders such as Executive Order 13166, directives, circulars, policies, memoranda, and/or guidance documents.
2. Subrecipient acknowledges that Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency," seeks to improve access to federally assisted programs and activities for individuals who, because of national origin, have Limited English proficiency (LEP). Subrecipient understands that denying a person access to its programs, services, and activities because of LEP is a form of national origin discrimination prohibited under Title VI of the Civil Rights Act of 1964 and the Department of the Treasury's implementing regulations. Accordingly, Subrecipient shall initiate reasonable steps, or comply with the Department of the Treasury's directives, to ensure that LEP persons have meaningful access to its programs, services, and activities. Subrecipient understands and agrees that meaningful access may entail providing language assistance services, including oral interpretation and written translation where necessary, to ensure effective communication in the Subrecipient's programs, services, and activities.

3. Subrecipient agrees to consider the need for language services for LEP persons when Subrecipient develops applicable budgets and conducts programs, services, and activities. As a resource, the Department of the Treasury has published its LEP guidance at 70 FR 6067. For more information on taking reasonable steps to provide meaningful access for LEP persons, please visit <http://www.lep.gov>.
4. Subrecipient acknowledges and agrees that compliance with the assurances constitutes a condition of continued receipt of federal financial assistance and is binding upon Subrecipient and Subrecipient's successors, transferees, and assignees for the period in which such assistance is provided.
5. Subrecipient acknowledges and agrees that it must require any sub-grantees, contractors, subcontractors, successors, transferees, and assignees to comply with assurances 1-4 above, and agrees to incorporate the following language in every Agreement or agreement subject to Title VI and its regulations between the Subrecipient and the Subrecipient's sub-grantees, Contractors, Subcontractors, successors, transferees, and assignees:

The sub-grantee, Contractor, Subcontractor, successor, transferee, and assignee shall comply with Title VI of the Civil Rights Act of 1964, which prohibits Subrecipients of federal financial assistance from excluding from a program or activity, denying benefits of, or otherwise discriminating against a person on the basis of race, color, or national origin (42 U.S.C. § 2000d et seq.), as implemented by the Department of the Treasury's Title VI regulations, 31 CFR Part 22, which are herein incorporated by reference and made a part of this Agreement (or agreement). Title VI also includes protection to persons with "Limited English Proficiency" in any program or activity receiving federal financial assistance, 42

U.S.C. § 2000d et seq., as implemented by the Department of the Treasury's Title VI regulations, 31 CFR Part 22, and herein incorporated by reference and made a part of this Agreement or agreement.

6. Subrecipient understands and agrees that if any real property or structure is provided or improved with the aid of federal financial assistance by the Department of the Treasury, this assurance obligates the Subrecipient, or in the case of a subsequent transfer, the transferee, for the period during which the real property or structure is used for a purpose for which the federal financial assistance is extended or for another purpose involving the provision of similar services or benefits. If any personal property is provided, this assurance obligates the Subrecipient for the period during which it retains ownership or possession of the property.
7. Subrecipient shall cooperate in any enforcement or compliance review activities by the Department of the Treasury of the aforementioned obligations. Enforcement may include investigation, arbitration, mediation, litigation, and monitoring of any settlement agreements that may result from these actions. The Subrecipient shall comply with information requests, on-site compliance reviews and reporting requirements.

8. Subrecipient shall maintain a complaint log and inform the Department of the Treasury of any complaints of discrimination on the grounds of race, color, or national origin, and limited English proficiency covered by Title VI of the Civil Rights Act of 1964 and implementing regulations and provide, upon request, a list of all such reviews or proceedings based on the complaint, pending or completed, including outcome. Subrecipient also must inform the Department of the Treasury if Subrecipient has received no complaints under Title VI.
9. Subrecipient must provide documentation of an administrative agency's or court's findings of non-compliance of Title VI and efforts to address the non-compliance, including any voluntary compliance or other agreements between the Subrecipient and the administrative agency that made the finding. If the Subrecipient settles a case or matter alleging such discrimination, the Subrecipient must provide documentation of the settlement. If Subrecipient has not been the subject of any court or administrative agency finding of discrimination, please so state.
10. If the Subrecipient makes sub-awards to other agencies or other entities, the Subrecipient is responsible for ensuring that sub-Subrecipients also comply with Title VI and other applicable authorities covered in this document State agencies that make sub-awards must have in place standard grant assurances and review procedures to demonstrate that that they are effectively monitoring the civil rights compliance of sub- Subrecipients.

The United States of America has the right to seek judicial enforcement of the terms of this assurances document and nothing in this document alters or limits the federal enforcement measures that the United States may take in order to address violations of this document or applicable federal law.

THE REST OF THIS PAGE INTENTIONALLY LEFT BLANK

EXHIBIT F, SLFRF SUBRECIPIENT QUARTERLY REPORT

1. SLFRF SUBRECIPIENT QUARTERLY REPORT WORKBOOK

- 1.1** The SLFRF Subrecipient Quarterly Report Workbook must be submitted to the State Agency within ten (10) days following each quarter ended September, December, March and June. The SLFRF Subrecipient Quarterly Report Workbook can be found at: <https://osc.colorado.gov/american-rescue-plan-act> (see SLFRF Grant Agreement Templates tab).

THE REST OF THIS PAGE INTENTIONALLY LEFT BLANK

ORDINANCE NO. 122, 2022
OF THE COUNCIL OF THE CITY OF FORT COLLINS
MAKING SUPPLEMENTAL APPROPRIATIONS IN THE GENERAL FUND OF
GRANT PROCEEDS FROM THE COLORADO DEPARTMENT OF LOCAL AFFAIRS FOR
THE KECHTER TOWNHOMES PROJECT

WHEREAS, the City applied for and has received a grant of \$2.2 million from the Colorado Department of Local Affairs (DOLA) to be used for the benefit of the Kechter Townhomes project being constructed on a former City Affordable Housing Land Bank property (the “Project”); and

WHEREAS, the grant funds will be used to pay water and wastewater tap and permit fees for the Project to the Fort Collins-Loveland Water District; and

WHEREAS, City staff wishes to appropriate the grant funds for expenditure on the Project; and

WHEREAS, this appropriation benefits the public health, safety and welfare of the residents of Fort Collins and serves the public purpose of furthering the development of affordable home-ownership housing in the Fort Collins community; and

WHEREAS, Article V, Section 9 of the City Charter permits the City Council, upon recommendation of the City Manager, to make supplemental appropriations by ordinance at any time during the fiscal year, provided that the total amount of such supplemental appropriations, in combination with all previous appropriations for that fiscal year, does not exceed the current estimate of actual and anticipated revenues and all other funds to be received during the fiscal year; and

WHEREAS, the City Manager has recommended the appropriation described herein and determined that this appropriation is available and previously unappropriated from the General Fund and will not cause the total amount appropriated in the General Fund to exceed the current estimate of actual and anticipated revenues and all other funds to be received in that Fund during this fiscal year; and

WHEREAS, Article V, Section 11 of the City Charter authorizes the City Council to designate in the ordinance when appropriating funds for a federal, state or private grant, that such appropriation shall not lapse at the end of the fiscal year in which the appropriation is made, but continue until the earlier of the expiration of the federal, state or private grant or the City’s expenditure of all funds received from such grant; and

WHEREAS, the City Council wishes to designate the appropriation herein from the Colorado Department of Local Affairs for the Project as an appropriation that shall not lapse until the earlier of the expiration of the grant or the City’s expenditure of all funds received from such grant.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That there is hereby appropriated from new revenue or other funds in the General Fund the sum of TWO MILLION TWO HUNDRED THOUSAND DOLLARS (\$2,200,000) for the Project.

Section 3. That the appropriation herein of the Colorado Department of Local Affairs grant for the Social Sustainability Kechter Townhomes Project is hereby designated, as authorized in Article V, Section 11 of the City Charter, as an appropriation that shall not lapse at the end of this fiscal year but continue until the earlier of the expiration of the grant or the City's expenditure of all funds received from such grant.

Introduced, considered favorably on first reading, and ordered published this 1st day of November, A.D. 2022, and to be presented for final passage on the 15th day of November, A.D. 2022.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading on the 15th day of November, A.D. 2022.

Mayor

ATTEST:

City Clerk



COLORADO
Department of Local Affairs
 Division of Local Government

April 28, 2022

The Honorable Jeni Arndt, Mayor
 City of Fort Collins
 PO Box 580
 Fort Collins CO 80522

RE: IHOI-INC003 Fort Collins Kechter Townhomes

Dear Mayor Arndt:

Congratulations! After thorough review, I am excited to offer a grant award in the amount of \$2,200,000 to assist with the Fort Collins Kechter Townhomes.

This awarded project is a part of an exciting new program through the Colorado Department of Local Affairs (DOLA), with funding from HB21-1271, that offers state assistance to local governments that have implemented strategies to promote the development of innovative affordable housing projects. The program is funded with both federal and state stimulus funds. The Divisions of Local Government (DLG) and Housing (DOH) are partnering on this program to provide multi-disciplinary support to grantees.

Your project was reviewed based on a variety of factors such as readiness, capacity, impact on local housing needs, sustained and equitable community support, provision of community benefits, and consideration of sustainable development patterns. Additionally, we reviewed your submitted qualifying land use strategies and would like to not only confirm that you qualify for this funding program but applaud your progress in this area. DOLA staff are available to support your effort throughout this project and are excited to share your results with other local governments, the Governor's Office, and the legislature.

Please contact DOLA Community Development Office staff, KC McFerson, kc.mcferson@state.co.us, with any questions. We look forward to the contracting process to provide further information about the mix of state and/or federal funding that will be used for your project, anticipated project milestones for this quick-spending funding round, and other details. Expenditure of funds prior to the contract being fully executed cannot be included in the contract budget or reimbursed by the state. We will be working over the next few weeks to get your project under contract. Per our program guidelines, all funds must be spent before June 30, 2024.

I wish you success with your project. Thank you for helping Colorado build more attainable and affordable housing across the state.

Sincerely,

Rick M. Garcia
 Executive Director

cc: Joann Ginal, State Senator
 Cathy Kipp, State Representative
 Sue Beck-Ferkiss, City of Fort Collins
 Chris La May, DOLA Regional Manager
 Yvette Seerden, DOH Development Specialist
 Nicole Bush, DOLA Program Staff



MINUTES

CITY OF FORT COLLINS • BOARDS AND COMMISSIONS



AFFORDABLE HOUSING BOARD

REGULAR MEETING

February 3, 2022, 4:00-6:00pm

Remote/Online via Zoom due to COVID-19

DRAFT

CALL TO ORDER

At 4:00 the meeting was called to order by Tatiana Zentner

1. ROLL CALL

- a. **Board Members Present:** Tatiana Zentner, John Singleton, Jennifer Bray, Bob Pawlikowski, Stefanie Berganini and Seth Forwood joined in progress.
- b. **Board Members Absent:** Kristin Fritz
- c. **Staff Members Present:**
 - Sue Beck-Ferkiss, Staff Liaison – City of Fort Collins
 - Taylor Reynolds, Minutes – City of Fort Collins
 - Clay Frickey – City of Fort Collins, Urban Renewal Authority Manager

2. AGENDA REVIEW – No changes.

3. **CITIZEN PARTICIPATION** – Marilyn Heller from the League of Women Voters Affordable Housing Team announced a panel titled “Housing Insecurity: A Threat to Behavioral Health?” on Monday, April 11 at 7:00 p.m. via Zoom.

4. APPROVAL OF MINUTES

**Bob Pawlikowski moved to approve January minutes. Stefanie Berganini seconded.
Approved 5-0.**

MINUTES

CITY OF FORT COLLINS • BOARDS AND COMMISSIONS



Item 14.

AFFORDABLE HOUSING BOARD

REGULAR MEETING

5. NEW BUSINESS

a. **Officer Introductions and Liaison Assignments - Items retracted.**

b. **Housing Strategic Plan – Items retracted.**

c. **Land Use Code Update**

- City staff is requesting support from City Council on February 15 to apply for a State DOLA (Department of Local Affairs) Grant for the Kechter Land Bank Project. The City's Letter of Intent was approved, and staff were invited to complete the full application. The application requires a Council Resolution.

Tatiana Zentner moved for the Affordable Housing Board to support staff's request to City Council for a Resolution supporting an application for the state incentive's grant program. Seth Forwood seconded. Approved 6-0.

6. BOARD MEMBER REPORTS – ITEMS RETRACTED

7. OTHER BUSINESS – ITEMS RETRACTED

8. ADJOURNMENT

Meeting adjourned at 6:13 PM

November 1, 2022

AGENDA ITEM SUMMARY

City Council



STAFF

Noah Beals, Development Review Manager
Brad Yatabe, Senior Assistant City Attorney

SUBJECT

First Reading of Ordinance No. 123, 2022, Updating References in City Code to the Land Use Code.

EXECUTIVE SUMMARY

This purpose of this item is to update the City Code's existing references to Land Use Code to the new name Land Development Code

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

BACKGROUND / DISCUSSION

At its October 18th meeting, Council adopted first reading of the Phase 1 update of the Land Use Code. Included in the update is a change to the name of the code. The new name is the Land Development Code.

CITY FINANCIAL IMPACTS

None.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

Not applicable.

PUBLIC OUTREACH

Not applicable.

ATTACHMENTS

1. Ordinance for Consideration

ORDINANCE NO. 123, 2022
OF THE COUNCIL OF THE CITY OF FORT COLLINS
UPDATING CITY CODE REFERENCES TO ALIGN WITH THE
ADOPTION OF THE LAND DEVELOPMENT CODE

WHEREAS, City Council is adopting the Land Development Code pursuant to Ordinance No. 114, 2022, to replace the existing 1997 Land Use Code; and

WHEREAS, upon adoption of the Land Development Code, it will not go into effect until January 1, 2023; and

WHEREAS, the purpose of this Ordinance is to update various references in the City Code to the 1997 Land Use Code to align with the Land Development Code; and

WHEREAS, the City Council finds that the changes in this Ordinance are in the best interests of the City of Fort Collins in furthering adoption and utilization of the new Land Development Code.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That Section 1-15 of the Code of the City of Fort Collins are hereby amended to read as follows:

Sec. 1-15. - General penalty and surcharges for misdemeanors offenses, petty offenses, traffic offenses, and traffic and civil infractions.

...

(f) Except as provided in Paragraph (4) below, any person found responsible for a violation of this Code designated as a civil infraction shall pay a civil penalty for such infraction of not more than three thousand dollars (\$3,000). Said amount shall be adjusted for inflation on January 1 of each calendar year. For the purpose of this provision, *inflation* shall mean the annual percentage change in the United States Department of Labor, Bureau of Labor Statistics, consumer price index for Denver-Boulder, all items, all urban consumers, or its successor index, plus costs, damages and expenses as follows:

...

(3) If a defendant fails to answer a citation for a civil infraction or notice to appear in court or before a Referee for such infraction, a default judgment shall enter in the amount of the civil penalty plus all costs,

expenses and damages. In the event a defendant fails to pay a civil penalty, costs, damages or expenses within thirty (30) days after the payment is due or fails to pay a default judgment, the City may pursue any legal means for collection and, in addition, may obtain an assessment lien against the property that was the subject of the violation if the Code violation is designated as a nuisance in Chapter 20, is a violation of any civil infraction contained in Chapter 5, 12, 20, 24 or 27, or is a violation of Land Use **Development** Code Section ~~3.18.16~~ **6.26.4** and was committed by an owner or tenant of the property, ~~as defined in Land Use Code Section 5.1.2.~~

...

Section 3. That Section 2-47 of the Code of the City of Fort Collins are hereby amended to read as follows:

Sec. 2-47. - Certain appeals to be taken to city council.

An appeal of any final decision expressly appealable to City Council under other provisions of this Code, including the Land Use **Development** Code, shall be decided by the City Council in the manner set forth in this Division.

Section 4. That Section 2-51 of the Code of the City of Fort Collins are hereby amended to read as follows:

Sec. 2-51. - Record on appeal.

Any appeal to the City Council shall be an appeal on the record of the hearing before the board, commission or other decision maker together with such additional evidence as may be admitted by the Council for consideration as provided in this Article. The record provided to the City Council shall include the following:

...

- (2) A verbatim transcript of such proceedings before the board, commission or other decision maker. The cost of the transcript shall be borne by the City. If a verbatim transcript of the proceedings does not exist and cannot be produced, whether due to an equipment malfunction or clerical error, or for any other reason, the decision that is the subject of the appeal will be re-heard before the decision maker after notice as required by the relevant provisions of this Code or the Land Use **Development** Code, whichever is applicable, and the appeal shall be terminated.

...

Section 5. That Section 2-108 of the Code of the City of Fort Collins are hereby amended to read as follows:

Sec. 2-108. - Land Conservation and Stewardship Board.

...

(b) The duties and functions of the Board shall be as follows:

...

- (4) Upon request of the City Manager or at the direction of the City Council, to advise City Council regarding any positive or negative impacts that particular plans or projects of the City or of other public or private entities may have on Natural Areas Program properties or properties that may be of interest to the Natural Areas Program. This provision shall not apply to development projects for which applications have been submitted to the City for approval under the Land Use **Development** Code; and

...

Section 6. That Section 2-174 of the Code of the City of Fort Collins are hereby amended to read as follows:

Sec. 2-174. - Historic Preservation Commission.

...

(c) The Commission shall also have the following additional functions:

...

- (4) To coordinate with the various other City boards, commissions and City staff members whose actions may affect the preservation of historic resources in the community; **and**
- ~~(5) To establish a committee of its members to provide advice and, if required under § 2.10.2(H) of the Land Use Code, written recommendations to the owners of eligible historic properties, and of properties located near eligible historic properties, regarding historically appropriate design and site planning for additions, alterations and new construction in the City; provided, however, that any members of such committee who provide such advice or recommendations to property owners under this provision shall refrain from participating in any subsequent decisions of the Commission related to such properties; and~~
- (5)** ~~(6)~~ To provide advice and written recommendations to the appropriate decision maker and/or administrative body regarding plans for properties

containing or adjacent to sites, structures, objects or districts that: (a) have been determined to be individually eligible for local landmark designation or for individual listing in the State or National Registers of Historic Places; (b) are officially designated as a local or state landmark or are listed on the National Register of Historic Places; or (c) are located within an officially designated historic district or area.

Section 7. That Section 2-176 of the Code of the City of Fort Collins are hereby amended to read as follows:

Sec. 2-176. - Planning and Zoning Commission.

...

(b) The Commission shall have the following functions:

...

(2) To exercise the authority vested in it by state planning and zoning laws subject to the provisions of this Section and the following additional provisions and limitations:

...

c. The procedures for development review within the City shall be as established in the Land Use **Development** Code or, if applicable, the **2022** Transitional Land Use Regulations. Accordingly, Section 31-23-215, C.R.S., shall have no force or effect in the City; and

Section 8. That Section 2-177 of the Code of the City of Fort Collins are hereby amended to read as follows:

Sec. 2-177. - Land Use Review Commission.

...

(b) The Commission shall have the following powers and duties:

(1) To hear and decide appeals from and review any order, requirement, decision or determination made by an administrative official charged with enforcement of the regulations established by the Land Use **Development** Code or, if applicable, ~~Articles I through IV of the~~ **2022** Transitional Land Use Regulations ~~in accordance with the provisions of Division 2.10 of the Land Use Code;~~ and

(2) To authorize upon appeal in specific cases, and in accordance with the provisions of Division 6.142.9 of the Land Use Development Code, variances from the terms of Articles 3 and 4 of the Land Use Development Code or, if applicable, Chapter 29, Articles I through IV of the 2022 Transitional Land Use Regulations pursuant to Division 2.11.

Section 9. That Section 4-2 of the Code of the City of Fort Collins are hereby amended to read as follows:

Sec. 4-2. - Exceptions.

The provisions of this Chapter are subject to such exceptions as may be provided in the Land Use Development Code or, if applicable, the 2022 Transitional Land Use Regulations.

Section 10. That Section 4-117 of the Code of the City of Fort Collins are hereby amended to read as follows:

Sec. 4-117. - Sale of chickens and ducklings; quantity restricted; keeping of chickens and ducks.

...

(b) In those zone districts where the keeping of farm animals (as that term is defined in Section 5.1.2 Article 7 of the Land Use Development Code) is not otherwise allowed, the keeping of chickens and/or ducks (poultry) shall be permitted subject to the following requirements and subject to all other applicable provisions of this Chapter.

...

Section 11. That Section 5-27 of the Code of the City of Fort Collins are hereby amended to read as follows:

Sec. 5-27. - Amendments and Deletions to the 2021 International Building Code.

The 2021 International Building Code adopted in §5-26 is hereby amended to read as follows:

3604.2 Definitions applicable to this Chapter:

Affordable Housing: Residential occupancies that meet the criteria established in the Land Use Development Code Section 5.1.2 Article 7 as affordable housing.

...

3604.5 New buildings. All new *buildings* or *buildings* undergoing a primary or partial change of occupancy or use in which more than 50% of the total building area is changing shall provide *electrical vehicle* parking spaces based on the minimum number of parking spaces as defined by the standards in the Land Use **Development** Code (**LUCLDC**). A parking schedule shall be shown on the submitted plans that lists the required parking spaces and the provided EV spaces in accordance with the TABLE 3604.5.

...

Section 12. That Section 5-47 of the Code of the City of Fort Collins are hereby amended to read as follows:

Sec. 5-47. - Amendments and deletions to the 2021 International Property Maintenance Code.

The *2021 International Property Maintenance Code* adopted in Section 5-46 is hereby amended to read as follows:

...

- 4. **Section 102.3 Application of other codes** is hereby amended to read as follows:

102.3 Application of other codes. Repairs, additions or alterations to a *structure*, or changes of *occupancy*, shall be done in accordance with the procedures and provisions of the *International Building Code*, *International Existing Building Code*, *International Energy Conservation Code*, *International Fire Code*, *International Fuel Gas Code*, *International Mechanical Code*, *International Residential Code*, the *International Plumbing Code* to the extent adopted by the *Colorado Plumbing Code*, NFPA70 and all other applicable City codes. Nothing in this code shall be construed to cancel, modify or set aside any provision of the City's Land Use **Development** Code.

...

- 17. **Section 201.3 Terms defined in other codes** is hereby amended to read as follows:

201.3 Terms defined in other codes. Where terms are not defined in this code and are defined in the City Code, the Land Use **Development** Code and any other code adopted by reference in the City Code, including

the *International Building Code, International Existing Building Code, International Fire Code, International Fuel Gas Code, International Mechanical Code, the International Plumbing Code* to the extent adopted by the *Colorado Plumbing Code, International Residential Code*, or NFPA 70, such terms shall have the meanings ascribed to them as stated in those codes.

...

Section 13. That Section 5-236 of the Code of the City of Fort Collins are hereby amended to read as follows:

Sec. 5-236. - Definitions.

For the purposes of this Article, certain terms, phrases, words and their derivatives shall be construed as expressly stated herein and as follows:

Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular. Where terms are not defined in this Division and are defined in the City Code, Land Use **Development** Code, International Building Code, International Fire Code, Land Use **Development** Code, International Plumbing Code, International Mechanical Code or National Electrical Code, such terms shall have the meanings ascribed to them as stated in those codes. Where terms are not defined through the methods authorized by this Section, such terms shall have ordinarily accepted meanings such as the context implies. Whenever the words *dwelling unit, dwelling, premises, building, rooming house, rooming unit, housekeeping unit* or *story* are stated in this code, they shall be construed as though they were followed by the words "or any part thereof."

...

Section 14. That Section 5-238 of the Code of the City of Fort Collins are hereby amended to read as follows:

Sec. 5-238. - Applicability.

In General. The provisions of this Article shall apply to all rental housing. All rental housing shall also conform to the applicable City Land Use **Development** Code and City Building Codes, including the IPMC, as adopted and amended in §§ 5-46 and 5-47.

Section 15. That Section 5-264 of the Code of the City of Fort Collins are hereby amended to read as follows:

Sec. 5-264. - Certificate required for occupancy of dwelling units contained in single-family or two-family dwellings in excess of limit; conditions; revocation or suspension.

- (a) No dwelling unit contained in a single-family or two-family dwelling shall be occupied by more persons than the number of persons permitted under Section ~~3.8-165.14.1~~ of the Land Use **Development** Code unless a certificate of occupancy for an extra-occupancy rental house has been issued for such dwelling by the Building Official.

...

Section 16. That Section 5-265 of the Code of the City of Fort Collins are hereby amended to read as follows:

Sec. 5-265. - Posting; inspection of books and records; disclosure.

...

- (b) Whenever reasonable cause exists to believe that a violation of the Code or Land Use **Development** Code has occurred at any rental dwelling unit, the owner and property manager, if any, of said unit shall, immediately upon request, make available to the City all lease, rental payment and tenant information pertaining to the unit, together with the written disclosure statement required by Subsection (c) of this Section.

- (c) Any person selling or leasing a dwelling unit shall forthwith provide all purchasers, lessees or sublessees of such unit with a written disclosure statement, on a form provided by the City, specifying the maximum permissible occupancy of such unit under Section ~~3.8-165.14.1~~ of the Land Use **Development** Code. Such disclosure statement shall be signed and dated by all parties to the transaction immediately upon execution of any deed, contract for purchase and sale or lease pertaining to such unit. In the case of a lease, the following shall apply:

...

Section 17. That Section 7.5-17 of the Code of the City of Fort Collins are hereby amended to read as follows:

Sec. 7.5-17. - Definitions.

When used in this Article, the following words and terms shall have the following meanings:

Building permit shall mean the permit required for new construction and additions under Division ~~6.132.7~~ of the Land Use **Development** Code, or, if applicable, ~~Section 29-5(a)~~ **Division 2.7** of the **2022** Transitional Land Use Regulations, and the permit required for the installation of a mobile home pursuant to Subsection 18-

8(b) of this Code; provided, however, that the term *building permit*, as used herein, shall not be deemed to include permits required for the following:

...

Dwelling shall mean a building used exclusively for residential occupancy, including single-family dwellings, two-family dwellings and multi-family dwellings, and which contains: (a) a minimum of eight hundred (800) square feet of floor area, or (b) in the case of a dwelling to be constructed on the rear portion of a lot in the ~~L-M-N, M-M-N, N-C-L, N-C-M, N-C-B, C-C-N, C-C-R, H-C or E~~ **LMN, MMN, OT, CCN, CCR, HC or E** zone districts, a minimum of four hundred (400) square feet of floor area, so long as a dwelling already exists on the front portion of such lot. The term dwelling shall not include hotels, motels, tents or other structures designed or used primarily for temporary occupancy. Any dwelling shall be deemed to be a principal building.

...

Transportation improvements shall mean those capital improvements needed to construct arterial or collector streets as shown in the City's adopted Master Street Plan, as amended, shall include, without limitation, the following capital improvements as described in said Master Street Plan or as described in the City's adopted Bicycle Master Plan and Pedestrian Master Plan, as these plans may be hereafter amended: right-of-way acquisition; vehicle and bicycle lanes; curbs, gutters and other drainage structures; pedestrian ways; traffic control devices and signals; medians and median landscaping; and transit facilities, including, without limitation, transit stops and rolling stock, to the extent that such transit facilities are reasonably necessary to expand the City's transit system so as to provide transit services to feepayers. However, *transportation improvements* shall not include the local street portion and related capital improvements required for a developed parcel under this Code and the Land Use **Development** Code.

Section 18. That Section 7.5-19 of the Code of the City of Fort Collins are hereby amended to read as follows:

Sec. 7.5-19. - Imposition, computation and collection of fees.

...

(b) Notwithstanding any language to the contrary contained in this Article, development projects for which final approval of the associated Project Development Plan, as such terms are defined and described in the **2022 Transitional Land Use Regulations** ~~Land-Use Code~~, had been received prior to June 6, 2017, shall be required to pay the capital expansion fees at the rates in effect prior to June 6, 2017.

Section 19. That Section 7.5-24.1 of the Code of the City of Fort Collins are hereby amended to read as follows:

Sec. 7.5-24.1. - Entitlement to refund upon abandonment.

Fees collected pursuant to this Article may be refunded to the current owner of the real property for which the fee was paid in the event that the right to develop the property in accordance with the approved plan has been abandoned as provided in Section ~~2.2.10(B)~~ **6.3.10(B)(3)** of the Land Use **Development** Code. Any such refund shall be processed in accordance with the procedures described in § 7.5-25. No such refund based upon abandonment shall be made until the following conditions have been met:

...

- (2) the property is adequately fenced in accordance with the standards contained in ~~Division 3.8~~ **Article 4** of the Land Use **Development** Code in such manner as to adequately protect, in the judgment of the City Manager, public safety;

...

Section 20. That Section 7.5-25 of the Code of the City of Fort Collins are hereby amended to read as follows:

Sec. 7.5-25. - Procedure to obtain refund.

- (a) All applications for refund under this Article shall be submitted to the Financial Officer. Each application shall be in a form established by the Financial Officer, and shall contain the following:

...

- (3) for refunds based upon abandonment, a copy of the approval of abandonment in accordance with ~~Subsection 2.2.10(B)~~ **6.3.10(B)(3)** of the Land Use **Development** Code; and

...

Section 21. That Section 7.5-47 of the Code of the City of Fort Collins are hereby amended to read as follows:

Sec. 7.5-47. - Definitions.

When used in this Article, the following words and terms shall have the following meanings:

...

Dwelling unit shall mean habitable floor space intended for the exclusive use of a single household with a single kitchen, or including a second kitchen pursuant to Land Development Code Section 5.3.6 one (1) or more rooms and a single kitchen and at least one (1) bathroom, designed, occupied or intended for occupancy as separate quarters for the exclusive use of a single family for living, cooking and sanitary purposes, located in any *single-unit family* (attached or detached), *two-unit family* (attached or detached), or *multi-unit family dwelling* or *mixed-use building* containing dwelling unit(s) and nonresidential use(s), as these terms are defined in the Land Use Development Code.

...

Land development project or *project* shall mean any proposed land development project for which a development application or development application for permitted use has been filed with the City under the Land Use Development Code or any subsequent amendment to a previously approved subdivision and which, if approved, could result in the construction of new dwelling units.

Land Use Development Code shall mean the City's Land Use Development Code referenced in Code Section 29-1.

...

Section 22. That Section 7.5-48 of the Code of the City of Fort Collins are hereby amended to read as follows:

Sec. 7.5-48. - Land dedication or in-lieu fees imposed.

...

- (e) Notwithstanding any of the foregoing in this Section, each of the following shall be exempt from the land-dedication requirement and the in-lieu fee payment requirement in this Article:

...

- (6) Long-term care facilities or group homes as defined in the Land Use Development Code;

...

Section 23. That Section 7.5-81 of the Code of the City of Fort Collins are hereby amended to read as follows:

Sec. 7.5-81. - Definitions.

When used in this Article, the following words and terms shall have the following meanings:

...

Traffic-generating development, commencement of shall mean the point of approval of a site specific development (as that term is defined in Article 57 of the Land Use **Development** Code), or the issuance of a building permit, whichever occurs first after the effective date of this Division.

...

Section 24. That Section 9-2 of the Code of the City of Fort Collins are hereby amended to read as follows:

Sec. 9-2. - Amendments and deletions to the 2021 International Fire Code.

...

67. **Section 5704.2.9.6.1 Locations where above-ground tanks are prohibited** is hereby amended to read as follows:

5704.2.9.6.1 Locations where above-ground tanks are prohibited. Storage of Class I and II liquids in above-ground tanks outside of buildings is prohibited within the limits established by law as the limits of districts in which such storage is prohibited in accordance with the City of Fort Collins Land Use **Development** Code.

68. **Section 5706.2.4.4 Locations where above-ground tanks are prohibited** is hereby amended to read as follows:

5706.2.4.4 Locations where above-ground tanks are prohibited. The storage of Class I and II liquids in above-ground tanks is prohibited within the limits established by law as the limits of districts in which such storage is prohibited in accordance with the City of Fort Collins Land Use **Development** Code.

69. **Section 5806.2 Limitations** is hereby amended to read as follows:

5806.2 Limitations. Storage of flammable *cryogenic fluids* in stationary containers outside of buildings is prohibited within the limits established by law as the limits of districts in which such storage is prohibited in accordance with the City of Fort Collins Land Use **Development** Code.

70. **Section 6104.2 Maximum capacity within established limits** is hereby amended to read as follows:

6104.2 Maximum capacity with established limits. Within the limits established by law restricting the storage of liquefied petroleum gas for the protection of heavily populated or congested areas, the aggregate capacity of any one installation shall not exceed a water capacity of 2,000 gallons (7570 L) in accordance with the City of Fort Collins Land Use **Development** Code.

...

Section 25. That Section 10-30 of the Code of the City of Fort Collins are hereby amended to read as follows:

Sec. 10-30. - Takings determinations.

Any person who claims that his or her property has been taken by reason of the application of any provision of this Article may apply to the Utilities Executive Director for a Takings Determination using the procedural and substantive requirements and criteria set forth in Division ~~2.13~~ **6.19** of the City's Land Use **Development** Code, provided that, for the purpose of this Section, any reference therein to the Director of Community Development and Neighborhood Services shall be deemed to constitute a reference to the Utilities Executive Director and any reference to the Land Use **Development** Code therein shall be deemed to constitute a reference to this Article. Said Takings Determination Procedures shall be exhausted before the institution of any judicial proceeding against the City claiming a taking of affected property.

Section 26. That Section 12-18 of the Code of the City of Fort Collins are hereby amended to read as follows:

Sec. 12-18. - Collection and disposal of refuse and rubbish.

...

(b) All refuse containers and recyclable materials that are not required to be enclosed at all times per Land Use **Development** Code ~~Section 3-2.5~~ **Division 5.11** shall be screened except on collection day, or within twelve (12) hours preceding the time of regularly scheduled collection from the premises, when they may be placed curbside as defined in §15-411 of this Code. Refuse containers and recyclable materials shall not, at any time, be placed on the sidewalk or in such a manner as to impair or obstruct pedestrian, bicycle or vehicular traffic.

...

Section 27. That Section 14-6 of the Code of the City of Fort Collins are hereby amended to read as follows:

Sec. 14-6. - Offenses against historic resources and potentially eligible resources.

- (a) Except as may be authorized pursuant to this Chapter or the provisions of the Land Use **Development** Code, no person shall damage, deface, destroy, or otherwise cause any alteration to be made to any site, structure or object that is: (1) Fifty (50) years of age or older that is not a single-family detached dwelling; (2) An accessory building or structure fifty (50) years of age or older that is not directly associated with a single-family detached dwelling; (3) A historic resource; or (4) Undergoing any of the processes provided for in this Chapter.
- (b) Except in response to a bona fide determination of imminent danger under § 14-8 of this Article, no person shall deviate from or fail to comply with any approved plan of protection for any historic resource that is required under this Chapter or the Land Use **Development** Code.

Section 28. That Section 14-21 of the Code of the City of Fort Collins are hereby amended to read as follows:

Sec. 14-21. - Purpose.

The standards and procedures in this Article apply in whole or in part to determine the eligibility of resources for designation as landmarks or landmark districts for (1) landmark or landmark district designation pursuant to Article III, (2) the analysis of proposed development pursuant to Land Use **Development** Code § ~~3.4.7~~ **Division 5.8**, and (3) property owner information.

Section 29. That Section 14-23 of the Code of the City of Fort Collins are hereby amended to read as follows:

Sec. 14-23. - Process for determining the eligibility of sites, structures, objects and districts for designation as Fort Collins landmarks or landmark districts.

- (a) *Application.* An application for determining the eligibility of a resource or district for designation as a Fort Collins landmark or Fort Collins landmark district may be made by the owner(s) of the resource(s). A non-binding eligibility determination may be made by a development review applicant pursuant to Land Use **Development** Code § **Section** ~~3.4.7(C)(2)~~ **5.8.1(D)(2)**. Said application shall be filed with the Director. Staff may require a current intensive-level Colorado Cultural Resource Survey Form for each resource contained in an application. The applicant shall reimburse the City for the cost of having such a survey generated by a third-party expert selected by the City. Within fifteen (15) days of the filing of such application, and receipt of the intensive-level survey if required, staff shall determine whether the property or properties containing or comprising the site, structure, object or district is eligible for designation as a Fort Collins landmark or landmark district based on the information contained in the application and any additional information that may be provided by others. A determination of eligibility shall be valid for five (5) years unless (1) the Director determines that significantly changed

circumstances require a reevaluation of the prior eligibility determination, or (2) the site, structure, object or district is undergoing designation proceedings pursuant to Article 3 of this Chapter in which case, new determinations of eligibility shall occur pursuant to such Article. Staff shall promptly publish the determination in a newspaper of general circulation in the City and cause a sign to be posted on or near the property containing the resource under review stating that the property is undergoing historic review. Said sign shall be readable from a point of public access and shall state that more information may be obtained from staff.

...

Section 30. That Section 14-32 of the Code of the City of Fort Collins are hereby amended to read as follows:

Sec. 14-32. - Interim control of permit issuance.

CDNS shall not issue any permit for the alteration or demolition of any resource(s) on a property or properties under consideration for designation as a Fort Collins landmark or Fort Collins landmark district from the date of the receipt of an application, a Councilmember written request, or a Commission motion initiating designation, all pursuant to § 14-31, until staff rejection of an application as incomplete pursuant to § 14-31 if the rejected application is not resubmitted with all staff identified deficiencies corrected within fourteen (14) days of the rejection, staff denial of an application in its entirety pursuant to § 14-31, Commission termination of the designation process pursuant to § 14-32, or final disposition of the designation by the City Council, unless such alteration or demolition is authorized by written resolution of the Commission as not causing an adverse effect on the eligibility of the resource(s) for designation, or by written resolution of the City Council as necessary for public health, welfare or safety. Furthermore, CDNS shall not issue any permit during the period in which a staff denial pursuant to § 14-31, or a Commission authorization pursuant to this Section that no adverse effect will occur, may be appealed and until a final decision on the appeal is rendered should a notice of appeal be filed. This stay on the issuance of permits shall include any period for filing a notice of appeal to City Council from a Commission decision on an appeal of a staff determination or until City Council has made a final decision in such an appeal should a notice of appeal be filed. This Section shall not be construed as waiving any other applicable requirements for the issuance of a permit under the Fort Collins Municipal or Land Use **Development** Code. No delay on the issuance of permits pursuant to this Section shall exceed one-hundred eighty (180) days unless the Director determines that the City has followed the designation process set forth in this Article without unnecessary delay and more time is needed to complete the designation process.

Section 31. That Section 15-108 of the Code of the City of Fort Collins are hereby amended to read as follows:

Sec. 15-108. - All solicitation prohibited by posting of "No Solicitation" or "No Trespassing" sign.

- (a) No solicitor, whether commercial or noncommercial, shall enter or remain upon any private premises in the City if a "No Solicitation" or "No Trespassing" sign is posted at or near the entrance(s) to such premises. For the purposes of this provision, if an occupant of a multi-family unit dwelling, as defined in Section 5.1.2 Division 7.2 of the Land Use Development Code, wishes to prohibit door-to-door solicitation by the posting of a sign, the sign prohibiting solicitation must be posted at or near the entrance(s) to the occupant's individual dwelling.

...

Section 32. That Section 15-381 of the Code of the City of Fort Collins are hereby amended to read as follows:

Sec. 15-381. - Definitions.

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this Section:

...

Neighborhood zone district shall mean one (1) of the following zone districts, as established in Article 24 of the Land Use Development Code: Rural Lands (~~R-U-L~~RUL); Urban Estate (~~U-E~~UE); Residential Foothills (~~R-FR~~RF); Low Density Residential (~~R-L~~RL); Low Density Mixed-Use Neighborhood (~~L-M-N~~LMN); Medium Density Mixed-Use Neighborhood (~~M-M-N~~NMMN); Old Town (OT) Neighborhood Conservation, Low Density (~~N-C-L~~); Neighborhood Conservation, Medium Density (~~N-C-M~~); Neighborhood Conservation, Buffer (~~N-C-B~~); and High Density Mixed-Use Neighborhood (~~H-M-N~~HMN).

Non-neighborhood zone district shall mean any zone district, as established in Article 4 Article 2 of the Land Use Development Code, that is not a neighborhood zone district.

...

Outdoor vendor or *vendor* shall mean any person, whether as owner, agent, consignee or employee, who sells or attempts to sell, or who offers to the public free of charge, any services, goods, wares or merchandise, including, but not limited to, food or beverage, from any outdoor location, except that outdoor vendor shall not include a person who:

...

- (6) Vends from a public sidewalk within the Downtown Zone District, as defined and established in the Land Use Development Code, pursuant to a concession agreement with the City;

...

Section 33. That Section 15-384 of the Code of the City of Fort Collins are hereby amended to read as follows:

Sec. 15-384. - Contents of application.

(a) The application shall contain the following information:

...

(12) For an application to engage in stationary vending, documentation that the owner of the private property from which the stationary vending is proposed to be conducted has received under the Land Use **Development** Code all approvals required for such vending on that property.

...

Section 34. That Section 15-384 of the Code of the City of Fort Collins are hereby amended to read as follows:

Sec. 15-385. - Review and approval.

...

(b) The Financial Officer shall also obtain the determination of the Zoning Administrator as to whether the proposed use conforms to the requirements of the Land Use **Development** Code as applied to any specified location. If the Zoning Administrator determines the proposed use is not in compliance with the requirements of the Land Use **Development** Code, the application shall not be approved.

...

Section 35. That Section 15-387 of the Code of the City of Fort Collins are hereby amended to read as follows:

Sec. 15-387. - Restrictions and operation.

...

(b) The vehicles, structures, devices and other similar items described in the license for any outdoor vendor shall not be located by the vendor in any of the following manners or places:

...

(5) Upon a public sidewalk within the Downtown Zone District, as defined and established in ~~Article 4~~ **Article 2** of the Land Use **Development** Code (except as a concessionaire of the City);

...

(p) The following additional requirements shall apply to particular types of outdoor vendor licensees, as specified:

...

(6) Stationary vendors shall only vend on private parcels of land or lots within non-neighborhood zone districts, as defined and established in ~~Article 4~~ **Article 2** of the Land Use **Development** Code, and they shall not vend from a private parcel or lot within any neighborhood zone district.

Section 36. That Section 15-472 of the Code of the City of Fort Collins are hereby amended to read as follows:

Sec. 15-472. - Requirements of application for license; payment of application fee; denial of license.

...

(b) All medical marijuana businesses shall obtain other required permits of licenses related to the operation of the medical marijuana business, including, without limitation, any development approvals or building permits required by this Code and the Land Use **Development** Code.

(c) The City may, prior to issuance of the license, perform an inspection of the proposed licensed premises to determine compliance with any applicable requirements of this Article or other provisions of this Code or the Land Use **Development** Code.

Section 37. That Section 15-475 of the Code of the City of Fort Collins are hereby amended to read as follows:

Sec. 15-475. - Location and selection criteria.

(a) No medical marijuana store shall be issued a license if, at the time of application for such license, the proposed location is:

...

(4) Within the boundaries of any ~~R-U-L, U-E, R-F, R-L, L-M-N, M-M-N, N-C-L, N-C-M, N-C-B or H-M-N~~ **RUL, UE, RF, RL, LMN, MMN, OT or HMN** residential zone district;

(5) In a residential unit, ~~except as permitted under Section 3.8.3 of the Land Use Code.~~

...

Section 38. That Section 15-477 of the Code of the City of Fort Collins are hereby amended to read as follows:

Sec. 15-477. - Signage and advertising.

All signage and advertising for a medical marijuana store shall comply with all applicable provisions of this Code and the Land Use **Development** Code.

...

(2) The prohibition set forth in Subparagraph (1)e. above shall not apply to:

- a. Any sign located upon the building in which a licensed medical marijuana center is located which exists solely for the purpose of identifying the business and which otherwise complies with the Land Use **Development** Code and this Article; or

...

Section 39. That Section 15-615 of the Code of the City of Fort Collins are hereby amended to read as follows:

Sec. 15-615. - Location criteria.

- (a) No applicant shall be issued a retail marijuana store license if, at the time of application for such license, such location is:

...

(4) Within the boundaries of any ~~R-U-L, U-E, R-F, R-L, L-M-N, M-M-N, N-C-L, N-C-M, N-C-B or H-M-N~~ **RUL, UE, RF, RL, LMN, MMN, OT or HMN** residential zone district;

(5) In a residential unit, ~~except as permitted under Section 3.8.3 of the Land Use Code;~~

...

Section 40. That Section 15-617 of the Code of the City of Fort Collins are hereby amended to read as follows:

Sec. 15-617. - Signage and advertising.

- (a) All signage and advertising for a retail marijuana store shall comply with all applicable provisions of this Code, the Land Use **Development** Code and state law. In addition, no advertising for marijuana or marijuana products shall be permitted on signs mounted on vehicles, hand-held or other portable signs, handbills, leaflets or other flyers directly handed to any person in a public place, left upon a motor vehicle or posted upon any public property or private property without consent of the property owner. This prohibition shall not apply to any advertisement contained within a newspaper, magazine or other periodical of general circulation within the City, or that is purely incidental to sponsorship of a charitable event by a retail marijuana establishment. Such signage and advertising must not be misleading, false or infringe upon any state or federal trademark.

...

Section 41. That Section 15-641 of the Code of the City of Fort Collins are hereby amended to read as follows:

Sec. 15-641. - Definitions.

The following definitions shall apply to this Article:

...

Dwelling unit shall mean **habitable floor space intended for the exclusive use of a single household with a single kitchen, or including a second kitchen pursuant to Land Development Code Section 5.3.6**~~one (1) or more rooms and a single kitchen and at least one (1) bathroom, designed, occupied or intended for occupancy as separate quarters for the exclusive use of a single family for living, cooking and sanitary purposes,~~ located in a single ~~unit~~**family (attached or detached), two-unit family (attached or detached), or multi-unit family dwelling or mixed-use building containing dwelling unit(s) and nonresidential use(s)** as such terms are defined in the Land Use **Development** Code.

...

Short term primary rental shall mean a dwelling unit that is a primary residence of which a portion is leased to one (1) party at a time for periods of less than thirty (30) consecutive days. **An accessory dwelling unit**~~carriage house,~~ as defined in the Land Use **Development** Code, that is not a primary residence is eligible to be a short term primary rental and may be licensed as a short term primary rental if it is located on a

lot containing a primary residence. A dwelling unit of a two-unit family dwelling, as defined in the Land Use Development Code, that is not a primary residence is eligible to be a short term primary rental and may be licensed as a short term primary rental if the connected dwelling unit is a primary residence and both dwelling units are located on the same lot. The term short term primary rental shall not include the rental of a dwelling unit to the former owner immediately following the transfer of ownership of such dwelling unit and prior to the former owner vacating the dwelling unit.

Section 42. That Section 15-644 of the Code of the City of Fort Collins are hereby amended to read as follows:

Sec. 15-644. - Licensing requirements.

- (a) The following are the minimum requirements that must be satisfied by the applicant for the issuance of a short term primary rental license.

...

- (3) The dwelling unit must comply with all applicable federal, state, and local laws including, but not limited to, the Code of the City of Fort Collins and Land Use Development Code, and in particular, Land Use Development Code § ~~3.2.2(K)(1)(k)~~ 5.9.1(K)(1)(m) which sets forth applicable parking requirements.

...

- (8) The dwelling unit must be located in a zone district that allows short term primary rentals as specified in the Land Use Development Code. Alternatively, the dwelling unit must satisfy the requirements contained in § 15-646.

...

- (b) The following are the minimum requirements that must be satisfied by the applicant for the issuance of a short term non-primary rental license.

...

- (3) The dwelling unit must comply with all applicable federal, state, and local laws, including, but not limited to, the Code of the City of Fort Collins and Land Use Development Code, and in particular, Land Use Development Code § ~~3.2.2(K)(1)(k)~~ 5.9.1(K)(1)(m) which sets forth applicable parking requirements.

...

- (8) The dwelling unit must be located in a zone district that allows short term non-primary rentals as specified in the Land Use **Development** Code. Alternatively, the dwelling unit must satisfy the requirements contained in § 15-646.

Section 43. That Section 15-646 of the Code of the City of Fort Collins are hereby amended to read as follows:

Sec. 15-646. - Licensing of short term primary and non-primary rentals existing prior to Land Use Code restrictions.

- (a) A dwelling unit used as a short term primary or non-primary rental that is located in a zone district in which the Land Use **Development** Code prohibits such use is eligible for a license pursuant to this Article provided that such dwelling unit was actually utilized as a short term primary or non-primary rental prior to March 31, 2017, and a valid sales and use and lodging tax license was obtained prior to October 31, 2017, for such dwelling unit in accordance with Chapter 25, Art. IV, of the Code of the City of Fort Collins.
- (b) In addition to satisfying (a) above, the applicant must satisfy the requirements set forth in § 15-644 in order to be eligible for a license. License applications submitted pursuant to this Section on or before October 31, 2017, do not need to comply with the parking requirements in Land Use **Development** Code § ~~3.2.2(K)(1)~~ **5.9.1(K)(1)(m)**.

...

- (e) Should ownership of a dwelling unit licensed pursuant to § 15-646 be transferred, and such license was continuously valid until the transfer of ownership, the new owner is eligible for a license identical in scope to the previously issued license provided: (1) the new owner applies for a license within thirty (30) calendar days of the transfer of ownership; (2) the dwelling unit complies with the parking requirements in the Land Use **Development** Code Section ~~3.2.2(K)(1)(k)~~ **5.9.1(K)(1)(m)**; and (3) any license issued pursuant to § 15-646 is continuously maintained. Should a license issued to the new owner under this Section be revoked, not be renewed, or lapse for any period of time, the new owner shall no longer be eligible for a license for such dwelling unit pursuant to this Section.

...

Section 44. That Section 15-648 of the Code of the City of Fort Collins are hereby amended to read as follows:

Sec. 15-648. - License regulations.

Upon issuance of a license pursuant to this Article, the following requirements must be met in order for the license to remain valid. Failure to comply with any of the following regulations may result in revocation, suspension, or non-renewal of the issued license pursuant to § 15-649:

...

- (3) The licensee shall comply with all applicable Code of the City of Fort Collins and Land Use **Development** Code provisions including, but not limited to, the Code of the City of Fort Collins Chapter 5, Buildings and Building Regulations, and the Code of the City of Fort Collins Chapter 20, Nuisances, Chapter 25, Taxation, and Land Use **Development** Code ~~3.2.2(K)(1)(k)~~ § **5.9.1(K)(1)(m)**.

...

Section 45. That Section 15-649 of the Code of the City of Fort Collins are hereby amended to read as follows:

Sec. 15-649. - Suspension, revocation, nonrenewal of license.

- (a) The Director may suspend, revoke, or not renew any license issued pursuant to this Article if the Director determines that any of the following have occurred:

...

- (3) Failure to comply with the terms of the license, the provisions of this Article, or any other applicable provision of federal, state, or local law including, but not limited to, the Code of the City of Fort Collins and Land Use **Development** Code.

...

Section 46. That Section 18-3 of the Code of the City of Fort Collins are hereby amended to read as follows:

Sec. 18-3. - Construction permit required; application; fees; issuance; appeals.

...

- (b) *Applications*. All applications for permits shall be made in writing to the Building Official and shall contain the following:

...

(4) Complete plans and specifications of the proposed park (conforming with the requirements of this Chapter, the Land Use **Development** Code, utility design standards and street design standards as established by the City), including the following specific information:

...

Section 47. That Section 18-11 of the Code of the City of Fort Collins are hereby amended to read as follows:

Sec. 18-11. - Miscellaneous park requirements.

...

(c) *Park Areas for Nonresidential Uses.* No part of any park shall be used for nonresidential purposes, except as otherwise permitted in the Land Use **Development** Code of the City and such uses that are required for the direct servicing and well-being of mobile home park residents and for the management and maintenance of the mobile home park.

...

Section 48. That Section 18-12 of the Code of the City of Fort Collins are hereby amended to read as follows:

Sec. 18-12. - Mobile office units.

...

(b) *Temporary Offices.* A mobile office unit may be used to house temporary offices, provided that the following conditions are met:

(1) The proposed office use and location conforms to the Land Use **Development** Code.

...

Section 49. That Section 19-75 of the Code of the City of Fort Collins are hereby amended to read as follows:

Sec. 19-75. - Inspection.

(a) Whenever necessary to make an inspection to enforce any of the provisions of this Article or any other section of this Code or the Land Use **Development** Code or whenever the Enforcement Officer has reasonable grounds to believe that there exists in any building or upon any premises any

condition or violation which makes such building or premises unsafe, dangerous or hazardous, the Enforcement Officer may enter such building or premises at all reasonable times to inspect it or to perform any duty imposed upon the Enforcement Officer by this Article. If such building or premises are occupied, the Enforcement Officer shall first present proper credentials and request entry. If such building or premises are unoccupied, the Enforcement Officer shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. If such entry is refused or if no person having control of the building or premises can be located, the Enforcement Officer shall have recourse to every remedy provided by law to secure entry.

...

Section 50. That Section 20-23 of the Code of the City of Fort Collins are hereby amended to read as follows:

Sec. 20-23. - Maximum permissible noise levels.

- (a) A noise measured or registered in the manner provided in § 20-24 from any source at a level which is in excess of the dB(A) established for the time period and zoning districts listed in this Section is hereby declared to be a noise disturbance and is unlawful. When a noise source can be identified and its noise measured in more than one (1) zoning district, the limits of the most restrictive zoning district shall apply.

Zoning Districts

Maximum Noise [dB(A)]

Areas zoned:

...

~~Neighborhood Conservation Low Density (N-C-L)~~

~~Neighborhood Conservation Medium Density (N-C-M)~~

~~Neighborhood Conservation Buffer (N-C-B)~~

Old Town (OT)

...

Section 51. That Section 20-42 of the Code of the City of Fort Collins are hereby amended to read as follows:

Sec. 20-42. - Weeds, unmowed grasses, refuse and rubbish nuisances prohibited.

...

(g) Notwithstanding any other provision of this Section which may be construed to the contrary, the owner or occupant of any property that includes an area that has been established as a natural habitat or feature pursuant to ~~Subsection 3.4.1(D)~~ **Section 5.6.1(D)** of the Land Use **Development** Code, or a buffer zone for natural habitat or feature pursuant to ~~Subsection 3.4.1(E)~~ **Section 5.6.1(E)** of the Land Use **Development** Code, which area is managed and maintained in accordance with specific conditions established in a site-specific development plan or development agreement, shall not be required to mow said areas other than as required in such development plan or agreement.

...

Section 52. That Section 23-83 of the Code of the City of Fort Collins are hereby amended to read as follows:

Sec. 23-83. Investigation of application information; fee; permit modification and revocation.

(a) The application shall be made to the City Manager. The City Manager shall make or cause to be made an investigation of the information contained in the application and prior to the issuance of a permit. In investigating the application, the City Manager may consult with such City departments as they deem necessary to determine whether the application should be approved. The City Manager may issue the permit for such duration and upon such other terms and conditions as the City Manager determines are necessary to protect the public welfare if the following criteria are met:

...

(4) In addition to satisfying the above three criteria, the following requirements apply to the following proposed encroachments:

...

b. As a condition of the issuance of any permit for the purpose of serving food and/or beverages as referenced in Subsection 23-82(b), the permittee shall:

...

4. In order for an application for an encroachment for wireless telecommunication equipment or facilities (as those terms are defined in Article ~~57~~ of the Land Use **Development** Code) to be approved, the applicant must show to the satisfaction of the City Manager that the applicable criteria contained in Section **4.3.5 regarding Wireless Telecommunication** ~~3.8.13~~ of the Land Use **Development** Code have been met.

...

Section 53. That Section 22-99 of the Code of the City of Fort Collins are hereby amended to read as follows:

Sec. 22-99. - Reallocation of assessments.

- (a) In the event that any parcel of land subject to assessment under this article is **undergoes** subdivided, as defined in Article 57 of the Land Use **Development** Code, the owner(s) of all parcels constituting the original tract shall immediately propose in writing to the Financial Officer a reallocation of the assessment as to all such smaller parcels. Such proposal shall include the following information as to each parcel within the original tract:

...

Section 54. That Section 23-116 of the Code of the City of Fort Collins are hereby amended to read as follows:

Sec. 23-116. - Permits and licenses to enter on real property.

- (a) The City Manager is authorized to grant a permit or license for the use or occupation of any real property owned in the name of the City, provided such use or occupation:

...

- (3) cannot be authorized entirely through other administrative processes provided for in the Charter, Code or Land Use **Development** Code.

...

Section 55. That Section 23-173 of the Code of the City of Fort Collins are hereby amended to read as follows:

Sec. 23-173. - Applicability.

...

- (b) The following facilities are not subject to the requirements of this Article, though such facilities may be subject to separate regulation under the Fort Collins Land Use **Development** Code:

- (1) *Antennas or towers used by FCC-licensed amateur (ham) radio operators.* Such facilities shall be permitted subject to the Land Use **Development** Code.

...

Section 56. That Section 23-176 of the Code of the City of Fort Collins are hereby amended to read as follows:

Sec. 23-176. - Design standards.

...

(c) *Conditions.*

...

(5) Landscape and fencing requirements.

...

- d. No tree may be removed in siting a CF, unless authorized by the City Forester. To obtain authorization the applicant shall show wireless services are not technically feasible without tree removal; the applicant's plan minimizes the total number of trees to be removed, avoids removal of any tree larger than four (4) inches at four and one-half (4 ½) feet high, and replaces any tree to be removed at a ratio of 2:1; and all new trees meet the replacement size standards in ~~§ 3.2.1.(d)(4)~~ **Section 5.10.1(D)(4)** of the Land Use **Development** Code.

...

Section 57. That Section 24-1 of the Code of the City of Fort Collins are hereby amended to read as follows:

Sec. 24-1. - Signs on streets, sidewalks and public rights-of-way prohibited; removal; exceptions; permit.

Notwithstanding the provisions of § 17-42, the following signs shall be permitted on streets, sidewalks and other areas owned by the City:

- (1) Signs hanging above City sidewalks provided that such signs are solely connected to private property and provided that such signs are allowed under ~~Section 3.8.7~~ **Division 5.16** of the City's Land Use **Development** Code.

...

Section 58. That Section 24-42 of the Code of the City of Fort Collins are hereby amended to read as follows:

Sec. 24-42. - Maintenance.

...

- (c) It shall be the duty of any property owner whose property is adjacent to a pedestrian/bicycle path which was required by the City to be constructed pursuant to the provisions of ~~Articles 3 and/or~~ of the Land Use **Development** Code or, if applicable, the **2022** Transitional Land Use Regulations, to maintain the paved surface of said pedestrian/bicycle path so that the condition of the same does not endanger the public.

Section 59. That Section 24-95 of the Code of the City of Fort Collins are hereby amended to read as follows:

Sec. 24-95. - Obligation for construction.

...

- (c) If the City has constructed such local portion of a public street adjacent to undeveloped property or property that may be redeveloped, the City may require, at or before the time of issuance of any building permit for new development or change of use, that the owner of any benefitted adjacent property repay to the City its cost in acquiring the necessary right-of-way and constructing such local portion of such street or other related improvements. For the purpose of this provision, benefit to the adjacent property may include, among other things, the construction of improvements that will allow the adjacent property to be developed in accordance with the requirements of Section ~~3.6.4~~ **5.4.10** of the Land Use **Development** Code where, in the absence of the improvements, such development would not be allowed to proceed. The amount of reimbursement to be paid to the City under this Subsection shall be no less than the original cost of the right-of-way and improvements plus any mutually agreed-upon amount to reflect the effects of inflation, if any. These adjustments may be based on the construction cost index for Denver, Colorado, as published monthly by the Engineering News Record. (If said index shows deflation, the adjustment shall be made accordingly, but not below the original cost as submitted by the Installing Developer and approved by the City Engineer.) The *original cost of the right-of-way and improvements* shall mean the cost of right-of-way acquisition, financing, engineering, construction and any other costs actually incurred by the City which are directly attributable to the improvements.

Section 60. That Section 24-111 of the Code of the City of Fort Collins are hereby amended to read as follows:

Sec. 24-111. - Definitions.

...

Transportation improvements shall mean those capital improvements needed to construct arterial or collector streets in the City as shown on the City's adopted Master Street Plan, as amended, shall include, without limitation, the following capital improvements when described in said Master Street Plan or as described in the City's adopted Bicycle Master Plan and Pedestrian Master Plan, as these plans may be hereafter amended: right-of-way acquisition; vehicle and bicycle lanes; curbs, gutters and other drainage structures; pedestrian ways; traffic control devices and signals; medians and median landscaping; and transit facilities, including, without limitation, transit stops and rolling stock, to the extent that such transit facilities are reasonably necessary to expand the City's transit system so as to provide transit services to *feepayers*, as this term is defined in § 7.5-17. However, *transportation improvements* shall not include the local street portion and related capital improvements required for a developed parcel under this Code and the Land Use **Development** Code.

Section 61. That Section 26-41 of the Code of the City of Fort Collins are hereby amended to read as follows:

Sec. 26-41. - Definitions.

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this Section:

...

A change in use would result from:

...

- (2) the property being included in any development review process under the Land Use **Development** Code;

...

Fraternity and sorority houses shall mean the same as defined in the Land Use **Development** Code.

...

Section 62. That Section 26-94 of the Code of the City of Fort Collins are hereby amended to read as follows:

Sec. 26-94. - Individual service lines for each building required.

- (a) Each property shall be served by its own service line, and no connection with the water utility shall be made by extending the service line from one (1) property to another property. Each building shall be served by a separate service line; however, the Utilities Executive Director may require that a building be served by more than one (1) service line. Separate service lines and meters for irrigation purposes shall be required for all properties, except for: (1) single-family residences; (2) duplex residences; and (3) properties where the annual use for irrigation under the water budget chart under the Land Use **Development Code** §~~3.2.1(E)(3)(b)(4)~~ **Section 5.10.1(E)(3)(b)** is less than 30,000 gallons per year. For purposes of this Section, the term *building* means a structure standing alone, excluding fences and covered walkways. A separate accessory structure is a separate building. To qualify as one (1) building, all portions, additions or extensions must be connected by an attachment that is an enclosed part of the building and usable by the occupants.
- (b) Notwithstanding the provisions of Subsection (a) of this Section, the Utilities Executive Director may, after review and approval of the related plans and specifications, authorize the service of more than one (1) building by a single service line, provided that each of the following requirements is met:

...

- (3) If the service is for residential use, only one (1) of the buildings may be used as a residential dwelling unless the buildings are located on a single platted lot and one (1) of the buildings is an **accessory dwelling unit**~~carriage house~~. For purposes of this Section, the term **accessory dwelling unit**~~carriage house~~ shall have the same meaning as in the Land Use **Development Code**.

...

- (c) Notwithstanding the provisions of Subsection (a) above, the Utilities Executive Director may, after review and approval of the related plans and specifications, authorize the service of more than one (1) property by a single, common, private water service line, provided that:
 - (1) The properties to be served by the line must be single-~~unit~~**family** attached dwellings on separate platted lots as defined in the Land Use **Development Code**.

...

Section 63. That Section 26-120 of the Code of the City of Fort Collins are hereby amended to read as follows:

Sec. 26-120. - Water plant investment fees.

...

(e) Notwithstanding the provisions of Subsections (a) and (c) of this Section the Utilities Executive Director may waive payment of the WPIF if the Utilities Executive Director determines that the requested connection will not adversely affect the capacity of the water utility to treat and deliver water for its users, and that if at least one of the following sets of requirements applies. Under either set of requirements, the Utilities Executive Director shall have the authority to discontinue the temporary water service if the capacity of the water utility to treat and deliver water to its users is adversely affected.

(1) The applicant is a customer of the water utility and shall only use the water connection as a source of irrigation water for the establishment of new native vegetation. For the purposes of this requirement, native vegetation shall be as defined in the City's Land-Use **Development** Code or, if native vegetation is no longer defined in the City's Land Use **Development** Code, the Utilities Executive Director shall determine whether the vegetation to be irrigated is native vegetation for the purposes of this Subsection (e) following consultation with relevant City departments. The approved period of such connection shall not exceed three (3) calendar years from the date of approval, provided that for the purposes of this provision, the first calendar year shall be from the date of installation through December 31. The applicant shall physically separate and abandon the water connection from the City's water distribution system at the end of the approved period of such connection and shall, before any such connection is made, escrow funds with the Utility to complete such disconnection and abandonment, with the amount of the funds to be determined by the Utilities Executive Director based on the estimated direct costs to complete such disconnection and abandonment plus fifteen (15) percent for indirect costs.

...

Section 64. That Section 26-149 of the Code of the City of Fort Collins are hereby amended to read as follows:

Sec. 26-149. - Water supply requirement (WSR); nonresidential service.

...

(b) The minimum WSR shall be calculated using the table in this subsection. The Utilities Executive Director shall determine the type of use to be used based on all relevant information and the common meaning of the listed uses. If various portions of a property are used for separate uses, the WSR for the various portions of the property shall be calculated separately and aggregated to determine the WSR for the entire property. The WSR for any use not addressed by the table shall be calculated pursuant to Subsection (c).

Use	WSR Calculation
...	...
Irrigation	Pursuant to water budget chart, Land Use Development Code § 3.2.1(E)(3)(b)(1) Section 5.10.1(E)(3)(b).
...	...

...

Section 65. That Section 26-206 of the Code of the City of Fort Collins are hereby amended to read as follows:

Sec. 26-206. - Definitions.

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this Section:

...

Fraternity and sorority houses shall mean the same as defined in the Land Use **Development** Code.

...

Section 66. That Section 26-256 of the Code of the City of Fort Collins are hereby amended to read as follows:

Sec. 26-256. - Individual service lines for each building required.

...

(b) Notwithstanding the provisions of Subsection (a) of this Section, the Utilities Executive Director may, after review and approval of the related plans and specifications, authorize the service of more than one (1) building by a single service line, provided that each of the following requirements is met:

...

(3) If the service is for residential use, only one (1) of the buildings may be used as a residential dwelling unless the buildings are located on a single platted lot and one (1) of the buildings is an **accessory dwelling unit** ~~carriage house~~. For purposes of this Section, the term **accessory dwelling unit** ~~carriage house~~ shall have the same meaning as in the Land Use **Development** Code;

...

(c) Notwithstanding the provisions of Subsection (a) above, the Utilities Executive Director may, after review and approval of the related plans and specifications, authorize the service of more than one (1) property by a single, common, private sewer service line, provided that:

- (1) The properties to be served by the line must be single-unit family attached dwellings on separate platted lots as defined in the Land Use Development Code.

...

Section 67. That Section 26-464 of the Code of the City of Fort Collins are hereby amended to read as follows:

Sec. 26-464. - Residential energy service, schedule R.

...

(b) *Applicability.* This schedule applies to residential customers for all domestic uses in single-family dwellings, individually metered apartments and home occupations as defined in Article 57 of the Land Use Development Code. This schedule may also be applied to existing master metered residential buildings served under this schedule prior to January 1, 1980. Master metering is not available for new or remodeled residential buildings with more than one (1) dwelling unit unless authorized by the Utilities Executive Director. This schedule does not apply to auxiliary or standby service.

...

Section 68. That Section 26-465 of the Code of the City of Fort Collins are hereby amended to read as follows:

Sec. 26-465. - All-electric residential service, schedule RE.

...

(b) *Applicability.* This schedule applies to residential customers qualifying under subsection (a) who opt not to receive services under schedule R, for all domestic uses in single-family private dwellings, individually metered apartments and home occupations as defined in Article 57 of the Land Use Development Code.

...

Section 69. That Section 26-466 of the Code of the City of Fort Collins are hereby amended to read as follows:

Sec. 26-466. - General service, schedule GS.

...

(b) *Applicability.*

...

(2) This schedule does not apply to single-family, individually metered residential units unless:

...

b. The unit is not eligible for a Home Occupation License as specified in Article 34 of the Land Use Development Code.

...

Section 70. That the changes in this Ordinance shall not go into effect until the Land Development Code goes into effect.

Introduced, considered favorably on first reading, and ordered published this 1st day of November, A.D. 2022, and to be presented for final passage on the 15th day of November, A.D. 2022.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading on this 15th day of November, A.D. 2022.

Mayor

ATTEST:

City Clerk

November 1, 2022



AGENDA ITEM SUMMARY

City Council

STAFF

Rebecca Everette, Planning Manager
Will Lindsey, City Planner
Brad Yatabe, Legal

SUBJECT

First Reading of Ordinance No. 124, 2022, Authorizing an Extension of the Temporary Exception to the Land Use Code to Allow T-Mobile to Place a Temporary Wireless Telecommunication Facility at 1800 East Harmony Road to Replace Lost Wireless Service Coverage.

EXECUTIVE SUMMARY

The purpose of this item is to extend the authorization for a temporary wireless telecommunication facility known as a cell-on-wheels (COW), operated by T-Mobile, currently located at 1800 East Harmony. The current temporary authorization is set to expire on December 1, 2022. This temporary facility is in place to address a critical loss in T-Mobile's existing cellular coverage in south Fort Collins caused by T-Mobile's removal of wireless equipment from Platte River Power Authority ("PRPA") infrastructure and is to be used only until a permanent facility (proposed at 4518 Innovation Drive) is fully constructed in Spring 2023.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

BACKGROUND / DISCUSSION

Ordinance No. 167, 2021, allowed T-Mobile to place a temporary cell-on-wheels (COW) at 1800 E. Harmony Road through June 7, 2022, to compensate for lost coverage when T-Mobile removed its equipment from the PRPA towers. In light of T-Mobile's delays in building its permanent facility, Council subsequently adopted Ordinance No. 055, 2022, allow the COW to remain until December 1, 2022.

A hearing for that permanent facility was held on January 24, 2022, with the Hearing Officer's determination being released on February 4th. A decision of approval with two conditions was made. Those conditions were that (1) a fall zone letter be provided by the applicant, and (2) the facility be redesigned from an unconcealed monopole to a concealed monopine. No appeal was filed against the decision within the required 14-day timeframe, and the decision was made final on February 18th. T-Mobile submitted Final Development Plan (FDP) documentation to the City on March 23rd, and the project was deemed complete and routed for staff review on April 1st. At the time of that routing it was estimated that final approval would be granted within 10 weeks at which point T-Mobile will be allowed to file for building permits and begin construction.

Due to the conditions of approval, the time needed for the redesign, and the time needed for final construction after final plan approval, T-Mobile is requesting that the current authorization for the COW

be extended past December 1, 2022, as it is no longer feasible for the facility to be constructed by the December deadline as originally anticipated. Staff is supportive of the request due to T-Mobile's diligent and timely pursuit of final plan approval. To date, no public comments or complaints have been received regarding the temporary facility.

Staff recommends placing a final expiration date of June 1, 2023, for the temporary facility with no further options for extension. This should allow for ample time to complete the permanent site and exceeds the estimated completion date as outlined in T-Mobile's request.

PUBLIC OUTREACH

A mailed notice regarding the proposal and the Council date to review the Ordinance will be sent to all property owners of record with 800 feet of the site. That notice will mail on October 18, 2022, two weeks before the City Council Regular Session on November 1, 2022.

ATTACHMENTS

1. Ordinance for Consideration
2. T-Mobile Temporary COW 2nd Extension Request

ORDINANCE NO. 124, 2022
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AUTHORIZING AN EXTENSION OF THE TEMPORARY EXCEPTION TO THE LAND
USE CODE TO ALLOW T-MOBILE TO PLACE A TEMPORARY WIRELESS
TELECOMMUNICATION FACILITY AT 1800 EAST HARMONY ROAD TO
REPLACE LOST WIRELESS SERVICE COVERAGE

WHEREAS, T-Mobile maintains a network of wireless telecommunication facilities and equipment within the City to provide wireless service; and

WHEREAS, on May 14, 2021, T-Mobile was required to remove certain wireless equipment from the Platte River Power Authority infrastructure which resulted in a loss of T-Mobile wireless service coverage in a portion of south Fort Collins and deprived T-Mobile users in that area of an important means of communication and access to information; and

WHEREAS, to allow for wireless service in the affected area until T-Mobile could construct a permanent wireless facility at 4518 Innovation Drive, City Council adopted Ordinance No. 167, 2021, on December 21, 2021, authorizing a temporary exception to the Land Use Code to allow T-Mobile to place a temporary wireless telecommunication facility, commonly known as a cell-on-wheels or COW, at 1800 East Harmony Road through the end of March 31, 2022, with monthly extensions granted by the Director of Community Development and Neighborhood Services through June 7, 2022; and

WHEREAS, due to unanticipated delays Council adopted Ordinance Number 055, 2022, to allow the COW to remain at 1800 East Harmony Road through the end of December 1, 2022; and

WHEREAS, despite T-Mobile diligently pursuing development approval for the permanent facility, further delays have caused T-Mobile to request that Council allow the COW to remain at 1800 East Harmony Road beyond December 1, 2022; and

WHEREAS, the City has received no complaints nor experienced any issues regarding T-Mobile's COW at 1800 East Harmony Road and City staff supports the extension request due to T-Mobile's diligent efforts to construct the permanent facility; and

WHEREAS, City staff recommends that the authorization for the COW be extended through the end of June 1, 2023, to allow sufficient time for construction of the permanent facility; and

WHEREAS, the Land Use Code does not allow the placement of temporary wireless facilities such as COWs and in order for T-Mobile to do so, City Council must grant an exception to the Land Use Code; and

WHEREAS, City Council finds that authorizing an extension of the COW at 1800 East Harmony Road through the end of June 1, 2023, in order to temporarily replace the lost service

coverage, and no more, subject to revocation at Council’s will, is in the best interests of the citizens of Fort Collins.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes any and all determinations and findings contained in the recitals set forth above.

Section 2. That the City Council extends the authorization for T-Mobile to temporarily maintain the COW with the same terms and requirements set forth in Ordinance No. 055, 2022, through the end of June 1, 2023.

Introduced, considered favorably on first reading, and ordered published this 1st day of November, A.D. 2022, and to be presented for final passage on the 15th day of November, A.D. 2022.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading this 15th day of November, A.D. 2022.

Mayor

ATTEST:

City Clerk



October 5, 2022

Mr. Will Lindsey
Associate City Planner
Planning, Development, Transportation
City of Fort Collins
281 N College Avenue
Fort Collins, CO 80524

RE: T-Mobile Temporary Cell on Wheels Extension Request
1800 E Harmony Rd, Fort Collins, CO 80528

Dear Mr. Lindsey:

I write on behalf of T-Mobile to request an additional extension of Ordinance No 167, 2021, initially approved on second reading on December 21, 2021, for T-Mobile to maintain and operate a temporary cell on wheels (COW) at 1800 E Harmony Rd, Fort Collins, CO 80528. Pursuant to Section 4 of the ordinance, revised at the end of May 2021, the permit renewal options sunset in December 2022. As discussed in our conversation on September 12, 2022, despite working diligently on our new facility at 4518 Innovation Drive (“Permanent Facility”), the new site will not be operational by the end of the year.

T-Mobile has reached an agreement with the landlord at 1800 E Harmony Rd, to allow our temporary facility remain on a month to month basis until our permanent site is on-air. While this location remedies a gap in service to the area, the new tower will enhance service significantly, and as such we intend to continue working swiftly towards final resolution.

Updates since our prior extension demonstrating the continued attentiveness on this project are below.

Development to Date at Permanent Facility

We were hopeful that our review for the permanent site would only take two rounds of comments, however we are now entering the fourth set. This is the result of positive dialogue ensuring this proposed site meets the needs of the City.

The updates below are what have occurred since our prior extension request:

- Last prior update: April 1 – T-Mobile submits plans for FDP review
- April 1 – Our application was determined to be complete and accepted for formal review.
- April 27 – First staff review meeting
- April 29 – T-Mobile receives comment letter from the City
- May 31 – T-Mobile resubmits for second review
- June 29 – Second staff FDP meeting
- July 1 – Second comment letter and next steps received from City
- August 1 – T-Mobile received additional comments from the planner



1400 Opus Place, Suite 600, Downers Grove, IL 60515
www.t-mobile.com



- Main POC for project Tenae Beane leaves for maternity leave and is replaced by Todd Sullivan
- August 3 – T-Mobile resubmits plans to City
- August 23 – T-Mobile received comment letter from City
- September 28 – T-Mobile submits final revisions

Next Steps at Permanent Facility

Pending no weather or unforeseen delays, T-Mobile remains committed to finalizing construction within 6 months of all City permits.

T-Mobile intends to submit for a building permit by the end of this week and expect that review to take two to four weeks, minimum. We anticipate the timeline below for the construction of the tower, addition of T-Mobile equipment, and integration with the network. All dates below are estimates.

- **12/1/22:** T-Mobile receives all necessary permits and is cleared for construction
- **12/31/22:** Estimated date for tower construction nearing completion. Due to the nature of this stealth design and its narrow location on the property, this will be a very technical build.
- **1/1/23:** T-Mobile begins installing T-Mobile equipment to the tower.
- **3/30/23:** Estimated date for T-Mobile construction being completed.
- **4/15/23:** Site is integrated and live on the T-Mobile network and temporary COW is no longer needed.
 - **Note:** A significant portion of the timeline depends on the delivery of power and fiber, both of which are contracted with outside parties. While we make every effort, we are not always able to expedite this part of the process. In order to bring the site on air as soon as possible, we will be exploring the use of microwave backhaul.

As demonstrated by the information above and the communication with the city, T-Mobile has worked diligently towards construction of the new wireless telecommunication facility at 4518 Innovation Drive. T-Mobile respectfully requests an extension of Ordinance No 167 for the temporary COW on Harmony Road until our permanent site is operational. We remain committed to bringing this new site on-air as soon as possible to enhance the wireless service to the residents of Fort Collins. Please contact me if you have any questions or require further information.

Sincerely,

Lauren Neill
Senior Siting Advocacy Manager
Lauren.neill2@t-mobile.com



November 1, 2022



AGENDA ITEM SUMMARY

City Council

STAFF

Dave Betley, Engineering Manager
 John Gerwel, Civil Engineer I
 Brad Yatabe, Legal

SUBJECT

First Reading of Ordinance No. 125, 2022, Conditionally Vacating a Portion of Crestridge Street Right-of-Way.

EXECUTIVE SUMMARY

The purpose of this item is to approve the conditional vacation of Crestridge Street right-of-way, currently known as Crestridge Drive, that is no longer desirable or necessary to retain for street purposes. Portions of the right-of-way area, once vacated, will be retained as public access and emergency access easements to the City in order to provide continued access for the neighboring properties. The right-of-way vacation will be conditional upon the construction of the extension of Venus Drive. These conditions are outlined in detail in the Ordinance.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

BACKGROUND / DISCUSSION

The Crestridge Street right-of-way was dedicated in Book 1655, Page 179, on July 25, 1975, and is currently known as Crestridge Drive. The portion of Crestridge Street right-of-way is no longer desirable or necessary to retain for street purposes because the extension of Venus Drive to connect with South College Avenue and dedication of public access easements will fulfill the function of Crestridge Drive. The Fort Collins Nissan-Kia development will create an extension of Venus Drive going north and then turning east to connect with South College Avenue and Bueno Drive at a signalized intersection. The vacated right-of-way will be returned to the parcel owners where the Nissan-Kia development is occurring. Adjoining properties are not entitled to vacated right-of-way lands because those parcels never ceded land for the Crestridge Street right-of-way. The Fort Collins Nissan-Kia development is anticipated to be approved in Fall 2022.

Crestridge Drive does not currently meet LCUASS standards from Table 7.3 for intersection separation with Smokey Street on the east side of College Avenue. Staff from Planning, Development, and Transportation have determined that vehicular connectivity and circulation will be adequate without the need for Crestridge Drive once Venus Drive is extended. Figure 1 shows an area map of the surrounding street network. After Council's conditional approval of the Ordinance and the City's approval of the Fort Collins Nissan-Kia plans, the Nissan-Kia developer will construct the Venus Drive extension and connect to the existing Venus Drive. Once the extension of Venus Drive has been approved by Engineering

Inspection, the Crestridge Street right-of-way vacation will take effect upon recording of the Ordinance with the Larimer County Clerk and Recorder. The area of the vacated right-of-way will be used as an access easement for the Nissan-Kia dealership and an access easement with additional parking for the neighboring Christian Core Academy School. These easements will be dedicated separately and will not be reserved as part of this vacation. Figure 2 shows the proposed street realignment of Venus Drive. The City Engineer and the Planning, Development, and Transportation Director recommend approval of this conditional right-of-way vacation.

For a vacation of right-of-way to be completed, the approved Ordinance must first be recorded with Larimer County. To ensure that access to the affected properties is continually provided, staff recommends that the following condition, as further detailed in the Ordinance, be satisfied prior to recording:

- The Venus drive extension be first constructed in accordance with the approved Fort Collins Nissan-Kia development plans and approved by Engineering Inspection.

Figure 1. Area Map

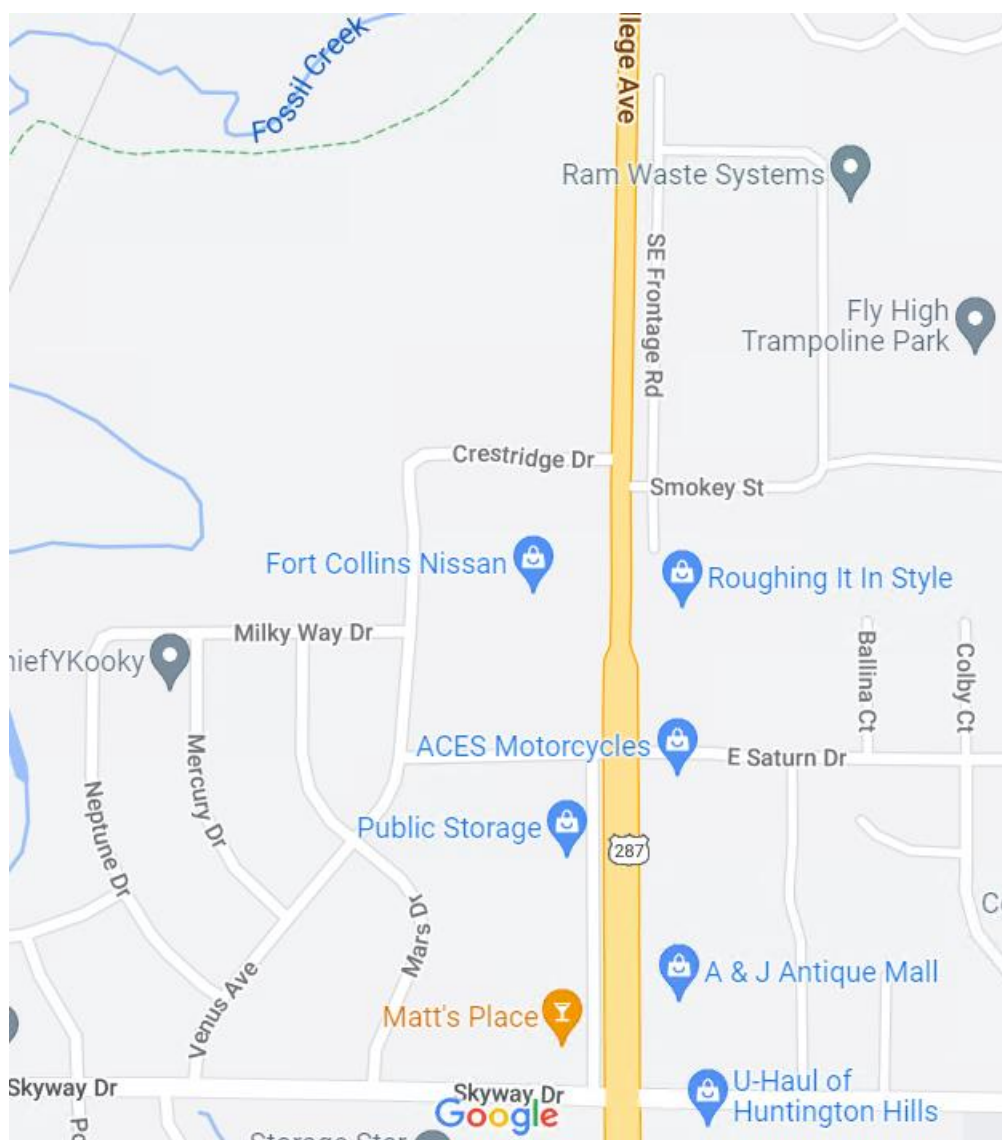
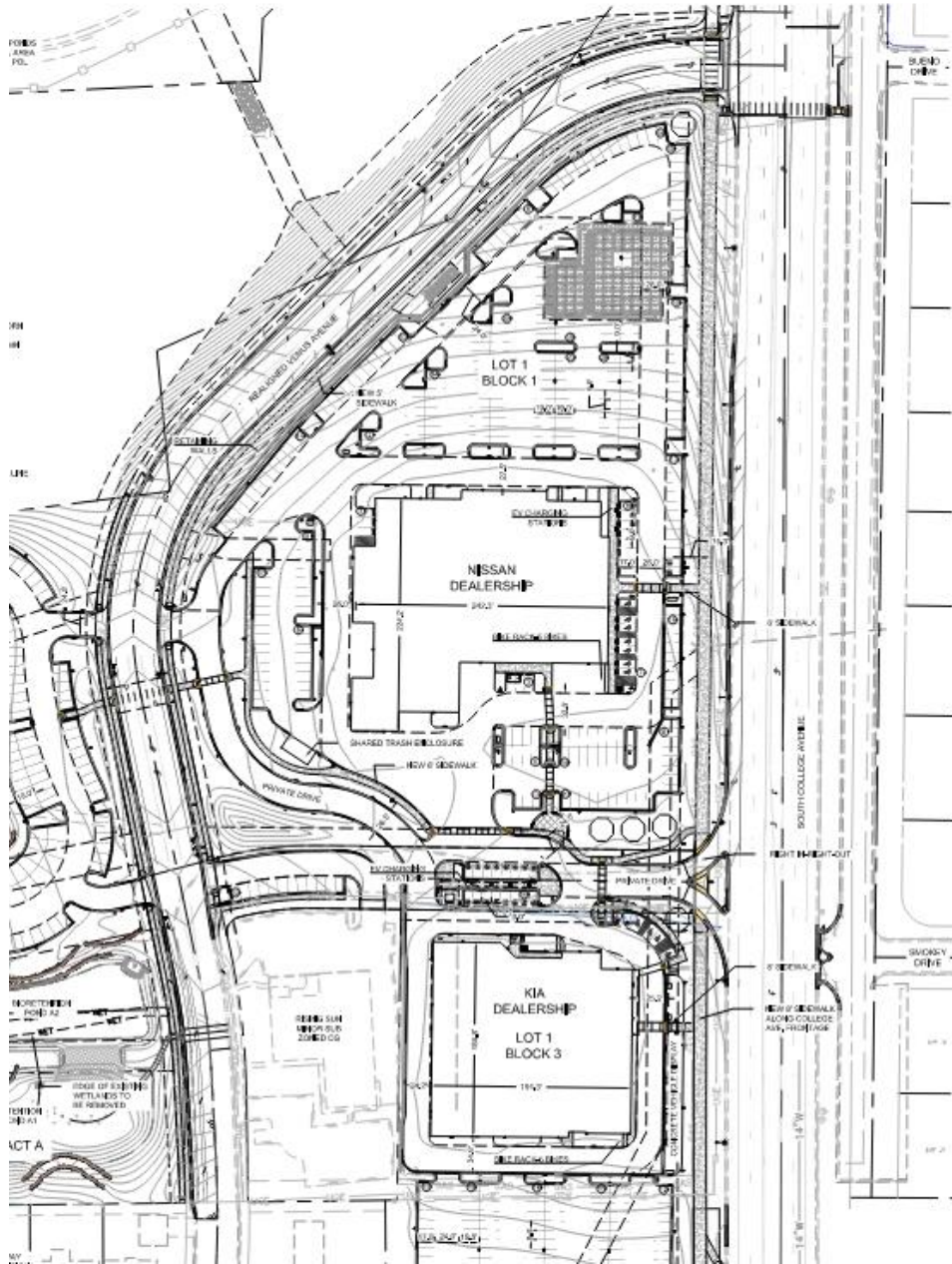


Figure 2. Proposed Realignment of Venus Drive



CITY FINANCIAL IMPACTS

The City will no longer need to maintain the 27,656 square feet of vacated right-of-way, which will decrease the City's street maintenance costs.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

Not applicable.

PUBLIC OUTREACH

Potentially affected utility agencies, staff, and emergency service providers have been notified of the request for right-of-way vacation. Additionally, the adjacent property owners at 125 Crestridge Drive and Parcel 9611100031 have been notified of the proposed right-of-way vacation. A notification letter to the

adjacent property owners will also inform them that the first reading of this Ordinance is scheduled for the City Council consent agenda on November 1, 2022.

ATTACHMENTS

1. Ordinance for Consideration
2. Ordinance Exhibit A

ORDINANCE NO. 125, 2022
OF THE COUNCIL OF THE CITY OF FORT COLLINS
CONDITIONALLY VACATING A PORTION OF CRESTRIDGE STREET RIGHT-OF-WAY

WHEREAS, the Crestridge Street right-of-way (“Right-of-Way”) was dedicated to Larimer County for road purposes as described in the deed of dedication recorded at Book 1655, Page 179, of the Larimer County, Colorado records; and

WHEREAS, the Right-of-Way was subsequently annexed into the City and is currently known as Crestridge Drive which connects South College Avenue to Venus Drive; and

WHEREAS, the developer of the Fort Collins Nissan-Kia development plan, WWW Properties, LLC, (“Developer”) has requested that the City vacate a portion of the Right-of-Way as depicted on Exhibit “A” attached hereto and incorporated herein (such portion hereinafter referred to as the “Vacation Area”); and

WHEREAS, vacation of the Vacation Area will eliminate the connection between Venus Drive and College Avenue; and

WHEREAS, the Fort Collins Nissan-Kia development plan proposes to extend Venus Drive to connect to College Avenue which, if accomplished, would make the Vacation Area no longer necessary as public right-of-way; and

WHEREAS, the City Engineer has routed the vacation request to potentially affected utility agencies, City staff, emergency service providers and affected property owners in the vicinity of the Vacation Area and no objection to the proposed vacation has been received; and

WHEREAS, in accordance with City Code Section 23-115, the City Engineer recommended conditional approval of this vacation to the Planning, Development and Transportation Director, and the Director recommends to Council that the request for vacation be approved with the conditions set forth in the Ordinance; and

WHEREAS, the right of the residents of the City of Fort Collins will not be prejudiced or injured by the vacation of said street Right-of-Way.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That the City Council hereby finds and determines that the Vacation Area is no longer needed for right-of-way purposes and that it is in the public’s interest to vacate the Vacation Area provided the conditions in Section 3 are first met.

Section 3. That the Vacation Area is hereby vacated, abated and abolished, provided, that:

- (1) This vacation shall not take effect until this Ordinance is recorded with the Larimer County Clerk and Recorder; and
- (2) This Ordinance shall be recorded only after the extension of Venus Drive to South College Avenue has been constructed pursuant to City approved plans, and the City has initially accepted such extension and the required warranty period has commenced.

Section 4. If this Ordinance is not recorded within three years of the date of second reading of this Ordinance, then this Ordinance shall become null and void. Should this Ordinance become null and void but the existing road improvements within the Vacation Area have been demolished, the Developer must restore at their own expense the road improvements within one-hundred and twenty days of this Ordinance becoming null and void, or such further time as the City Manager may grant in writing their reasonable discretion to restore the road improvements in considerations of the winter season or other construction limitations.

Introduced, considered favorably on first reading and ordered published this 1st day of November, A.D. 2022, and to be presented for final passage on the 15th day of November, A.D. 2022.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading this 15th day of November, A.D. 2022.

Mayor

ATTEST:

City Clerk

PROPERTY DESCRIPTION

A tract of land, being a part of that parcel of land described as Crestridge Street in that Deed of Dedication recorded July 25, 1975 as Book 1655 at Page 179 at Reception No. 122882 of the Records of Larimer County, located in the Northeast Quarter (NE1/4) of Section Eleven (11), Township Six North (T.6N.), Range Sixty-nine West (R.69W.) of the Sixth Principal Meridian (6th P.M.), City of Fort Collins, County of Larimer, State of Colorado and being more particularly described as follows:

COMMENCING at the Northeast corner of said Section 11 and assuming the North line of said NE1/4 as bearing South 88°31'52" West being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/2011, a distance of 2621.55 feet with all other bearings contained herein relative thereto;

THENCE South 88°31'52" West along the North line of said NE1/4 a distance of 74.99 feet to the Westerly Right of Way of South College Avenue;

The following Four (4) courses and distances are along the Westerly Right of Way lines of said South College Avenue;

THENCE South 00°40'38" West a distance of 366.10 feet;

THENCE South 00°44'38" West a distance of 610.50 feet to a Point of Curvature;

THENCE along the arc of a curve concave to the Southeast a distance of 2.83 feet, said curve has a Radius of 22995.00 feet, a Delta of 00°00'25" and is subtended by a Chord bearing South 00°44'47" West a distance of 2.83 feet to the Northeast corner of said Deed and to the **POINT OF BEGINNING**;

The following Five (5) courses are along the Easterly, Southerly and Westerly lines of said Deed;

THENCE continuing along the arc of a curve concave to the Southeast a distance of 60.00 feet, said curve has a Radius of 22995.00 feet, a Delta of 00°08'58" and is subtended by a Chord bearing South 00°40'05" West a distance of 60.00 feet to a line non-tangent to this curve;

THENCE North 89°14'51" West along a line non-tangent to the aforesaid curve a distance of 364.21 feet to a Point of Curvature;

THENCE along the arc of a curve concave to the Southeast a distance of 72.53 feet, said curve has a Radius of 278.27 feet, a Delta of 14°55'59" and is subtended by a Chord bearing South 83°17'09" West a distance of 72.32 feet to a Point of Compound Curvature;

THENCE along the arc of a compound curve concave to the Southeast a distance of 23.26 feet, said curve has a Radius of 15.00 feet, a Delta of 88°50'00" and is subtended by a Chord bearing South 31°24'09" West a distance of 21.00 feet to a Point of Compound Curvature;

THENCE along the arc of a compound curve concave to the Southwest a distance of 14.14 feet, said curve has a Radius of 725.00 feet, a Delta of 01°07'03" and is subtended by a Chord bearing North 13°34'22" West a distance of 14.14 feet to a Point of Reverse Curvature;

THENCE along the arc of a reverse curve concave to the Northeast a distance of 19.99 feet, said curve has a Radius of 200.00 feet, a Delta of 05°43'34" and is subtended by a Chord bearing North 11°16'06" West a distance of 19.98 feet to a Point of Tangency;

THENCE North 08°24'19" West a distance of 33.90 feet to a Point of Curvature;

THENCE along the arc of a curve concave to the Southwest a distance of 6.83 feet, said curve has a Radius of 211.00 feet, a Delta of 01°51'12" and is subtended by a Chord bearing North 09°19'55" West a distance of 6.82 feet to a line non-tangent to this curve and to the North line of said Deed;

The following Three (3) courses and distances are along the Northerly lines of said Deed;

THENCE North 75°13'16" East along a line non-tangent to the aforesaid curve a distance of 6.35 feet to a Point of Curvature;

THENCE along the arc of a curve concave to the Southeast a distance of 91.66 feet, said curve has a Radius of 338.27 feet, a Delta of 15°31'31" and is subtended by a Chord bearing North 82°59'27" East a distance of 91.38 feet to a Point of Tangency;

THENCE South 89°14'48" East a distance of 364.13 feet to the **POINT OF BEGINNING**.

Said described parcel of land contains 27,478 Square Feet or 0.631 Acre, more or less (±).



SURVEYORS STATEMENT

I, Paul B. Groves, a Colorado Licensed Professional Land Surveyor do hereby state that this Property Description was prepared under my personal supervision and checking, and that it is true and correct to the best of my knowledge and belief.



Paul B. Groves - on behalf of King Surveyors
Colorado Licensed Professional
Land Surveyor #38209

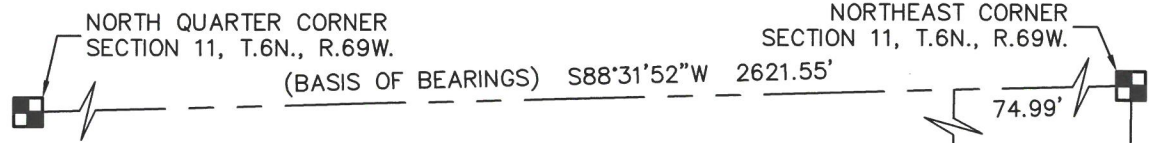
KING SURVEYORS
650 East Garden Drive
Windsor, Colorado 80550
(970) 686-5011

EXHIBIT A

CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CHORD	CH BEARING
C1	2.83'	22995.00'	0°00'25"	2.83'	S00°44'47"W
C2	60.00'	22995.00'	0°08'58"	60.00'	S00°40'05"W
C3	72.53'	278.27'	14°55'59"	72.32'	S83°17'09"W
C4	23.26'	15.00'	88°50'00"	21.00'	S31°24'09"W
C5	14.14'	725.00'	1°07'03"	14.14'	N13°34'22"W
C6	19.99'	200.00'	5°43'34"	19.98'	N11°16'06"W
C7	6.83'	211.00'	1°51'12"	6.82'	N09°19'55"W
C8	91.66'	338.27'	15°31'31"	91.38'	N82°59'27"E

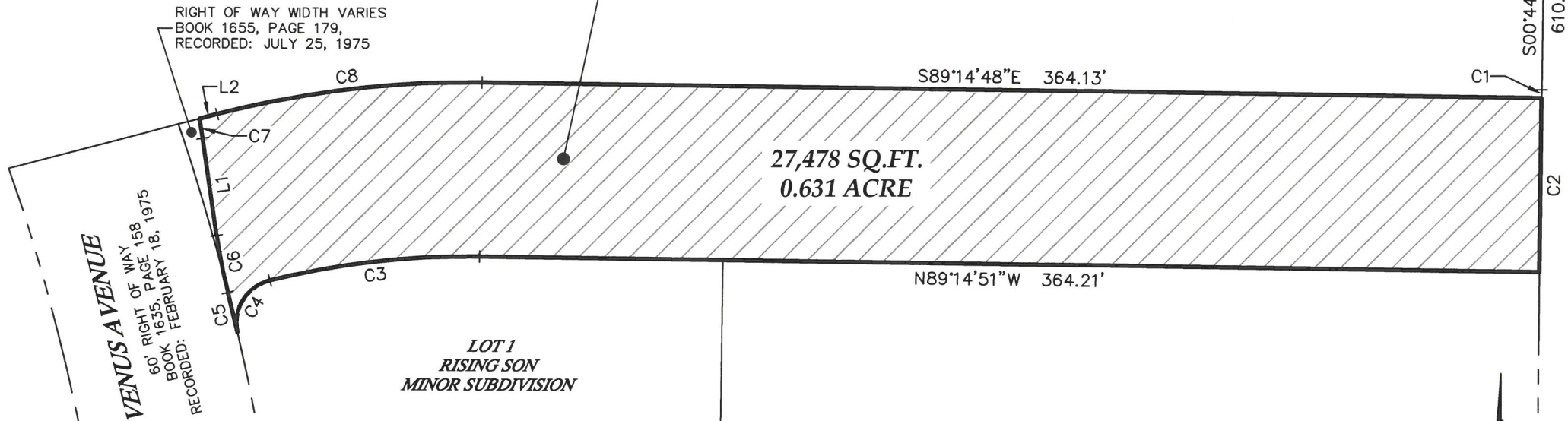
LINE TABLE		
LINE	BEARING	LENGTH
L1	N08°24'19"W	33.90'
L2	N75°13'16"E	6.35'

EXHIBIT A



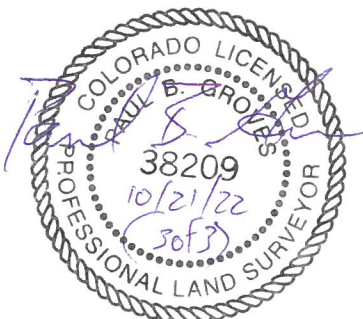
CRESTRIDGE STREET

VACATE A PORTION OF A 60' RIGHT OF WAY
BOOK 1655, PAGE 179, RECORDED: JULY 25, 1975
AS SHOWN HATCHED

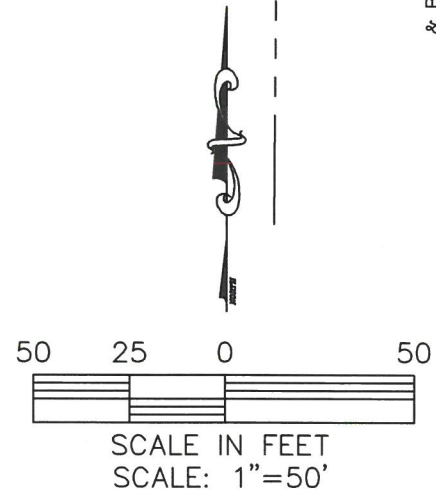


NOTE: This exhibit drawing is not intended to be a monumented land survey. Its sole purpose is as a graphic representation to aid in the visualization of the written property description which it accompanies. The written property description supersedes the exhibit drawing.

NOTICE: According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than three years from the date of the certification shown hereon. (13-80-105 C.R.S. 2012)



Paul B. Groves – On Behalf Of King Surveyors
Colorado Licensed Professional
Land Surveyor #38209



KING SURVEYORS

650 E. Garden Drive | Windsor, Colorado 80550
phone: (970) 686-5011 | fax: (970) 686-5821
email: contact@KingSurveyors.com

PROJECT NO: 20210169
DATE: 10/6/2022
CLIENT: UNITED CIVIL DESIGN GRO
DWG: 20210169EXH-VAC
DRAWN: CSK CHECKED: PG

Item 17.

November 1, 2022

AGENDA ITEM SUMMARY

City Council



STAFF

Kelly DiMartino, City Manager
Travis Storin, Chief Finance Officer
Lawrence Pollack, Budget Director
John Duval, Legal

SUBJECT

First Reading of Ordinance No. 126, 2022, Being the Annual Appropriation Ordinance Relating to the Annual Appropriations for Fiscal Year 2023; Adopting the Budget for the Fiscal Years Beginning January 1, 2023, and Ending December 31, 2024; and Fixing the Mill Levy for Property Taxes Payable in 2023.

EXECUTIVE SUMMARY

The purpose of this item is to present the Annual Appropriation and Budget Ordinance for First Reading. This Ordinance sets the City Budget for the two-year period (2023-2024) which becomes the City's financial plan for the next two fiscal years. This Ordinance sets the amount of \$778,543,584 to be appropriated for fiscal year 2023. However, this appropriated amount does not include what is being budgeted and appropriated by separate Council/Board of Director actions to adopt the 2023 budget for the General Improvement District (GID) No. 1 of \$313,275, the 2023 budget for General Improvement District (GID) No. 15 (Skyview) of \$1,000, the Urban Renewal Authority (URA) 2023 budget of \$6,005,369 and the Downtown Development Authority 2023 budget of \$24,262,482. This results in the City-related total operating appropriation of \$809,125,710 in 2023.

This Ordinance also sets the 2023 City mill levy at 9.797 mills, unchanged since 1991.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

BACKGROUND / DISCUSSION

This creation of the 2023-2024 Recommended Budget was accomplished using a process called Budgeting for Outcomes (BFO), which is a form of priority-based budgeting. The process has included the following major steps:

Council adopted the 2022 Strategic Plan, which encompasses the adopted 2021-2023 Council Priorities.

City financial staff created revenue forecasts for fiscal years 2023 and 2024.

City staff developed budget requests (offers) for individual programs and services to help achieve specific strategic objectives within the adopted strategic plan. The primary objective selected within the budget

request determines which of the City's seven key Strategic Outcomes the request is then submitted for consideration

BFO Teams comprised of 7 staff members each (one team per Outcome) reviewed the offers and negotiated with the staff (aka Sellers) who submitted the budget requests. This unique aspect of BFO allows for a much deeper review and understanding of the programs and services being proposed. The teams each deliver a prioritized ranking of budget requests that would change the ongoing level of service.

Concurrently, public outreach began with a press release and ongoing communications through social media channels to invite the community to share their perspectives. The City's online public engagement tool, called OurCity, allows individuals to provide various types of input based on their level of interest and the amount of time they have available. Initial feedback received in May and June helped inform the decisions for the recommended budget, and the remaining inputs through September will be shared with Council as final decisions are being made for the adopted 2023-2024 Budget.

A work session item on the status of the 2023-2024 budget process was discussed on June 28. This session included high-level assumptions within the budget, as well as conversation about the themes that were emerging.

The prioritized lists of funding recommendations from the BFO Teams were then reviewed by the City Manager and the rest of the Budget Leadership Team (BLT). The BLT deliberated similar to the BFO Teams, but they looked across all seven Outcomes holistically. This included conversations with each BFO Team, as well as a snapshot summary of the public input received between early May and early July. These inputs, along with other data and information discussed by the BLT, resulted in the decisions of what is recommended for funding in 2023 and 2024.

The 2023-2024 Recommended Budget was delivered to Council on September 1 along with a cover memo outlining the approach that was taken. Attachment 1 of that memo included a comprehensive listing of all the recommended offers, both ongoing and enhancements, that supported the 31 adopted Council Priorities.

Council reviewed the Recommended Budget during three Council work sessions. In addition, residents provided input to Councilmembers through two public hearings and public engagement which continued through the end of September. From these discussions City Council has provided direction and guidance for the following changes that have been incorporated into First Reading of the 2023-2024 Budget.

Changes to Offers originally included in the City Manager’s Recommended Budget (Exhibit A).

Note - Offers listed below are in the same order as presented in the work session on October 11

\$ in Thousands

Outcome	Offer Number and Title	Funding Source(s)	Changes Made from Recommended Budget	Ongoing Costs		One-Time Costs	
				2023	2024	2023	2024
C&R	Offer 43.28 - Customer Database and Registration Software Upgrade	274-Recreation Fund: Reserves	This Offer was Funded (previously Unfunded)			80	80
ECON	Offer 2.20 - Utilities: Light & Power - 1.0 FTE Electrical Engineer	501-Light and Power Fund: Ongoing Revenue	This Offer was scaled down to 1.0 FTE and Funded (previously Unfunded)	129	129		
T&M	Offer 27.13 - 1.0 FTE Shift Your Ride Travel Options Professional & Program	292-Transportation Services Fund: Ongoing Revenue	This Offer was modified to add 1.0 FTE while keeping the offer total to \$200k per year and Funded (no financial impact since offer was previously Funded)	-	-		
C&R	Offer 54.8 - Parks Landscape Conversion and Irrigation Infrastructure Replacement	100-General Fund: Reserves	This Offer was scaled to start work in 2024 and Funded (previously Unfunded)			-	65
NLSH	Offer 24.8 - Immigration Legal Fund	100-General Fund: Reserves	This Offer was Funded (previously Unfunded)	250	250		
NLSH	Offer 31.17 - ARPA - Social Services Recovery Grants	100-General Fund: ARPA	This Offer was scaled down to \$180k per year and Funded (previously Unfunded)			180	180
NLSH	Offer 23.26 - Advancing Accessible Permitting	100-General Fund: ARPA	This Offer was Funded (previously Unfunded)			158	-
NLSH	Offer 24.12 - ARPA - 1.0 FTE Contractual Mobile Home Park Code Compliance and Building Evaluation	100-General Fund: American Rescue Plan Act (ARPA) at \$172k 501-Light & Power Fund: Ongoing Revenue at \$78k	This offer was modified to also include offer 1.10 (which has been withdrawn) and Funded (previously unfunded)			250	250
T&M	Offer 27.14 - School Transportation Safety Assessments and Strategic Infrastructure for Youth	100-General Fund: Reserves	This Offer was Funded (previously Unfunded)			100	61
ENV	Offer 1.24 - Household Hazardous Waste Collection	100-General Fund: Reserves (\$102k) 504-Stormwater Fund: Reserves (\$82k)	This Offer was scaled down to one event in 2023 and Funded (previously Unfunded)			184	-
HPG	Offer 35.13 - Legislative Management System Evaluation and Implementation	100-General Fund: Reserves	This Offer was Funded (previously Unfunded)			150	100
C&R	Offer 50.16 - Museum of Discovery Artifact Housing Furniture	277-Museum Fund Reserves (\$150k) 100-General Fund: Reserves (\$150k)	This Offer was Funded (previously Unfunded)			300	-
NLSH	Offer 23.17 - 1 FTE - Historic Preservation Surveyor Specialist	100-General Fund: Reserves	This Offer was Funded (previously Unfunded)	60	84		
NLSH	Offer 23.20 - 2.0 FTE Landscape Inspectors - Development Review	100-General Fund: Reserves	This Offer was scaled down to 1.0 FTE starting in 2023 and an additional 1.0 FTE starting in 2024 and Funded (previously Unfunded)	101	211		
NLSH	Offer 59.6 - Urban Forest Strategic Plan	100-General Fund: Reserves	This Offer was Funded (previously Unfunded)			231	-
NLSH	Offer 71.1 - Assessment of Citywide Organizational Practices and Structure to Deliver on Compliance with Local Policies	100-General Fund: Reserves	This Offer was Funded (previously Unfunded)			90	-
T&M	Offer 36.13 - School Zone Safety Flasher Upgrade	100-General Fund: Reserves	This Offer was scaled down to \$100k and Funded (previously Unfunded)			100	-
T&M	Offer 7.10 - 1.0 FTE Street Sweeper Operator	100-General Fund: Reserves 504-Stormwater Fund: Ongoing Revenue	This Offer was Funded (previously Unfunded)	76	93		
T&M	Offer 36.9 - Neighborhood Traffic Mitigation Program Expansion	100-General Fund: Reserves	This Offer was scaled in half and Funded (previously Unfunded)	65	65		
ENV	Offer 32.12 - Innovate Fort Collins Challenge	100-General Fund: Reserves	This Offer was scaled down to \$100k, shifted to 2024 and Funded (previously Unfunded)			-	100
SAFE	Offer 4.54 - Utilities: Water Quality Services - 1.0 FTE Watershed Specialist	502-Water Fund: Ongoing Revenue	This Offer was Funded (previously Unfunded)	83	104		
NLSH	Offer 23.18 - 1.0 FTE - Building Services Building Inspector	100-General Fund: Reserves	This Offer was scaled down to 1.0 FTE and Funded (previously Unfunded)	62	87		
C&R	Offer 50.15 - ARPA Support for Individual Creatives in the Community (Art to Live)	100-General Fund: ARPA	This Offer was scaled down to \$85k per year and Funded (previously Unfunded)			85	85
NLSH	Offer 24.11 - ARPA Backflow Preventer Funding for Mobile Home Parks	Unfund per discussion at October 11 work session				(132)	-
HPG	Offer 17.10 - ARPA - Future of Work	Funding changed from ARPA to General Fund Reserves				-	-

Financial Impact of Changes from Recommended Budget: 826 1,023 1,776 921

- Additionally, the following administrative changes have been made for First Reading:
 - The 2023 Budget for the Downtown Development Authority (DDA) was approved by its Board of Directors on September 8, 2022. Offer 40.1 - Downtown Development Authority: Operating & Capital Budget has been updated to reflect the final DDA 2023 Budget, as approved by the Board.
 - Principal and Interest payments have been updated in Offer 34.2 - Urban Renewal Authority Debt Service to reflect the amounts of the debt payment schedule.

During the work sessions Council discussed two additional offers that have not yet been added for First Reading:

- Offer 20.9, Fort Collins Public Access - Video Production Assistance Programs & Community Video Production Training and Event Coverage
- Offer 33.10, ARPA - Reskill, Upskill, New Skill (RUN) Training Program Support

These are both described in the attached memo dated October 20, 2022.

2023-2024 Budget Summary

This annual Appropriation Ordinance sets the amount of \$778,543,584 to be appropriated for fiscal year 2023. It does not include the 2023 adopted annual appropriations and budgets for the General Improvement District (GID) No. 1 of \$313,275, the GID No. 15 (Skyview) of \$1,000, the Urban Renewal Authority (URA) of \$6,005,369 and the Downtown Development Authority of \$24,262,482. This results in City-related total appropriations being \$809,125,710 in 2023. Below is a summary of the City’s proposed 2023 total and net budgets:

TOTAL BUDGET (in Millions)					
	Original 2022	2023	% Change	2024	% Change
Operating	\$635.0	\$690.4	8.7%	\$716.4	3.8%
Debt	32.2	39.8	23.6%	45.8	15.1%
Capital*	67.2	79.0	17.6%	64.8	-17.9%
Total City Appropriations**	\$734.4	\$809.1	10.2%	\$827.0	2.2%
Less					
Internal Service Funds	(\$87.9)	(\$92.3)	5.0%	(\$98.3)	6.5%
Transfers to Other Funds	(68.4)	(77.4)	13.1%	(78.5)	1.4%
GIDs	(0.2)	(0.3)	50.7%	(0.3)	0.4%
URAs	(6.2)	(6.0)	-2.6%	(6.1)	1.9%
DDA	(18.0)	(24.3)	34.8%	(24.3)	0.0%
Total	(\$180.7)	(\$200.3)	10.8%	(\$207.5)	3.6%
Net City Budget	\$553.7	\$608.9	10.0%	\$619.5	1.7%

* Capital in this table includes all capital related items, which will be significantly greater than the sum of Capital Project offers
 ** This includes the GID #1, GID #15, URA and DDA all of which are appropriated in separate ordinances

CITY FINANCIAL IMPACTS

This Ordinance sets the annual appropriation for fiscal year 2023 in the amount of \$778,543,584. The Ordinance also sets the City property tax mill levy at 9.797 mills, unchanged since 1991.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

Various City boards and commissions submitted memos to Council for its consideration of what they believed should be included in the 2023-2024 Budget.

PUBLIC OUTREACH

The City's Communications and Public Information Office began public engagement in May, just as it was prior to the onset of the pandemic, and that continued through September. A snapshot of results through the beginning of July was analyzed and shared with the executive team to assist with funding decisions for the Recommended Budget. That document, along with the corresponding Budgets in Brief, was released on September 2.

New this year was an insightful collaboration with the Colorado State University Center for Public Deliberation (CPD). The engagement was two-fold. First, Community Guide volunteers were trained by CPD and then facilitated conversations with other local residents. The second aspect with CPD was a community event at the Senior Center on September 28 where residents participated in table-top discussions around a simulated budget exercise with the funded/unfunded offers in the Recommended Budget.

Since the release of the Recommended Budget, the City also conducted two public hearings for the community to share their thoughts on the budget directly with Councilmembers.

ATTACHMENTS

1. Ordinance for Consideration
2. Ordinance Exhibit A
3. Memo Regarding Offers 33.10 and 20.9
4. Presentation

ORDINANCE NO. 126, 2022
 OF THE COUNCIL OF THE CITY OF FORT COLLINS
 BEING THE ANNUAL APPROPRIATION ORDINANCE
 RELATING TO THE ANNUAL APPROPRIATIONS
 FOR FISCAL YEAR 2023; ADOPTING THE BUDGET FOR
 THE FISCAL YEARS BEGINNING JANUARY 1, 2023, AND ENDING
 DECEMBER 31, 2024; AND FIXING THE MILL LEVY FOR
 PROPERTY TAXES PAYABLE IN 2023

WHEREAS, City Charter Article V, Section 2 provides that the City Manager shall file with the City Clerk on or before the first Monday in September preceding each “budget term” the proposed budget for that ensuing budget term; and

WHEREAS, City Charter Article V, Section 1 provides that the City Council is to set by ordinance the number of fiscal years that shall constitute the City’s “budget term”; and

WHEREAS, in 2010, the City’s budget term was set in City Code Section 8-1 as being two fiscal years, so a biennial budget term; and

WHEREAS, under Code Section 8-1, the City’s next biennial budget term is for fiscal years 2023 and 2024; and

WHEREAS, on September 1, 2022, the City Manager filed with the City Clerk a proposed budget for the City of Fort Collins for the fiscal year 2023-2024 (the “Proposed 2023-2024 Budget”) as required in Article V, Section 2 of the City Charter and included with it an explanatory message, a complete financial plan for each City fund, appropriate financial statements for each type of fund showing comparative figures for the last completed fiscal year and the current fiscal year, and the City Manager’s recommendation for the ensuing budget term; and

WHEREAS, Article V, Section 3 of the City Charter requires that, within ten days of the date of the City Manager’s filing of the Proposed 2023-2024 Budget with the City Clerk, the City Council shall set a time certain for a public hearing on the Proposed 2023-2024 Budget and cause a notice of the hearing to be published; and

WHEREAS, both public hearings were held and conducted on those dates and persons were given the opportunity to appear before City Council and comment on any or all items and estimates in the Proposed 2023-2024 Budget; and

WHEREAS, the 2023 fiscal year budgets, fixing of mill levies, and annual appropriations for the City’s General Improvement District No. 3 and Skyview South General Improvement District No. 15 are not addressed in this Ordinance but will be considered by City Council in separate ordinances; and

WHEREAS, Article V, Section 4 of the City Charter requires that after the public hearing and before the last day of November of each fiscal year, the City Council shall adopt the budget

for the ensuing budget term by ordinance and appropriate by ordinance on a fund basis and by individual project for capital projects and federal or state grant projects, such sums of money as it deems necessary to defray all expenditures of the City during the ensuing fiscal year, based upon the budget as approved by the City Council; and

WHEREAS, the appropriations in this Ordinance also include appropriations as needed to transfer monies from the dedicated funds receiving the revenues to the funds from which those monies will be expended; and

WHEREAS, Article V, Section 5 of the City Charter provides that the annual appropriation ordinance shall also fix the tax levy in mills upon each dollar of the assessed valuation of all taxable real property within the City, such levy representing the amount of taxes for City purposes necessary to provide for payment during the ensuing fiscal year for all properly authorized expenditures to be incurred by the City, including interest and principal of general obligation bonds; and

WHEREAS, the City Council finds and determines that the adoption of this Ordinance is necessary for the public's health, safety, and welfare and therefore, wishes to approve the Proposed 2023-2024 Budget, as hereafter amended, and authorize the expenditures described in this Ordinance for the 2023 fiscal year.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. Budget.

- a. That the City Council has reviewed the Proposed 2023-2024 Budget, a copy of which is on file with the office of the City Clerk, and has determined that the amendments described in Exhibit "A" attached hereto and incorporated by reference should be made to it.
- b. That the Proposed 2023-2024 Budget, as amended in Exhibit "A", is hereby adopted in accordance with the provisions of Article V, Section 4 of the City Charter and incorporated herein by reference (the "2023-2024 Adopted Budget").
- c. That the 2023-2024 Adopted Budget shall be on file with and maintained in the office of the City Clerk and identified as "The Budget for the City of Fort Collins for Fiscal Years 2023 and 2024, as Adopted by the City Council on November 15, 2022."

Section 3. Appropriations. That there is hereby appropriated out of the reserves and revenues of the City of Fort Collins, for the fiscal year beginning January 1, 2023, and ending December 31, 2023, the sum of SEVEN HUNDRED SEVENTY-EIGHT MILLION FIVE HUNDRED FORTY-THREE THOUSAND FIVE HUNDRED EIGHTY-FOUR DOLLARS

(\$778,543,584) to be raised by taxation and otherwise, which sum is deemed by the City Council to be necessary to defray all expenditures of the City during said fiscal year, to be divided and appropriated for the following purposes, to wit:

GENERAL FUND	234,657,795
SPECIAL REVENUE FUNDS	
Capital Expansion Fund	1,133,838
Cemeteries Fund	1,087,664
Cultural Services Fund	
Operating Total	7,681,743
Capital	
Art in Public Places	81,132
Total Cultural Services Fund	<u>\$7,762,875</u>
General Employees' Retirement Fund	6,534,500
Keep Fort Collins Great Fund	1,600,000
Museum Fund	1,443,192
Natural Areas Fund	15,766,139
Parking Fund	3,126,583
Perpetual Care Fund	40,000
Recreation Fund	9,961,713
Sales & Use Tax Fund	10,441,753
Transit Services Fund	22,335,749
Transportation CEF Fund	1,538,055
Transportation Fund	41,210,860
Capital Leasing Corp Fund	6,544,794
TOTAL SPECIAL REVENUE & DEBT SERVICE FUNDS	<u>\$130,527,715</u>
CAPITAL IMPROVEMENT FUNDS	
General City Capital	
Capital	
CCIP Arterial Intersection Imp	800,000
CCIP Bicycle Infrastructure Im	500,000
CCIP Bike/Ped Grade Sep Cross	800,000
CCIP Bus Stop Improvements	100,000

CCIP Nature in the City	300,000
CCIP Pedestrian Sidewalk - ADA	1,500,000
CCIP Siphon Ped Overpass	450,000
City Bridge Program	2,800,000
East Community Park	758,838
Landfill Grndwater Remed IGA	650,000
Railroad Crossing Replacment	125,000
Total General City Capital	<u>\$8,783,838</u>

Community Capital Improvement

Afford Housing Capital Program	500,000
Arterial Intersection Imprvmnt	800,000
Bicycle Infrastructure Imprvmt	500,000
Bike/Ped Grade Separated Cross	800,000
Bus Stop Improvements	100,000
Carnegie Bldg Renovation	25,000
Gardens Visitor Ctr Expansion	40,000
Linden St Renovation	12,000
Nature in the City	300,000
Pedestrian Sidewalk - ADA	1,500,000
Willow Street Improvements	11,000
Total Community Capital Improvement	<u>\$4,588,000</u>
Conservation Trust Fund	
Operating Total	694,182

Capital	
Trail Acquisition/Development	2,222,222
Total Conservation Trust Fund	<u>\$2,916,404</u>
Neighborhood Parkland Fund	
Operating Total	709,923
Capital	
New Park Site Development	3,021,212
Total Neighborhood Parkland Fund	<u>\$3,731,135</u>
TOTAL CAPITAL IMPROVEMENT FUNDS	<u>\$20,019,377</u>
ENTERPRISE FUNDS	
Broadband Fund	
Operating Total	24,065,471
Total Broadband Fund	<u>\$24,065,471</u>
Golf Fund	
Operating Total	5,004,625
Total Golf Fund	<u>\$5,004,625</u>
Light & Power Fund	
Operating Total	152,615,847
Capital	
Grid Integrated Water Heater Installations	175,000
Direct Install Demand Response T-stat Replacement	100,000
Advanced Meter Infrastructure	347,470
Art in Public Places	26,805
CMMS–Maintenance Management	400,000
Dist. System Impr. & Replace.	634,000
Distribution Automation-Parent	200,000

New Capacity-Circuits	465,000
Operational Technology	830,000
Service Center - L&P Parent	656,500
Streetlights - Parent	1,106,866
Substation Cap Prj - Parent	851,000
System Relocations - Parent	400,000
Transformers - Parent	3,000,000
Capital Total	<u>9,192,641</u>
Total Light & Power Fund	<u>\$161,808,488</u>
Stormwater Fund	
Operating Total	15,337,389
Capital	
2021-Boxelder Watershed Dams	90,000
Art in Public Places	17,000
Cured in Place Pipe	500,000
Master Planning	200,000
Stormwater Basin Improvements	2,000,000
Stream Rehabilitation Program	1,000,000
SW Land Acquisition	125,000
Utility Service Center Phase 2	200,000
Capital Total	<u>4,132,000</u>
Total Stormwater Fund	<u>\$19,469,389</u>
Wastewater Fund	
Operating Total	21,396,016
Capital	

Mulberry UV Disinfection System and Infrastructure Improvement	3,660,000
Water Reclamation and Biosolids Master Plan	700,000
Art in Public Places	75,253
Meadow Springs Ranch Vehicle Storage Facility	300,000
Collection Sys Replace Pgm	1,750,000
DWRF HVAC Improvements	600,000
Operational Technology	500,000
PARENT-Collect Small Projects	1,500,000
PARENT-Cured In Place Pipe	750,000
PARENT-Serv Center Improvemnts	200,000
PARENT-Water Recl Replcmt Prgm	530,000
Capital Total	<u>10,565,253</u>
Total Wastewater Fund	<u>\$31,961,269</u>
Water Fund	
Operating Total	29,284,756
Capital	
2019-Enviro Learn Center Dam	2,089,196
2022 – AMI Equip&Tech Upgrade	160,530
Art in Public Places	163,926
Distribution Sys Replac	1,000,000
Galvanized Service Repl	1,000,000
Halligan Res Enlargement Proj	16,000,000
PARENT-Cathodic Protection	625,000
PARENT-Distro Small Projects	2,000,000
PARENT-Service Cntr Improvm't	300,000

PARENT-Water Prod Replcmt Prgm	1,030,000
PARENT-Watershed Protection	140,000
PARENT-Wtr Meter Replacement	850,000
Capital Total	<u>25,358,652</u>
Total Water Fund	<u>\$54,643,408</u>
TOTAL ENTERPRISE FUNDS	<u>\$296,952,650</u>
INTERNAL SERVICE FUNDS	
Benefits Fund	37,522,631
Data & Communications Fund	12,650,191
Equipment Fund	14,705,583
Self Insurance Fund	8,219,236
Utility CS&A Fund	<u>23,288,406</u>
TOTAL INTERNAL SERVICE FUNDS	<u>\$96,386,047</u>
TOTAL CITY FUNDS	<u>\$778,543,584</u>

Section 4. Mill Levy.

a. That the mill levy rate for the taxation upon each dollar of the assessed valuation of all the taxable real property within the City of Fort Collins shall be 9.797 mills to be imposed on the assessed value of such property as set by state law for property taxes payable in 2023, which levy represents the amount of taxes for City purposes necessary to provide for payment during the 2023 budget year of all properly authorized expenditures to be incurred by the City, including interest and principal of general obligation bonds.

b. That the City Clerk shall certify this levy of 9.797 mills to the County Assessor and the Board of Commissioners of Larimer County, Colorado, in accordance with the applicable provisions of law, as required by Article V, Section 5 of the City Charter and no later than December 15, 2022.

Introduced, considered favorably on first reading, and ordered published this 1st day of November, A.D. 2022, and to be presented for final passage on the 15th day of November, A.D. 2022.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading this 15th day of November, A.D. 2022.

Mayor

ATTEST:

City Clerk

Exhibit A

City Council Modifications from the 2023-2024 City Manager's Recommended Budget

Note - Offers listed below are in the same order as presented in the work session on October 11

\$ in Thousands

Outcome	Offer Number and Title	Funding Source(s)	Changes Made from Recommended Budget	Ongoing Costs		One-Time Costs	
				2023	2024	2023	2024
C&R	Offer 43.28 - Customer Database and Registration Software Upgrade	274-Recreation Fund: Reserves	This Offer was Funded (previously Unfunded)			80	80
ECON	Offer 2.20 - Utilities: Light & Power - 1.0 FTE Electrical Engineer	501-Light and Power Fund: Ongoing Revenue	This Offer was scaled down to 1.0 FTE and Funded (previously Unfunded)	129	129		
T&M	Offer 27.13 - 1.0 FTE Shift Your Ride Travel Options Professional & Program	292-Transportation Services Fund: Ongoing Revenue	This Offer was modified to add 1.0 FTE while keeping the offer total to \$200k per year and Funded (no financial impact since offer was previously Funded)	-	-		
C&R	Offer 54.8 - Parks Landscape Conversion and Irrigation Infrastructure Replacement	100-General Fund: Reserves	This Offer was scaled to start work in 2024 and Funded (previously Unfunded)			-	65
NLSH	Offer 24.8 - Immigration Legal Fund	100-General Fund: Reserves	This Offer was Funded (previously Unfunded)	250	250		
NLSH	Offer 31.17 - ARPA - Social Services Recovery Grants	100-General Fund: ARPA	This Offer was scaled down to \$180k per year and Funded (previously Unfunded)			180	180
NLSH	Offer 23.26 - Advancing Accessible Permitting	100-General Fund: ARPA	This Offer was Funded (previously Unfunded)			158	-
NLSH	Offer 24.12 - ARPA - 1.0 FTE Contractual Mobile Home Park Code Compliance and Building Evaluation	100-General Fund: American Rescue Plan Act (ARPA) at \$172k 501-Light & Power Fund: Ongoing Revenue at \$78k	This offer was modified to also include offer 1.10 (which has been withdrawn) and Funded (previously unfunded)			250	250
T&M	Offer 27.14 - School Transportation Safety Assessments and Strategic Infrastructure for Youth	100-General Fund: Reserves	This Offer was Funded (previously Unfunded)			100	61
ENV	Offer 1.24 - Household Hazardous Waste Collection	100-General Fund: Reserves (\$102k) 504-Stormwater Fund: Reserves (\$82k)	This Offer was scaled down to one event in 2023 and Funded (previously Unfunded)			184	-
HPG	Offer 35.13 - Legislative Management System Evaluation and Implementation	100-General Fund: Reserves	This Offer was Funded (previously Unfunded)			150	100
&R	Offer 50.16 - Museum of Discovery Artifact Housing Furniture	277-Museum Fund Reserves (\$150k) 100-General Fund: Reserves (\$150k)	This Offer was Funded (previously Unfunded)			300	-

Outcome	Offer Number and Title	Funding Source(s)	Changes Made from Recommended Budget	Ongoing Costs		One-Time Costs	
				2023	2024	2023	2024
NLSH	Offer 23.17 - 1 FTE - Historic Preservation Surveyor Specialist	100-General Fund: Reserves	This Offer was Funded (previously Unfunded)	60	84		
NLSH	Offer 23.20 - 2.0 FTE Landscape Inspectors - Development Review	100-General Fund: Reserves	This Offer was scaled down to 1.0 FTE starting in 2023 and an additional 1.0 FTE starting in 2024 and Funded (previously Unfunded)	101	211		
NLSH	Offer 59.6 - Urban Forest Strategic Plan	100-General Fund: Reserves	This Offer was Funded (previously Unfunded)			231	-
NLSH	Offer 71.1 - Assessment of Citywide Organizational Practices and Structure to Deliver on Compliance with Local Policies	100-General Fund: Reserves	This Offer was Funded (previously Unfunded)			90	-
T&M	Offer 36.13 - School Zone Safety Flasher Upgrade	100-General Fund: Reserves	This Offer was scaled down to \$100k and Funded (previously Unfunded)			100	-
T&M	Offer 7.10 - 1.0 FTE Street Sweeper Operator	100-General Fund: Reserves 504-Stormwater Fund: Ongoing Revenue	This Offer was Funded (previously Unfunded)	76	93		
T&M	Offer 36.9 - Neighborhood Traffic Mitigation Program Expansion	100-General Fund: Reserves	This Offer was scaled in half and Funded (previously Unfunded)	65	65		
ENV	Offer 32.12 - Innovate Fort Collins Challenge	100-General Fund: Reserves	This Offer was scaled down to \$100k, shifted to 2024 and Funded (previously Unfunded)			-	100
SAFE	Offer 4.54 - Utilities: Water Quality Services - 1.0 FTE Watershed Specialist	502-Water Fund: Ongoing Revenue	This Offer was Funded (previously Unfunded)	83	104		
NLSH	Offer 23.18 - 1.0 FTE - Building Services Building Inspector	100-General Fund: Reserves	This Offer was scaled down to 1.0 FTE and Funded (previously Unfunded)	62	87		
C&R	Offer 50.15 - ARPA Support for Individual Creatives in the Community (Art to Live)	100-General Fund: ARPA	This Offer was scaled down to \$85k per year and Funded (previously Unfunded)			85	85
NLSH	Offer 24.11 - ARPA Backflow Preventer Funding for Mobile Home Parks	Unfund per discussion at October 11 work session				(132)	-
HPG	Offer 17.10 - ARPA - Future of Work	Funding changed from ARPA to General Fund Reserves				-	-

Financial Impact of Changes from Recommended Budget: 826 1,023 1,776 921

Financial Services
 215 N Mason Street, 2nd Floor
 PO Box 580
 Fort Collins, CO 80522
970.221.6770
 970.221.6782 - fax
fcgov.com/finance

Item 18.



MEMORANDUM

DATE: October 20, 2022

TO: Mayor and City Councilmembers ^{ds}

THRU: Kelly DiMartino, City Manager ^{kd}

FROM: Travis Storin, CFO ^{DocuSigned by: Travis Storin B5F25275E0564FE...}

RE: Information on Offers 33.10 and 20.9 for First Reading of the 2023 Budget

Bottom Line

The purpose of this memo is to provide the background information pertaining to two currently unfunded budget offers for the 2023-2024 budget:

- Offer 20.9, Fort Collins Public Access - Video Production Assistance Programs & Community Video Production Training and Event Coverage
- Offer 33.10, ARPA - Reskill, Upskill, New Skill (RUN) Training Program Support

Staff will seek clarity from Council at the first reading of the 2023 Budget Ordinance on November 1.

Background

Offer 20.9, Fort Collins Public Access - Video Production Assistance Programs & Community Video Production Training and Event Coverage

This offer was submitted at the request of FC Public Media for \$30,000 per year. The City maintains a contract with the non-profit media entity that commits to remitting a portion of the Public, Educational, and Government fees (PEG fees) collected under a cable franchise agreement.

At the direction of Council in the 2017-2018 budget cycle, the City did make supplemental contributions to FC Public Media at \$30,000 per year with the understanding that it was on a one-time basis. The contractual agreement was amended such that there are no other capital or operating contributions expected or required from the City. Staff is concerned that a direct assignment of funds would circumvent existing competitive processes for non-profit funding and establish a new policy precedent.

Although at the 10/11 work session staff understood that Council indicated a desire to fund this offer, staff is now providing additional context that was not available at the work session about the City's agreement with this non-profit organization. Staff would like to re-confirm Council direction after providing this information.

Offer 33.10, ARPA - Reskill, Upskill, New Skill (RUN) Training Program Support

This offer was submitted for ARPA funding at \$750,000 per year. The County and State have each previously offered RUN programs at \$1.6M and \$25M, respectively.

Information on the State program: <https://cwdc.colorado.gov/stimulus-policy/reskilling-upskilling-and-next-skilling-workers-funding>

Information on the County program: <https://www.larimer.gov/ewd/workforce-innovation-grant-funding>

This offer can be scaled to as low as \$500,000 per year including a contractual FTE at \$70,000-\$80,000 per year. Below that amount, the funding would likely not be sufficient to run an efficient program for which the benefit outweighs the cost.

Staff had originally recommended this offer not be funded based on prioritization of other ARPA-funded offers given that other governmental agencies had offered similar programming. Specifically, Offer 33.7 Multicultural Business and Entrepreneurship Center and Portal was funded at a similar dollar amount based on early success of the program and that the City is the only agency staff is aware of providing this type of programming.

Staff seeks clarity from Council on whether a majority of councilmembers wish for this offer to be funded. As the 2023-2024 currently utilizes the full amount of the remaining \$15.8M of ARPA SLRF award, funding this offer would necessitate either defunding an existing ARPA offer, or utilizing General Fund Reserves.



September 13th Work Session

- Culture and Recreation
- Economic Health
- Neighborhood Livability and Social Health

September 20th Council Meeting

- Budget Public Hearing #1 of 2

September 27th Work Session

- Transportation and Mobility
- Environmental Health
- Safe Community
- High Performing Government

October 4th Council Meeting

- Budget Public Hearing #2 of 2

October 11th Work Session

- General Discussion – Final Council Direction

November 1st Council Meeting

- First Reading

November 15th Council Meeting

- Second Reading

 We are here



Culture and Recreation

Fort Collins provides and maximizes access to diverse cultural and recreational amenities.





Continued Funding for Ongoing Programs and Services



Recreational Programs, Centers and Pools (e.g., EPIC, Mulberry, Senior Center, Northside Aztlan Center, Foothills Activity Center, Club Tico, The Farm, Pottery Studio)



Adaptive Recreation



Parks and Trails



Fort Collins Museum of Discovery



Park Planning



Gardens on Spring Creek



Lincoln Center



Golf



Art in Public Places



Highlighted Program and Service Enhancements

American Rescue Plan Act (ARPA) Funded Offers

- Increased Funding for the Reduced Fee Scholarship Program **Offer #43.17**
- Childcare Space Modifications at Northside Aztlan Community Center **Offer #43.23**
- Contractual Cultural Services Community Programs Mgr. w/ Program Support **Offer #50.7**
- Cultural Services Access Fund for Low-Income Residents **Offer # 50.8**

Asset Management

- Facility Improvements at The Farm and Northside Aztlan Center **Offers #43.19 / 43.27**
- Equipment Replacement investments across Parks and Recreation **Multiple Offers**

Customer Service / Technology

- Customer Database and Registration Software Upgrade **Offer #43.28**



Economic Health

Fort Collins promotes a healthy, sustainable economy reflecting community values.





Continued Funding for Ongoing Programs and Services



Business Support



Downtown Landscaping
and Maintenance



Downtown Holiday Lighting



Electric Utility Services



Broadband



Urban Renewal Authority



Downtown Development
Authority



Highlighted Program and Service Enhancements

American Rescue Plan Act (ARPA) Funded Offers

- Contractual staffing for a Multicultural Business and Entrepreneurship Center and Portal (Inclusive Business Support) **Offer #33.7**
- Contractual staffing and related Childcare System Support **Offer #45.2**

Local Business Support

- Capital Project Business Program and staffing **Offer #33.11**

Customer Service / Technology

- Connexion Buildout - Planned expansion of High-Speed Internet to the community
Offers #14.7 / 14.9 / 14.10 / 14.14 / 14.15

Light and Power Utility

- **Offer 2.20 - Utilities: Light & Power - 1.0 FTE Electrical Engineer – Offer 2.20**



Neighborhood Livability & Social Health

Fort Collins provides a high-quality built environment, supports connected neighborhoods, seeks to advance equity and affordability, and fosters the social health of the community.

 Continued Funding for Ongoing Programs and Services



Affordable Housing and Human Services Program



Low-income, Senior and Disabled Rebate programs



Homelessness Support



Code Enforcement



Mediation and Restorative Justice



Construction and Building Permits



Forestry management



Larimer Humane Society Services



Graffiti Abatement Program



Highlighted Program and Service Enhancements

American Rescue Plan Act (ARPA) Funded Offers

- Technical Assistance for Small Business **Offer #23.10**
- Eviction Legal Fund **Offer #24.7**
- Expanded Homelessness Initiatives for Recovery and Stabilization **Offer #31.12**
- Affordable Housing Land Bank Expansion **Offer #31.20**
- Equity Grant Fund **Offer #72.1**
- 1.0 FTE Contractual Mobile Home Park Code Compliance and Building Eval **Offer #24.12**

Urban Forestry Investments

- Urban Forestry Continuing Enhancements, including Emerald Ash Borer Infestation Management **Offers #59.10 / 59.5**
- Urban Forest Strategic Plan **Offer #59.6**



Highlighted Program and Service Enhancements

Focus on Diversity, Equity and Inclusion

- Digital Access & Equity Program Coordinator **Offer #11.6**
- Immigration Legal Fund **Offer #24.8**
- Advancing Accessible Permitting **Offer #23.26**

Housing and the Unhoused

- Affordable Housing Capital Fund **Offer #31.4**
- Continuing Homelessness Initiatives & Human Services Funding **Offers #31.3 / 31.7 / 31.11**

Building and Development

- 1 FTE - Historic Preservation Surveyor Specialist **Offer #23.17**
- 1.0 FTE - Building Services Building Inspector **Offer #23.18**
- 2.0 FTE Landscape Inspectors - Development Review **Offer #23.20**



Transportation & Mobility

Fort Collins provides a transportation system that moves people and goods safely and efficiently while being accessible, reliable and convenient.



 **Continued Funding for Ongoing Programs and Services**



**Transfort, MAX and
Dial-A-Ride Services**



**Sidewalk and Other
Mobility Improvements**



**Safe Routes to Everywhere
and School Crossing Guards**



**Street and Bridge
Maintenance**



Snow and Ice Removal



**Road Construction and
Capital Projects**



Traffic Operations



Street Sweeping



Parking Services

Highlighted Program and Service Enhancements**Community Capital Improvement Program (CCIP) Funded Offers**

- Arterial Intersections **Offer 25.4**
- ADA Pedestrian Sidewalk and Bus Stop Improvements **Offers 25.5 / 51.34**
- Pedestrian Grade-Separated Crossing Fund **Offer 25.11**
- Bicycle Infrastructure **Offer 27.5**

Alternative Modes

- Shift Your Ride Travel Options Program **Offer 27.13**
- Siphon Bicycle/Pedestrian Overpass (Construction) **Offer 25.19**

Traffic and Safety Improvements

- Vision Zero Action Plan Implementation **Offer 36.10**
- School Transportation Safety Assessments & Strategic Infrastructure for Youth **Offer 27.14**
- Neighborhood Traffic Mitigation Program Expansion **Offer 36.9**



Environmental Health

Fort Collins promotes, protects and enhances a healthy and sustainable environment



Continued Funding for Ongoing Programs and Services



Water Utility Services



Wastewater Utility Services



**Conservation of Water
and Electricity**



**Natural Areas and
Nature in the City**



Waste Reduction and Recycling
(Timberline Recycling Center)



**Indoor and Outdoor
Air Quality**



Climate Commitment



City Sustainability



Highlighted Program and Service Enhancements

Water Conservation

- Environmental Learning Center (ELC) Flow Restoration Project **Offer #1.45**

Waste Diversion

- Household Hazardous Waste Collection **Offer #1.24**
- Disposable Bag Ordinance Implementation and Ongoing Programs **Offer #32.9**
- Ultra-violet Wastewater Disinfection System and Infrastructure Improvements **Offer #1.43**

Air Quality

- Electric Vehicle Monitoring and Management Demonstration **Offer #1.6**
- Air Quality Monitoring Fund **Offer #32.11**

Additional Climate Action

- Innovate Fort Collins Challenge **Offer 32.12**
- Increasing Community Leadership for Our Climate Future **Offer #32.17**
- Seed Funding for a Partner-Led Sustainable Business Program **Offer #32.16**



Safe Community

Fort Collins provides a safe place to live, work, learn and play



Continued Funding for Ongoing Programs and Services



Emergency Prevention and Response



Fire Protection and Prevention



911 Dispatch and Police Records



Community Policing



Police Patrol and K9 Unit



Municipal Court



Stormwater Utility Services



Cybersecurity and Protecting Customer Information



Natural Areas and Parks Rangers



West Nile Virus Program



Highlighted Program and Service Enhancements

Community Health and Safety

- Encampment Cleaning and Prevention **Offer #66.2**
- Park Ranger **Offer #66.4**

Emergency Responsiveness and Police Services Staffing

- Dispatchers (one staff member added each year) **Offer #13.15**
- 5.0 FTE - Community Services Officers (CSO) **Offer 13.13**
- 1.0 FTE - Crimes Against Persons (CAP) Criminalist **Offer 13.31**

Stormwater Investments

- Poudre River Flow Consolidation Upstream of College Ave - Concept Design **Offer #4.52**
- Fossil Creek and Stanton Creek Stream Rehabilitation **Offer #4.53**

Utilities: Water Quality Services - 1.0 FTE Watershed Specialist **Offer 4.54**



High Performing Government

Fort Collins exemplifies an efficient, innovative, transparent, effective and collaborative city government





Continued Funding for Ongoing Programs and Services



City Council and Elections



Utility Customer Service



Special Events and Volunteer Coordination



FCTV, Communications and Public Engagement



Business Licenses and Sales Tax Collection



Purchasing of Equipment and Services



Employment Services



City Vehicles and Buildings



Passports



Highlighted Program and Service Enhancements

American Rescue Plan Act (ARPA) Funded Offers

- Contractual staffing to effectively run the ARPA Program **Offer 10.9 / 10.10 / 22.11**
- Local Match for State ARPA Grant Funds **Offer 10.11**

Public Engagement

- Enhancing Utilities Communications **Offer 3.24**

Effective Governance

- Staff Analyst Providing Elections Transparency and Technology Support **Offer 35.11**
- Legislative (Agenda) Management System Evaluation and Implementation **Offer 35.13**

City Facility Improvements

- Aging Facility Maintenance **Offer 15.14**

Facility Restroom and Common Area High Use Cleaning **Offer 15.19**

Modifications for 1st Reading

Additional Offers Included for Funding on 1st Reading

\$ in Thousands

Note - Offers listed below are in the same order as presented in the work session on October 11

Outcome	Offer Number and Title	Funding Source(s)	Changes Made from Recommended Budget	Ongoing Costs		One-Time Costs	
				2023	2024	2023	2024
C&R	Offer 43.28 - Customer Database and Registration Software Upgrade	274-Recreation Fund: Reserves	This Offer was Funded (previously Unfunded)			80	80
ECON	Offer 2.20 - Utilities: Light & Power - 1.0 FTE Electrical Engineer	501-Light and Power Fund: Ongoing Revenue	This Offer was scaled down to 1.0 FTE and Funded (previously Unfunded)	129	129		
T&M	Offer 27.13 - 1.0 FTE Shift Your Ride Travel Options Professional & Program	292-Transportation Services Fund: Ongoing Revenue	This Offer was modified to add 1.0 FTE while keeping the offer total to \$200k per year and Funded (no financial impact since offer was previously Funded)	-	-		
C&R	Offer 54.8 - Parks Landscape Conversion and Irrigation Infrastructure Replacement	100-General Fund: Reserves	This Offer was scaled to start work in 2024 and Funded (previously Unfunded)			-	65
NLSH	Offer 24.8 - Immigration Legal Fund	100-General Fund: Reserves	This Offer was Funded (previously Unfunded)	250	250		
NLSH	Offer 31.17 - ARPA - Social Services Recovery Grants	100-General Fund: ARPA	This Offer was scaled down to \$180k per year and Funded (previously Unfunded)			180	180
NLSH	Offer 23.26 - Advancing Accessible Permitting	100-General Fund: ARPA	This Offer was Funded (previously Unfunded)			158	-
NLSH	Offer 24.12 - ARPA - 1.0 FTE Contractual Mobile Home Park Code Compliance and Building Evaluation	100-General Fund: American Rescue Plan Act (ARPA) at \$172k 501-Light & Power Fund: Ongoing Revenue at \$78k	This offer was modified to also include offer 1.10 (which has been withdrawn) and Funded (previously unfunded)			250	250

Additional Offers Included for Funding on 1st Reading

\$ in Thousands

Outcome	Offer Number and Title	Funding Source(s)	Changes Made from Recommended Budget	Ongoing Costs		One-Time Costs	
				2023	2024	2023	2024
T&M	Offer 27.14 - School Transportation Safety Assessments and Strategic Infrastructure for Youth	100-General Fund: Reserves	This Offer was Funded (previously Unfunded)			100	61
ENV	Offer 1.24 - Household Hazardous Waste Collection	100-General Fund: Reserves (\$102k) 504-Stormwater Fund: Reserves (\$82k)	This Offer was scaled down to one event in 2023 and Funded (previously Unfunded)			184	-
HPG	Offer 35.13 - Legislative Management System Evaluation and Implementation	100-General Fund: Reserves	This Offer was Funded (previously Unfunded)			150	100
C&R	Offer 50.16 - Museum of Discovery Artifact Housing Furniture	277-Museum Fund Reserves (\$150k) 100-General Fund: Reserves (\$150k)	This Offer was Funded (previously Unfunded)			300	-
NLSH	Offer 23.17 - 1 FTE - Historic Preservation Surveyor Specialist	100-General Fund: Reserves	This Offer was Funded (previously Unfunded)	60	84		
NLSH	Offer 23.20 - 2.0 FTE Landscape Inspectors - Development Review	100-General Fund: Reserves	This Offer was scaled down to 1.0 FTE starting in 2023 and an additional 1.0 FTE starting in 2024 and Funded (previously Unfunded)	101	211		
NLSH	Offer 59.6 - Urban Forest Strategic Plan	100-General Fund: Reserves	This Offer was Funded (previously Unfunded)			231	-
NLSH	Offer 71.1 - Assessment of Citywide Organizational Practices and Structure to Deliver on Compliance with Local Policies	100-General Fund: Reserves	This Offer was Funded (previously Unfunded)			90	-

Additional Offers Included for Funding on 1st Reading

\$ in Thousands

Outcome	Offer Number and Title	Funding Source(s)	Changes Made from Recommended Budget	Ongoing Costs		One-Time Costs	
				2023	2024	2023	2024
T&M	Offer 36.13 - School Zone Safety Flasher Upgrade	100-General Fund: Reserves	This Offer was scaled down to \$100k and Funded (previously Unfunded)			100	-
T&M	Offer 7.10 - 1.0 FTE Street Sweeper Operator	100-General Fund: Reserves 504-Stormwater Fund: Ongoing	This Offer was Funded (previously Unfunded)	76	93		
T&M	Offer 36.9 - Neighborhood Traffic Mitigation Program Expansion	100-General Fund: Reserves	This Offer was scaled in half and Funded (previously Unfunded)	65	65		
ENV	Offer 32.12 - Innovate Fort Collins Challenge	100-General Fund: Reserves	This Offer was scaled down to \$100k, shifted to 2024 and Funded (previously Unfunded)			-	100
SAFE	Offer 4.54 - Utilities: Water Quality Services - 1.0 FTE Watershed Specialist	502-Water Fund: Ongoing Revenue	This Offer was Funded (previously Unfunded)	83	104		
NLSH	Offer 23.18 - 1.0 FTE - Building Services Building Inspector	100-General Fund: Reserves	This Offer was scaled down to 1.0 FTE and Funded (previously Unfunded)	62	87		
C&R	Offer 50.15 - ARPA Support for Individual Creatives in the Community (Art to Live)	100-General Fund: ARPA	This Offer was scaled down to \$85k per year and Funded (previously Unfunded)			85	85
NLSH	Offer 24.11 - ARPA Backflow Preventer Funding for Mobile Home Parks	Unfund per discussion at October 11 work session				(132)	-
HPG	Offer 17.10 - ARPA - Future of Work	Funding changed from ARPA to General Fund Reserves				-	-

Financial Impact of Changes from Recommended Budget: **665 728 721 760**

Thank You

November 1, 2022

AGENDA ITEM SUMMARY

City Council



STAFF

Lance Smith, Director of Finance, Planning & Analysis
 Randy Reuscher, Lead Rate Analyst
 Eric Potyondy, Legal
 Cyril Vidergar, Legal

SUBJECT

Items Relating to 2023 Utility Rates, Fees, and Charges.

EXECUTIVE SUMMARY

A. First Reading of Ordinance No. 127, 2022, Amending Chapter 26 of the Code of the City of Fort Collins to Revise Electric Rates, Fees and Charges and Updating Related Provisions.

B. First Reading of Ordinance No. 128, 2022, Amending Chapter 26 of the Code of the City of Fort Collins to Revise Water Rates, Fees and Charges.

C. First Reading of Ordinance No. 129, 2022, Amending Chapter 26 of the Code of the City of Fort Collins to Revise Wastewater Rates, Fees and Charges.

D. First Reading of Ordinance No. 130, 2022, Amending Chapter 26 of the Code of the City of Fort Collins to Revise Stormwater Rates, Fees and Charges.

E. First Reading of Ordinance No. 131, 2022, Amending Chapter 26 of the Code of the City of Fort Collins Regarding Calculation and Collection of Development Fees Imposed for the Construction of New or Modified Electric Service Connections.

F. First Reading of Ordinance No. 132, 2022, Amending Chapter 26 of the Code of the City of Fort Collins to Revise Sewer Plant Investment Fees.

G. First Reading of Ordinance No. 133, 2022, Amending Chapter 26 of the Code of the City of Fort Collins to Revise the Stormwater Plant Investment Fees.

H. First Reading of Ordinance No. 134, 2022, Amending Chapter 26 of the Code of the City of Fort Collins to Revise Water Plant Investment Fees.

The purpose of this item is to consider Ordinances related to proposed 2023 rates and fees being brought forward for Council consideration, including the following items:

Items (A-D) – Monthly utility charges to increase 5% for Electric customers, 4% for Water customers, 4% for Wastewater customers, and 3% for Stormwater customers.

Items (E–H) – A 9% inflationary increase to development fees including Electric Capacity Fees (ECFs) and Water, Wastewater, Stormwater Plant Investment Fees (PIFs)

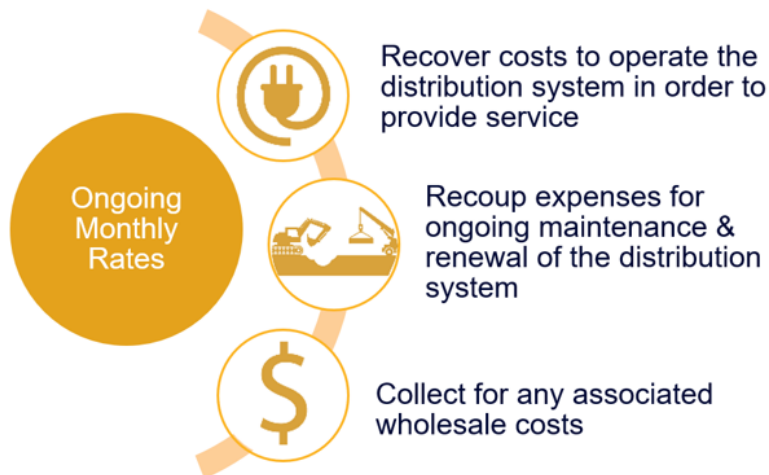
STAFF RECOMMENDATION

Staff recommends adoption of these Ordinances on First Reading.





BACKGROUND / DISCUSSION

Proposed Changes to Monthly Utility Rates

The revenues needed to support the ongoing operation and maintenance costs of providing each of the four essential services to customers are collected through monthly utility rates. As costs change over time it is necessary to adjust rates to reflect those changes. Long-term financial planning is important to ensure revenues are adequate and reserves are available to maintain and replace infrastructure in a timely fashion to continue to provide high quality and reliable services to our customers. Frequent review and updating of the cost-of-service allocation models behind the monthly utility rates maintains equity across rate classes and helps to reduce the impacts on customers of higher utility rates by providing gradual, modest rate adjustments over time rather than less frequent and larger rate adjustments. These actions help ensure the delivery of current and future utility services in a fiscally responsible manner, balancing both costs and levels of service with affordability and prudent planning and investments.



A summary of the proposed rate increases for the four utility services are shown in the table below.

UTILITY		2023 PROPOSED INCREASE
	ELECTRIC	5%
	WATER	4%
	WASTEWATER	4%
	STORMWATER	3%

The proposed increases shown above are higher than what was presented to the Council Finance Committee last December due to higher than anticipated inflation being realized across the utilities in 2022 and being forecasted into the future. The need for the higher increases was determined early in the Budgeting For Outcomes process. The revenues which serve as a basis for the 2023 budget include the increases shown in the table above.

The rate forecasts presented last December were developed assuming inflation over the next decade would be similar to the inflation experienced over the last decade. Inflation this year quickly exceeded those levels. The increased inflation realized in 2022 is likely to persist over the next few years before returning to more modest levels but for how long, and to what level, is not clear at this point. The primary driver of the rate increases are inflationary pressures on operating costs with the secondary driver being the total 10-year capital investments.

Electric

Staff is proposing a 5.0% retail rate increase for the electric fund in 2023. This increase is driven by a combination of a 5% increase in wholesale electric expenses in 2023, as well as an increase to cover distribution operating & maintenance costs and investments in capital projects. Roughly two-thirds of costs incurred each year to provide electric service are attributable to wholesale expenses, while the other one-third is attributable to costs related to operating & maintaining the distribution system.

Staff has updated financial models to better understand future needs related to growing costs around operating and maintaining the distribution system, including the cost of capital projects. The outcome shows a need for a rate increase to cover anticipated operating and maintenance costs and to continue to invest in updating the system for continued reliability and resiliency. The portion of the proposed 5% increase that is not applied to wholesale cost increases will be used to help fund the distribution system needs.

Platte River Power Authority (Platte River) is planning to increase their wholesale blended rate (\$/MWh) by 5% in 2023 at their October 2022 Board meeting. There is variability in how this increase is applied to individual component charges. The owner community charge will increase 14.8%. The transmission demand charge will increase 1.5% and the generation demand charge will increase 0.8% or 2.7%, depending on the season. The fixed energy charge is increasing 0.9% and the variable energy charge is increasing 10%.

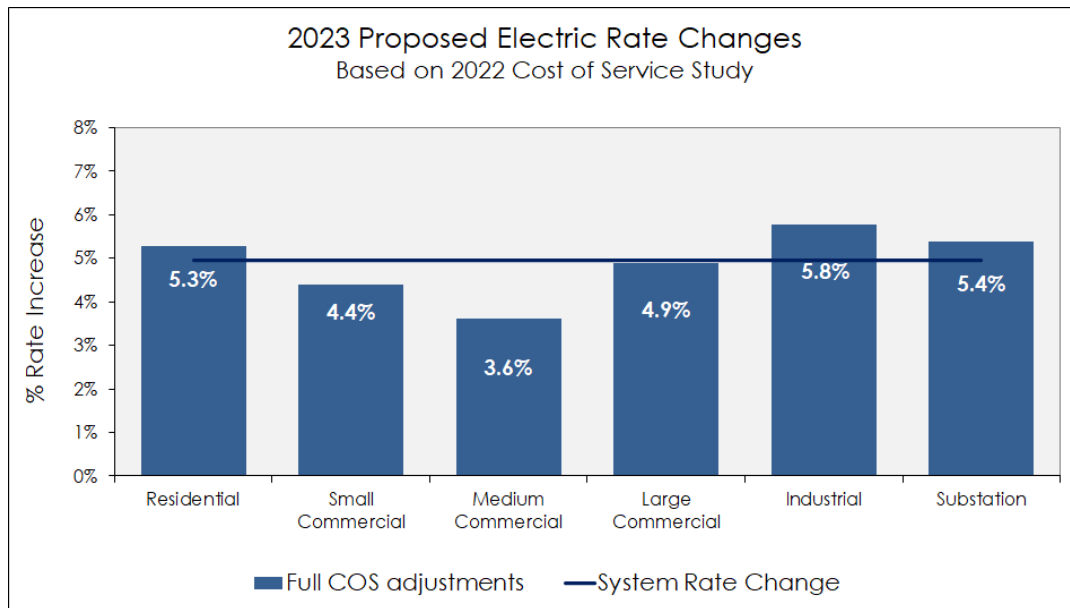
The impact to each of the four owner-communities will vary slightly from the 5% overall change in \$ / MWh, with Fort Collins Utilities projected to see a slightly lower \$ / MWh change than the other owner-

communities, at 4.9%. This result is driven largely by a more favorable load factor, as compared to Loveland, Longmont, and Estes Park. This more favorable load factor is due in part to demand-side management efforts that Fort Collins has collaborated on with commercial customers over the years, as well as the rollout of residential TOD rates in 2018. The lower relative impact for Fort Collins has been a financial benefit to utility customers in recent years, as wholesale rates are passed directly on to retail customers.

After separating the intermittent and dispatchable energy rate in 2020, Platte River is now planning to blend the intermittent and dispatchable energy rate back together for 2023. Given there is some variability in the generation and delivery of intermittent resources, the change will shift the risk associated with having separate variable energy component charges back to Platte River from the owner communities and assist with budgeting purchased power expenses more accurately for the owner communities.

Every two years, staff updates the electric cost of service model, which accounts for changes in consumption and costs. Given the frequency of these updates, there are generally relatively minor adjustments necessary. There are many factors that go into these updates, including how load factors change across rate classes, consumption increases or decreases, and average demand during coincident peak hours, which accounts for the wholesale demand cost allocations.

The updates proposed for each rate class for 2023 are shown in the graph below, which range from 3.6% to 5.8%, depending on the rate class. The dark horizontal line represents the average 5% increase for the electric fund.



Based on the current levels of inflation being realized by each utility, a revised 10-year rate forecast is shown here by utility. For electric customers this rate forecast reflects the 5% wholesale increase forecasted through 2028 by Platte River. Note it may be necessary to exceed the 5% annual rate increase ceiling which has historically resulted in more gradual rate adjustments for a few years due to inflationary pressures.

Electric	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032
Rate Increase	2.0%	5.0%	5.0%	4-5%	4-5%	4-6%	6-8%	6-8%	6-8%	4-7%	4-7%

Net-metering

Solar credit rates use the same advanced metering in place in Fort Collins that allow for time differentiated directional rates to be applied that can simultaneously support customer solar value, financial sustainability for operations and equity between solar and non-solar customers. Residential homes with solar use the same metering and time-of-day (TOD) consumption rates as all other residential customers. There is also a solar credit TOD structure with specific rates for seasonal on and off-peak periods. The advanced meters measure and record the electric net consumption of the home every fifteen minutes. If the use is greater than the solar generation then the customer purchases energy from the grid. When the use is less than the solar generation the customer is exporting energy to the grid.

Solar credit rates for residential customers are proposed to stay flat from 2022 to 2023. Maintaining a level solar credit rate, as retail rates increase over time, is Utility’s gradual approach to transition to a sustainable solar financial model. This approach does not reduce the financial benefits to existing solar customers who still receive the full retail value for self-consumed solar.

Staff is also proposing to modify the solar credit for generation pushed back to the grid for small and medium commercial solar customers. Currently, the credit only accounts for the wholesale energy component and going forward would include both the wholesale energy and wholesale demand component. This will increase the credit these customers get from ~4.2 cents / kWh to ~6.2 cents per kWh. Making this change will further incentivize solar installations for these commercial customers and help increase solar installations across the city.

Water

The cost-of-service model for the “wet utilities” (water, wastewater and stormwater services) will be updated in 2023 consistent with the two year update cycle. Rate class specific adjustments will be proposed for 2024 based on those updated models. For 2023, the same rate increase is applied equally to all rate classes.

Staff is proposing a 4% retail rate increase for the water fund in 2023. This is higher than the initially proposed 2% increase due to the higher costs of materials and impacts to the cost of borrowing which will increase the amount of interest being paid on any revenue bonds that will be needed in the coming decade for infrastructure investments.

The updated ten-year rate forecast reflecting higher inflation on operating and material expenses for water rates is shown below. Just as for electric services, it may be necessary to have rate increases in the 5-8% range for a few years, if inflation stays above 5%.

Water	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032
Rate Increase	0.0%	4.0%	4.0%	4-7%	5-8%	5-8%	5-8%	4-7%	4-7%	4-7%	4-7%

Wastewater

Staff is proposing a 4% retail rate increase for the wastewater fund in 2023, as well. There has been a trend in recent years of declining operating revenues for this utility. As this utility is not immune to the impacts of inflation on its operating costs, it is necessary to increase operating revenues through rate adjustments to offset these higher costs of providing this service to our community. At this point the financial model is not indicating a need to exceed the previous 5% rate limit although it is still driving higher rates than the December forecast contained.

The updated ten-year forecast for wastewater rates is shown here:

Wastewater	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032
Rate Increase	0.0%	4.0%	4.0%	3-5%	3-5%	3-5%	3-5%	3-5%	3-5%	3-5%	3-5%

Stormwater

Staff is proposing a 3% retail rate increase for the stormwater fund in 2023. This is 1% higher than the December 2021 forecast but a smaller incremental increase than what is being proposed for the other utilities. The reason for the smaller proposed adjustment for this utility is that a larger portion of operating revenues are available in this fund for infrastructure investments than the other utilities. It should be noted that there will be a need to issue revenue bonds for the Oak Street stormwater improvement project this budget cycle (Offer 4.2).

The updated ten-year rate forecast for stormwater services is shown here:

Stormwater	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032
Rate Increase	0.0%	3.0%	3.0%	3-5%	3-5%	3-5%	3-5%	3-5%	3-5%	3-5%	3-5%

Customer Bill Impacts

The table below shows the impacts of the proposed rate change to the average residential monthly bill. Under the proposed rate changes, a residential customer’s total utility bill, for a customer receiving all four municipal utility services, would increase by 4.3%, or \$7.98 per month.

Fort Collins Utilities Comparative Residential Monthly Bill					
Utility	2022	2023	\$ Change	% Change	
Electric	\$ 80.01	\$ 84.01	\$ 4.00	5.0%	
Water	\$ 49.03	\$ 50.99	\$ 1.96	4.0%	
Wastewater	\$ 34.25	\$ 35.62	\$ 1.37	4.0%	
Stormwater	\$ 21.74	\$ 22.40	\$ 0.65	3.0%	
Total Average Bill	\$ 185.04	\$ 193.02	\$ 7.98	4.3%	

The table below compares typical residential electric, water, wastewater, and stormwater monthly utility bills across neighboring utilities along the Front Range, based on 2022 charges. In total, Fort Collins Utilities comes in the lowest at \$185.04 for all four services. With the proposed increases, Fort Collins would move to second lowest, although there are known increases proposed amongst these other utilities for 2023, as well, with some of them being substantially higher than the percentage increases proposed for our community.

2022 Residential Average Monthly Utility Bill					
Utility	Electric	Water	Wastewater	Stormwater	Total
Ft Collins	\$ 80.01	\$ 49.03	\$ 34.25	\$ 21.74	\$ 185.04
Longmont	\$ 73.57	\$ 62.97	\$ 34.10	\$ 14.90	\$ 185.53
Loveland	\$ 82.42	\$ 54.95	\$ 39.61	\$ 18.86	\$ 195.84
Greeley	\$ 90.07	\$ 69.60	\$ 28.49	\$ 15.77	\$ 203.93
Boulder	\$ 90.07	\$ 58.31	\$ 42.70	\$ 22.00	\$ 213.08
Colorado Springs	\$ 109.39	\$ 93.26	\$ 29.85	N/A	\$ 232.51

Proposed Changes to Development Fees

Development fees are the mechanism for Utilities to recover the impact of adding new demand to the services Utilities provides, including electric, water, wastewater, and stormwater. Plant Investment Fees (PIFs) and Electric Capacity Fees (ECFs) are one-time charges for new development or re-development. These fees recover costs for infrastructure already in place to serve new customers based on the “buy-in” approach, where customers pay according to new demands they will put on the system. For example, the water and wastewater PIF are based on peak day demands as an allocation method, which is the driver for sizing the infrastructure necessary to provide the service, while the stormwater PIF is based on developing an acre of land.



The models for each of the services are updated every two years and considers the replacement value of each system and average demands by customer type. For water and wastewater, the fee varies with the number of dwelling units and the lot area served for residential users, and with the size of the water meter for non-residential users. For stormwater, the fee applies when a lot or parcel of land is developed and creates an impervious surface (the area that does not absorb water such as buildings and parking lots) of more than 350 square feet.

Every other year, when models are not updated, an inflationary adjustment is applied to utility development fees. Staff uses the Engineering News Record (ENR) construction cost index to apply adjustments. With the current uncertainty in the economy driving higher than normal inflation across the board for most goods and services, staff is proposing a 9% increase to fees for 2023. These fees include the Electric Capacity Fees, Water Plant Investment Fees, Wastewater Plant Investment Fees, and Stormwater Plant Investment Fees. There has some variability in the monthly ENR percentages, but the percentages have hovered close to 9% for most of 2022. Utilities has experienced even higher cost increases with various items,

such as electric transformers, which have increased substantially due to supply chain issues and higher material costs.

Utility Fee	2023 Proposed Increase
Electric Capacity Fee (ECF)	9.0%
Water Plant Investment Fee (PIF)	
Wastewater Plant Investment Fee (PIF)	
Stormwater Plant Investment Fee (PIF)	

Staff is proposing to modify the ECF categories to eliminate the distinction for “electric heat.” This distinction in the ECF categories and amounts made sense in the past with traditional all-electric homes using electric resistance heat sources (e.g., baseboard heat). As Utilities will be increasingly focused on building electrification using efficient heat pump technology, the prior distinctions are a disincentive for electrification given a lower demand required. In addition, the current energy code strongly encourages efficient electric technologies that align with the new ECF definitions.

The changes eliminate electric heat categories, apply a standard 200-amp sizing value for detached and attached single-family dwellings, and apply a standard 150-amp sizing value for multifamily dwellings. The code also adds a 150-amp credit value to be applied when customers are increasing their service entrance capacity.

Utilities Affordability Programs

Utilities offers a portfolio of affordability options for those in need. Staff understands that higher costs related to utilities impacts customers differently and customers are encouraged to reach out for assistance when necessary. The Income-Qualified Assistance Program (IQAP) was rolled out in 2018 to provide bill credit for customers, while the Medical Assistance Program (MAP) also provides bill credit for those that have medical requirements pertaining to electric consumption. Adjustments to the IQAP are being considered for adoption by a separate ordinance before City Council at this meeting. There are one-time funds available through the Payment Assistance Fund, as well as support through Larimer County Conservation Corp and Colorado Affordable Residential Energy for water and energy upgrades to assist with water and electricity conservation.

CITY FINANCIAL IMPACTS

The 2023 City Manager's Recommended Budget includes these proposed increases in revenues available for the budget. The electric increase would offset increased wholesale costs for 2023, as well as contribute to increasing distribution system operating and maintenance and capital costs. The water, wastewater, and stormwater increases would contribute to operating and maintenance costs, as well as assist in funding future capital costs incorporated in the most recent capital plan update.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

At its October 13, 2022, meeting, the Energy Board unanimously recommended adoption of the proposed changes to the Utility electric rates, fee, and charges. An excerpt of the Board minutes is attached.

At its October 20, 2022, meeting, the Water Commission considered the proposed changes to the Utility water, wastewater, and stormwater rates, fee, and charges. An excerpt of the Commission minutes (unapproved) is attached.

PUBLIC OUTREACH

The electric outside city limit postcard was mailed the last week of September and a notice was posted in the Coloradoan on October 9, 2022. Rates and fees presentations were provided to the Council Finance Committee on October 20, 2022, the Chamber of Commerce on October 21, 2022, and at the Business Accounts meeting for all commercial customer accounts on October 25, 2022.

ATTACHMENTS

1. Ordinance A for Consideration
2. Ordinance B for Consideration
3. Ordinance C for Consideration
4. Ordinance D for Consideration
5. Ordinance E for Consideration
6. Ordinance F for Consideration
7. Ordinance G. for Consideration
8. Ordinance H for Consideration
9. Energy Board Minutes, October 13, 2022
10. Water Commission Minutes, October 20, 2022
11. Presentation

ORDINANCE NO. 127, 2022
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING CHAPTER 26 OF THE CODE OF THE CITY OF FORT
COLLINS TO REVISE ELECTRIC RATES, FEES, AND CHARGES AND
UPDATING RELATED PROVISIONS

WHEREAS, the City Council is empowered and directed by Article XII, Section 6, of the City Charter to fix, establish, maintain and provide for the collection of such rates, fees or charges for utility services furnished by the City as will produce revenues sufficient to pay the costs, expenses and other obligations of the electric utility, as set forth therein; and

WHEREAS, the rates, fees or charges for utility services set forth herein are necessary to produce sufficient revenues to provide the utility services described herein; and

WHEREAS, revenues from the rates, fees or charges for utility services set forth herein shall be used to defray the costs of providing such utility services as required by the Charter and the City Code; and

WHEREAS, the City purchases bulk wholesale electric power from Platte River Power Authority (“PRPA”) pursuant to an Amended Contract for Supply of Electric Power and Energy, dated May 30, 2019; and

WHEREAS, Utilities staff has determined the increased system costs will require an additional average 5% rate increase at the Electric Utility Enterprise Fund level in 2023 in order to remain consistent with Article XII, Section 6, of the City Charter; and

WHEREAS, in addition to adjusting electric rates, Utilities staff has identified formatting and terminology updates for Chapter 26 of the City Code to improve the clarity with which electric rates are stated and applied for billing and customer generation credit purposes; and

WHEREAS, the Energy Board considered the proposed electric rates and methods of application at its October 13, 2022, regular meeting, and provided recommendations of approval of proposed rate sets to City Council; and

WHEREAS, the City Council Finance Committee considered the proposed electric rates and methods of application as part of a progressive plan presented at its October 20, 2022, regular meeting, and provided recommendations of approval of proposed rates to the full City Council; and

WHEREAS, the City Manager and staff recommend to the City Council the following electric rate adjustments and City Code rate language clarifications for all billings issued with meter readings on or after January 1, 2023; and

WHEREAS, based on the foregoing, it is the desire of the City Council to amend Chapter 26 of the City Code to revise the electric rates, fees and charges as set forth herein.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That Section 26-464 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 26-464. - Residential energy service, schedule R.

...

(c) Monthly rate. The monthly rates for this schedule shall be the sum of the following charges applied to all energy consumption on or after January 1, 2022³.

<i>Description</i>	<i>Unit</i>	<i>Component Charge</i>	<i>Billed Charge (including PILOT)</i>
a. Payment in lieu of taxes (PILOT) and franchise. A charge based on all component charges pursuant to this Section		6 percent	
b. Fixed Charge	Per account	\$9.05 \$10.05	\$9.59 \$10.65
c. Distribution facilities charge (applied to energy charges in d.1. and d.2. below)	Per kWh	\$0.0257 \$0.0261	
d. Wholesale Energy Charge (combined energy and demand costs)			
1. Summer. For billings based on consumption during the months of May, June, July, August, and September			
(a) On-Peak (Mon-Fri, 2 pm to 7 pm, excluding holidays)	Per kWh	\$0.2293 \$0.2300	\$0.2703 \$0.2715
(b) Off-Peak	Per kWh	\$0.0419 \$0.0450	9-\$0.0716 \$0.0754
2. Non-summer. For billings based on consumption during the months of January through April and October through December.			
(a) On-Peak (Mon-Fri, 5 pm to 9 pm, excluding holidays)	Per kWh	\$0.1962 \$0.2100	\$0.2352 \$0.2503
(b) Off-Peak	Per kWh	\$0.0419 \$0.0450	\$0.0716 \$0.0754
e. Energy efficiency tier charge, per kilowatt hour for total consumption over 700 kWh in	Per kWh	\$0.0232 \$0.0250	\$0.0246 \$0.0265

a billing month (regardless of on-peak or off-peak)			
...	

(d) *Medical assistance program.*

...

- (3) a. Durable Medical Equipment (DME). The discounted monthly rates for customers with electrical durable medical equipment only shall be the sum of the following charges, applied to all energy consumption on or after January 1, 2022:

<i>Description</i>	<i>Unit</i>	<i>Component Charge</i>	<i>Billed Charge (including PILOT)</i>
1. Payment in lieu of taxes (PILOT) and franchise. A charge based on all component charges pursuant to this Section		6 percent	
2. Fixed Charge	Per account	\$9.05 \$10.05	\$9.59 \$10.65
3. Distribution facilities charge (applied to energy charges in 4.a) and 4.b) below)	Per kWh	\$0.0257 \$0.0261	
4. Energy and demand charge			
a) Summer. For billings based on consumption during the months of May, June, July, August, and September			
(i) On-Peak (Mon-Fri, 2 pm to 7 pm, excluding holidays)	Per kWh	\$0.1605 \$0.1610	\$0.1973 \$0.1983
(ii) Off-Peak	Per kWh	\$0.0293 \$0.0315	\$0.0583 \$0.0611
b) Non-summer. For billings based on consumption during the months of January through April and October through December.			
(i) On-Peak (Mon-Fri, 5 pm to 9 pm, excluding holidays)	Per kWh	\$0.1373 \$0.1470	\$0.1728 \$0.1835
(ii) Off-Peak	Per kWh	\$0.0293 \$0.0315	\$0.0583 \$0.0611
5. Energy efficiency tier charge, per kilowatt hour for total consumption over 700 kWh in a billing month (regardless of on-peak or off-peak)	Per kWh	\$0.0232 \$0.0250	\$0.0246 \$0.0265

- (4) a. Air Conditioning (A/C). The discounted monthly rates for customers with medical needs requiring air conditioning only shall be the sum of the following charges, applied to all energy consumption on or after January 1, 2022:

<i>Description</i>	<i>Unit</i>	<i>Component Charge</i>	<i>Billed Charge (including PILOT)</i>
1. Payment in lieu of taxes (PILOT) and franchise. A charge based on all component charges pursuant to this Section		6 percent	
2. Fixed Charge	Per account	\$9.05 \$10.05	\$9.59 \$10.65
3. Distribution facilities charge (applied to energy charges in 4.a) and 4.b) below)	Per kWh	\$0.0257 \$0.0261	
4. Energy and demand charge			
a) Summer. For billings based on consumption during the months of May, June, July, August, and September			
(i) On-Peak (Mon-Fri, 2 pm to 7 pm, excluding holidays)	Per kWh	\$0.0419 \$0.0450	\$0.0716 \$0.0754
(ii) Off-Peak	Per kWh	\$0.0419 \$0.0450	\$0.0716 \$0.0754
b) Non-summer. For billings based on consumption during the months of January through April and October through December.			
(i) On-Peak (Mon-Fri, 5 pm to 9 pm, excluding holidays)	Per kWh	\$0.1962 \$0.2100	\$0.2352 \$0.2503
(ii) Off-Peak	Per kWh	\$0.0419 \$0.0450	\$0.0716 \$0.0754
5. Energy efficiency tier charge, per kilowatt hour for total consumption over 700 kWh in a billing month (regardless of on-peak or off-peak)	Per kWh	\$0.0232 \$0.0250	\$0.0246 \$0.0265

- (5) a. Durable Medical Equipment (DME) & A/C. The discounted monthly rates for customers with electrical durable medical equipment and medical needs requiring air conditioning shall be the sum of the following charges, applied to all energy consumption on or after January 1, 2022:

<i>Description</i>	<i>Unit</i>	<i>Component Charge</i>	<i>Billed Charge (including PILOT)</i>
1. Payment in lieu of taxes (PILOT) and franchise. A charge based on all component charges pursuant to this Section		6 percent	
2. Fixed Charge	Per account	\$9.05 \$10.05	\$9.59 \$10.65
3. Distribution facilities charge (applied to energy charges in 4.a) and 4.b) below)	Per kWh	\$0.0257 \$0.0261	
4. Energy and demand charge			

a) Summer. For billings based on consumption during the months of May, June, July, August, and September			
(i) On-Peak (Mon-Fri, 2 pm to 7 pm, excluding holidays)	Per kWh	\$0.0419 \$0.0450	\$0.0716 \$0.0754
(ii) Off-Peak	Per kWh	\$0.0293 \$0.0315	\$0.0583 \$0.0611
b) Non-summer. For billings based on consumption during the months of January through April and October through December.			
(i) On-Peak (Mon-Fri, 5 pm to 9 pm, excluding holidays)	Per kWh	\$0.1373 \$0.1470	\$0.1728 \$0.1835
(ii) Off-Peak	Per kWh	\$0.0293 \$0.0315	\$0.0583 \$0.0611
5. Energy efficiency tier charge, per kilowatt hour for total consumption over 700 kWh in a billing month (regardless of on-peak or off-peak)	Per kWh	\$0.0232 \$0.0250	\$0.0246 \$0.0265

...

(e) *Renewable resource.* Renewable energy resources, including, but not limited to, energy generated by the power of wind and solar, may be offered on a voluntary basis to customers at the premium per kilowatt hour set forth in this Subsection (e). The utility may establish and offer voluntary programs designed to increase and enhance the use of energy generated by renewable energy resources in support of Council-adopted policy applicable to the utility.

...

(f) *Excess capacity charge.* The monthly capacity charge kilowatt set forth in this Subsection (f) may be added to the above charges for service to intermittent loads in accordance with the provisions of the Electric Service Standards.

<i>Unit</i>	<i>Component Charge</i>	<i>Billed Charge (including PILOT)</i>
Per kW	\$2.44 \$2.58	\$2.58 \$2.74

...

Section 3. That Section 26-465 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 26-465. - All-electric residential service, schedule RE.

(a) *Availability.* The residential demand service rate, schedule RE, shall be available within the corporate limits of the City and the suburban fringe for qualifying customers as an alternative to schedule R. Service under this rate class is available only to customers

who establish to the satisfaction of the utility, by providing to the utility such documentation as the utility may deem appropriate, that the residence served is heated entirely by electric energy.

(b) *Applicability.* This schedule applies to residential customers qualifying under subsection (a) who opt not to receive services under schedule R, for all domestic uses in single-family private dwellings, individually metered apartments and home occupations as defined in Article 5 of the Land Use Code.

(c) *Monthly rate.*

(1) The monthly rates for this schedule shall be the sum of the following charges, applied to all energy consumption on or after January 1, 2022³.

<i>Description</i>	<i>Unit</i>	<i>Component Charge</i>	<i>Billed Charge (including PILOT)</i>
a. Payment in lieu of taxes (PILOT) and franchise. A charge based on all component charges pursuant to this Section		6 percent	
b. Fixed Charge	Per account	\$9.05 \$10.05	\$9.59 \$10.65
c. Distribution facilities charge (applied to charges in d.1. and d.2. below)	Per kWh	\$0.0330	
d. Energy and demand charge			
1. Summer. For billings based on consumption during the months of May, June, July and August, and September			
a) On-Peak (Mon-Fri, 2 pm to 7 pm, excluding holidays)	Per kWh	\$0.2293 \$0.2300	\$0.2781 \$0.2788
b) Off-Peak	Per kWh	\$0.0419 \$0.0450	\$0.0794 \$0.0827
2. Non-summer. For billings based on consumption during the months of January through April and October through December.			
a) On-Peak (Mon-Fri, 5 pm to 9 pm, excluding holidays)	Per kWh	\$0.1962 \$0.2100	\$0.2430 \$0.2576
b) Off-Peak	Per kWh	\$0.0419 \$0.0450	\$0.0794 \$0.0827
...	

...

(d) *Renewable resource.* Renewable energy resources, including, but not limited to, energy generated by the power of wind and solar, may be offered on a voluntary basis to customers at the premium per kilowatt hour set forth in this Subsection (d). The utility may establish and offer voluntary programs designed to increase and enhance the use of energy generated by renewable energy resources in support of Council-adopted policy applicable to the utility.

...

(e) *Excess capacity charge.* The monthly capacity charge kilowatt set forth in this Subsection (e) may be added to the above charges for service to intermittent loads in accordance with the provisions of the Electric Service Standards.

<i>Unit</i>	<i>Component Charge</i>	<i>Billed Charge (including PILOT)</i>
Per kW	\$2.44 \$2.58	\$2.58 \$2.74

(f) *Standby service charges.* Standby service, if available, will be provided on an annual contract basis at a level at least sufficient to meet probable service demand (in kilowatts) as determined by the customer and approved by the utility according to the following:

(1) Monthly standby distribution charge:

<i>Description</i>	<i>Unit</i>	<i>Component Charge</i>	<i>Billed Charge (including PILOT)</i>
Contracted standby service, this charge shall be in lieu of the distribution facilities charge	Per kW	\$2.46 \$2.60	\$2.61 \$2.76
For all metered kilowatts in excess of the contracted amount	Per kW	\$7.35 \$7.78	\$7.80 \$8.24

...

Section 4. That Section 26-466 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 26-466. - General service, schedule GS.

...

(c) *Monthly rate.* The monthly rates for this schedule shall be the sum of the following charges:

Description	Unit	Component Charge	Billed Charge (including PILOT)
(1) Payment in lieu of taxes (PILOT) and franchise. A charge based on all component charges pursuant to this Section		6 percent	
(2) Fixed Charge			

a. Single-phase, two-hundred-ampere service	Per account	\$9.05 \$10.05	\$9.59 \$10.65
b. Single-phase, above two-hundred-ampere service	Per account	\$19.30 \$21.50	\$20.46 \$22.79
c. Three-phase, two-hundred-ampere service	Per account	\$11.80 \$13.10	\$12.51 \$13.89
d. Three-phase, above two-hundred-ampere service	Per account	\$22.76 \$25.35	\$24.13 \$26.87
(3) Distribution facilities charge (added to demand and energy charges below for "Billed Charge" shown in (5))	Per kWh	\$0.0336 \$.0340	
(4) Demand charge			
a. Summer. For billings based on meter readings in the months of June, July, August, and September	Per kWh	\$0.0344 \$0.0350	
b. Non-summer. For billings based on meter readings in the months of January through May and October through December	Per kWh	\$0.0210 \$0.0220	
c. The meter reading date shall generally determine the summer season billing months; however, no customer shall be billed more than four (4) full billing cycles at the summer rate			
(5) Energy charge			
a. Summer. For billings based on meter readings in the months of June, July, August, and September	Per kWh	\$0.0419 \$0.0450	\$0.1165 \$0.1208
b. Non-summer. For billings based on meter readings in the months of January through May and October through December	Per kWh	\$0.0419 \$0.0450	\$0.1023 \$0.1071
c. The meter reading date shall generally determine the summer season billing months; however, no customer shall be billed more than four (4) full billing cycles at the summer rate			

...

(d) *Renewable resource.* Renewable energy resources, including, but not limited to, energy generated by the power of wind and solar, may be offered on a voluntary basis to customers at the premium per kilowatt hour set forth in this Subsection (d). The utility may establish and offer voluntary programs designed to increase and enhance the use of energy generated by renewable energy resources in support of Council-adopted policy applicable to the utility.

...

(e) *Excess capacity charge.* The monthly capacity charge per kilowatt set forth in this Subsection (e) may be added to the above charges for service to intermittent loads in accordance with the provisions of the Electric Service Standards.

<i>Unit</i>	<i>Component Charge</i>	<i>Billed Charge (including PILOT)</i>
Per kW	\$2.44 \$2.58	\$2.58 \$2.74

...

(q) *Net metering.*

...

(5) The customer-generator's consumption of energy from the utility and production of energy that flows into the utility's distribution system shall be measured on a monthly basis. The energy from the utility consumed by the customer-generator shall be billed at the applicable rate as outlined in Subsection (c) of this Section. The energy produced by the customer-generator shall be credited to the customer monthly as follows:

<i>Description</i>	<i>Unit</i>	<i>Component Credit</i>
a. Energy and demand credit for billings based on generation during the months of June, July, August, and September	Per kWh	\$0.0419 \$0.0617

(r) *Net metering—community solar projects.*

...

(3) Both the customer's consumption of energy from the utility and interest in the production of energy that flows into the utilities' distribution system shall be measured on a monthly basis. The energy from Fort Collins Utilities consumed by the customer shall be billed at the applicable seasonal tiered rate as outlined in Subsection (c) of this Section. The energy produced by the customer's portion of the qualifying facility shall be credited to the customer monthly as follows:

<i>Description</i>	<i>Unit</i>	<i>Component Credit</i>
a. Energy and demand credit	Per kWh	\$0.0419 \$0.0617

...

Section 5. That Section 26-467 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 26-467. - General service 25, schedule GS25.

...

(c) *Monthly rate.* The monthly rates for this schedule shall be the sum of the following charges:

<i>Description</i>	<i>Unit</i>	<i>Component Charge</i>	<i>Billed Charge (including PILOT)</i>
1. Payment in lieu of taxes (PILOT) and franchise. A charge based on all component charges pursuant to this Section		6 percent	
2. Fixed Charge			
a. Single-phase, two-hundred-ampere service	Per account	\$9.05 \$10.05	\$9.59 \$10.65
b. Single-phase, above two-hundred-ampere service	Per account	\$19.30 \$21.50	\$20.46 \$22.79
c. Three-phase, two-hundred-ampere service	Per account	\$11.80 \$13.10	\$12.51 \$13.89
d. Three-phase, above two-hundred-ampere service	Per account	\$22.76 \$25.35	\$24.13 \$26.87
3. Distribution facilities charge (applied to energy charges in 5. below)	Per kWh	\$0.0277	
4. Demand charge			
a. Summer. For billings based on meter readings in the months of June, July, August, and September	Per kW	\$10.60 \$10.70	\$11.24 \$11.34
b. Non-summer. For billings based on meter readings in the months of January through May and October through December	Per kW	\$6.00 \$6.10	\$6.36 \$6.47
c. The meter reading date shall generally determine the summer season billing months; however, no customer shall be billed more than four (4) full billing cycles at the summer rate			
5. Energy charge			
a. Summer. For billings based on meter readings in the months of June, July, August, and September	Per kWh	\$0.0419 \$0.0450	\$0.0737 \$0.0771
b. Non-summer. For billings based on meter readings in the months of January through May and October through December	Per kWh	\$0.0419 \$0.0450	\$0.0737 \$0.0771

...

(d) *Renewable resource.* Renewable energy resources, including, but not limited to, energy generated by the power of wind and solar, may be offered on a voluntary basis to customers at the premium per kilowatt hour set forth in this Subsection (d). The utility may establish and offer voluntary programs designed to increase and enhance the use of energy generated by renewable energy resources in support of Council-adopted policy applicable to the utility.

...

(e) *Excess capacity charge.* The monthly capacity charge kilowatt set forth in this Subsection (e) may be added to the above charges for service to intermittent loads in accordance with the provisions of the Electric Service Standards.

<i>Unit</i>	<i>Component Charge</i>	<i>Billed Charge (including PILOT)</i>
Per kW	\$2.44 \$2.58	\$2.58 \$2.74

(f) *Standby service charges.* Standby service, if available, will be provided on an annual contract basis at a level at least sufficient to meet probable service demand (in kilowatts) as determined by the customer and approved by the utility according to the following:

(1) Monthly standby distribution charge:

<i>Description</i>	<i>Unit</i>	<i>Component Charge</i>	<i>Billed Charge (including PILOT)</i>
Contracted standby service, this charge shall be in lieu of the distribution facilities charge	Per kW	\$4.47 \$4.73	\$4.74 \$5.01
For all metered kilowatts in excess of the contracted amount	Per kW	\$13.41 \$14.19	\$14.22 \$15.04

...

(r) *Net metering.*

...

(5) The customer-generator's consumption of energy from the utility and production of energy that flows into the utility's distribution system shall be measured on a monthly basis. The energy from the utility consumed by the customer-generator shall be billed at the applicable rate as outlined in Subsection (c) of this Section. The energy produced by the customer-generator shall be credited to the customer monthly as follows:

<i>Description</i>	<i>Unit</i>	<i>Bill Credit</i>
a. Energy and demand credit for billings based on generation during the months of June, July, August, and September	Per kWh	\$0.0419 \$0.0617

...

Section 6. That Section 26-468 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 26-468. - General service 50, schedule GS50.

...

(c) *Monthly rate.* The monthly rates for this schedule shall be the sum of the following charges:

<i>Description</i>	<i>Unit</i>	<i>Component Charge</i>	<i>Billed Charge (including PILOT)</i>
(1) Payment in lieu of taxes (PILOT) and franchise. A charge based on all component charges pursuant to this Section		6 percent	
(2) Fixed Charge	Per account	\$24.16 \$27.00	\$25.61 \$28.62
(3) Coincident demand charge			
a. Summer. For billings based on meter readings in the months of June, July, August, and September	Per kW	\$15.00 \$15.25	\$15.90 \$16.17
b. Non-summer. For billings based on meter readings in the months of January through May and October through December	Per kW	\$11.75 \$12.50	\$12.46 \$13.25
c. The meter reading date shall generally determine the summer season billing months; however, no customer shall be billed more than four (4) full billing cycles at the summer rate			
(4) Distribution facilities charge	Per kW	\$10.03 \$10.15	\$10.63 \$10.76
(5) Energy charge			
a. Summer. For billings based on meter readings in the months of June, July, August, and September	Per kWh	\$0.0419 \$0.0450	\$0.0444 \$0.0477

b. Non-summer. For billings based on meter readings in the months of January through May and October through December	Per kWh	\$0.0419 \$0.0450	\$0.0444 \$0.0477
---	---------	---------------------------------	------------------------------

...

(d) *Renewable resource.* Renewable energy resources, including, but not limited to, energy generated by the power of wind and solar, may be offered on a voluntary basis to customers at the premium per kilowatt hour set forth in this Subsection (d). The utility may establish and offer voluntary programs designed to increase and enhance the use of energy generated by renewable energy resources in support of Council-adopted policy applicable to the utility.

...

(e) *Excess capacity charge.* The monthly capacity charge per kilowatt set forth in this Subsection (e) may be added to the above charges for service to intermittent loads in accordance with the provisions of the Electric Service Standards.

<i>Unit</i>	<i>Component Charge</i>	<i>Billed Charge (including PILOT)</i>
Per kW	\$2.44 \$2.58	\$2.58 \$2.74

(f) *Standby service charges.* Standby service, if available, will be provided on an annual contract basis at a level at least sufficient to meet probable service demand (in kilowatts) as determined by the customer and approved by the utility according to the following:

(1) Standby distribution charge.

a. Monthly standby distribution charge shall be the sum of the following charges:

<i>Description</i>	<i>Unit</i>	<i>Component Charge</i>	<i>Billed Charge (including PILOT)</i>
Contracted standby service, this charge shall be in lieu of the distribution facilities charge	Per kW	\$5.73 \$6.06	\$6.08 \$6.43
For all metered kilowatts in excess of the contracted amount	Per kW	\$16.73 \$17.70	\$17.73 \$18.76

...

(g) *Excess circuit charge.* In the event a utility customer in this rate class desires excess circuit capacity for the purpose of controlling the available electric capacity of a backup circuit connection, this service, if available, will be provided on an annual contract

basis at a level at least sufficient to meet probable backup demand (in kilowatts) as determined by the customer and approved by the utility according to the following:

(1) Monthly charge shall be the sum of the following charges:

<i>Description</i>	<i>Unit</i>	<i>Component Charge</i>	<i>Billed Charge (including PILOT)</i>
Contracted backup capacity per month	Per kW	\$1.16 \$1.23	\$1.23 \$1.30
Metered kilowatts in excess of the contracted amount	Per kW	\$3.53 \$3.73	\$3.74 \$3.96

...

(u) *Net metering.*

...

(5) The customer-generator's consumption of energy from the utility and production of energy that flows into the utility's distribution system shall be measured on a monthly basis. The energy from the utility consumed by the customer-generator shall be billed at the applicable rate as outlined in Subsection (c) of this Section. The energy produced by the customer-generator shall be credited to the customer monthly as follows:

<i>Description</i>	<i>Unit</i>	<i>Bill Credit</i>
a. Energy credit for billings based on generation during the months of June, July, August and September	Per kWh	\$0.0419 \$0.0450

Section 7. That Section 26-469 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 26-469. - General service 750, schedule GS750.

...

(c) *Monthly rate.* The monthly rates for this schedule shall be the sum of the following charges:

<i>Description</i>	<i>Unit</i>	<i>Component Charge</i>	<i>Billed Charge (including PILOT)</i>
(1) Payment in lieu of taxes (PILOT) and franchise.			

A charge based on all component charges pursuant to this Section		6 percent	
(2) Fixed Charge	Per account	\$33.06 \$37.00	\$35.05 \$39.22
a. Additional charge for each additional metering point	Per account	\$20.17 \$22.57	\$21.38 \$23.92
(3) Coincident demand charge			
a. Summer. For billings based on meter readings in the months of June, July, August, and September	Per kW	\$13.90 \$14.25	\$14.73 \$15.11
b. Non-summer. For billings based on meter readings in the months of January through May and October through December	Per kW	\$10.90 \$11.85	\$11.55 \$12.56
c. The meter reading date shall generally determine the summer season billing months; however, no customer shall be billed more than four (4) full billing cycles at the summer rate			
(4) Distribution facilities charge			
a. First seven hundred fifty (750) kilowatts	Per kW	\$11.08	\$11.75
b. All additional kilowatts	Per kW	\$6.55	\$6.94
(5) Energy charge			
a. Summer. For billings based on meter readings in the months of June, July, August, and September	Per kWh	\$0.0413 \$0.0443	\$0.0437 \$0.0470
b. Non-summer. For billings based on meter readings in the months of January through May and October through December	Per kWh	\$0.0413 \$0.0443	\$0.0437 \$0.0470

...

(d) *Renewable resource.* Renewable energy resources, including, but not limited to, energy generated by the power of wind **and solar**, may be offered on a voluntary basis to customers at the premium per kilowatt hour set forth in this Subsection (d). The utility may establish and offer voluntary programs designed to increase and enhance the use of energy generated by renewable energy resources in support of Council-adopted policy applicable to the utility.

...

(e) *Excess capacity charge.* The monthly capacity charge per kilowatt set forth in this Subsection (e) may be added to the above charges for service to intermittent loads in accordance with the provisions of the Electric Service Standards.

<i>Unit</i>	<i>Component Charge</i>	<i>Billed Charge (including PILOT)</i>
Per kW	\$2.44 \$2.58	\$2.58 \$2.74

(f) *Standby service charges.* Standby service, if available, will be provided on an annual contract basis at a level at least sufficient to meet probable service demand (in kilowatts) as determined by the customer and approved by the utility according to the following:

(1) Standby distribution charge.

(a) Monthly standby distribution charges shall be paid in the following amounts

<i>Description</i>	<i>Unit</i>	<i>Component Charge</i>	<i>Billed Charge (including PILOT)</i>
Contracted standby service, this charge shall be in lieu of the distribution facilities charge.	Per kW	\$3.96 \$4.19	\$4.20 \$4.44
For all metered kilowatts in excess of the contracted amount	Per kW	\$11.91 \$12.60	\$12.63 \$13.36

...

(g) *Excess circuit charge.* In the event a utility customer in this rate class desires excess circuit capacity for the purpose of controlling the available electric capacity of a backup circuit connection, this service, if available, will be provided on an annual contract basis at a level at least sufficient to meet probable backup demand (in kilowatts) as determined by the customer and approved by the utility at the following rates:

(1) Monthly charge.

<i>Description</i>	<i>Unit</i>	<i>Component Charge</i>	<i>Billed Charge (including PILOT)</i>
Contracted backup capacity per month	Per kW	\$0.82 \$0.87	\$0.86 \$0.92
Metered kilowatts in excess of the contracted amount	Per kW	\$2.45 \$2.59	\$2.59 \$2.75

...

(v) *Net metering.*

...

(5) The customer-generator's consumption of energy from the utility and production of energy that flows into the utility's distribution system shall be measured on a monthly basis. The energy consumed from the utility by the customer-generator shall be billed at the applicable rate as outlined in Subsection (c) of this Section. The energy produced by the customer-generator shall be credited to the customer monthly as follows:

<i>Description</i>	<i>Unit</i>	<i>Bill Credit</i>
a. Energy credit for billings based on generation during the months of June, July, August, and September	Per kWh	\$0.0413 \$0.0443

Section 8. That Section 26-470 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 26-470. - Substation service, schedule SS.

...

(c) *Monthly rate.* The monthly rates for this schedule shall be the sum of the following charges:

<i>Description</i>	<i>Unit</i>	<i>Component Charge</i>	<i>Billed Charge (including PILOT)</i>
(1) Payment in lieu of taxes (PILOT) and franchise. A charge based on all component charges pursuant to this Section.		6 percent	
(2) Fixed Charge	Per account	\$80.98 \$90.00	\$85.84 \$95.40
(3) Coincident demand charge			
a. Summer. For billings based on meter readings in the months of June, July, August, and September	Per kW	\$13.60 \$14.00	\$14.42 \$14.84
b. Non-summer. For billings based on meter readings in the months of January through May and October through December	Per kW	\$10.85 \$11.10	\$11.50 \$11.77
c. The meter reading date shall generally determine the summer season billing months; however, no customer shall be billed more than four (4) full billing cycles at the summer rate			

(4) Distribution facilities charge	Per kW	\$5.71	\$6.05
(5) Energy charge			
a. Summer. For billings based on meter readings in the months of June, July, August, and September	Per kWh	\$0.0404 \$0.0436	\$0.0428 \$0.0462
b. Non-summer. For billings based on meter readings in the months of January through May and October through December	Per kWh	\$0.0404 \$0.0436	\$0.0428 \$0.0462

...

(d) *Renewable resource.* Renewable energy resources, including, but not limited to, energy generated by the power of wind and solar, may be offered on a voluntary basis to customers at the premium per kilowatt hour set forth in this Subsection (d). The utility may establish and offer voluntary programs designed to increase and enhance the use of energy generated by renewable energy resources in support of Council-adopted policy applicable to the utility.

...

(e) *Standby service charges.* Standby service, if available, will be provided on an annual contract basis at a level at least sufficient to meet probable service demand (in kilowatts) as determined by the customer and approved by the utility at the following rates:

(1) Standby distribution charge.

a. Monthly standby distribution charge:

<i>Description</i>	<i>Unit</i>	<i>Component Charge</i>	<i>Billed Charge (including PILOT)</i>
Contracted standby service, this charge shall be in lieu of the distribution facilities charge.	Per kW	\$2.95 \$3.12	\$3.12 \$3.31
For all metered kilowatts in excess of the contracted amount	Per kW	\$8.85 \$9.36	\$9.38 \$9.93

...

(s) *Net metering.*

...

(5) The customer-generator's consumption of energy from the utility and production of energy that flows into the utility's distribution system shall be measured on a

monthly basis. The energy consumed from the utility by the customer-generator shall be billed at the applicable rate as outlined in Subsection (c) of this Section. The energy produced by the customer-generator shall be credited to the customer monthly as follows:

<i>Description</i>	<i>Unit</i>	<i>Bill Credit</i>
a. Energy credit for billings based on generation during the months of June, July, August, and September	Per kWh	\$0.0404 \$0.0436

Section 9. That Section 26-471 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 26-471. - Special area floodlighting, schedule FL.

...

(b) *Monthly rate.* The monthly rates (including a six (6) percent charge in lieu of taxes and franchise) are as follows:

(1) Charge per lamp, mercury vapor:

<i>Description</i>	<i>Component Charge</i>	<i>Billed Charge (including PILOT)</i>
a. One hundred seventy-five (175) watt	\$21.42 \$22.06	\$22.71 \$23.38
b. Two hundred fifty (250) watt	\$28.36 \$29.21	\$30.06 \$30.96
c. Four hundred (400) watt	\$42.17 \$43.37	\$44.70 \$45.97

(2) Charge per lamp, high-pressure sodium:

<i>Description</i>	<i>Component Charge</i>	<i>Billed Charge (including PILOT)</i>
a. Seventy (70) watt	\$13.99 \$14.41	\$14.83 \$15.27
b. One hundred (100) watt	\$14.96 \$15.41	\$15.86 \$16.33
c. One hundred fifty (150) watt	\$22.50 \$23.85	\$23.85 \$25.28
d. Two hundred fifty (250) watt	\$32.58 \$33.56	\$34.53 \$35.57
e. Four hundred (400) watt	\$45.98 \$47.36	\$48.74 \$50.20

(3) Charge per lamp, LED:

<i>Description</i>	<i>Component Charge</i>	<i>Billed Charge (including PILOT)</i>
a. Fifty-four (54) watt (Cobra)	\$8.05 \$8.60	\$8.53 \$9.12
b. Seventy-two (72) watt (Cobra)	\$9.57 \$10.45	\$10.14 \$11.08
c. Eighty (80) watt (Cobra)	\$10.13 \$11.12	\$10.74 \$11.79

d. Eighty-eight (88) watt (Cobra)	\$10.77	\$11.84	\$11.42	\$12.55
e. Sixty-five (65) watt (Post Top)	\$12.58	\$12.61	\$13.33	\$13.37

...

Section 10. That Section 26-472 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 26-472. - Traffic signal service, schedule T.

...

(c) *Monthly rate.* The monthly rates (including a six (6) percent charge in lieu of taxes and franchise) shall be the sum of the following charges:

<i>Description</i>	<i>Unit</i>	<i>Component Charge</i>	<i>Billed Charge (including PILOT)</i>
(1) Fixed charge	Per account	\$84.74 \$88.98	\$89.83 \$94.32
(2) Energy charge	Per kWh	\$0.0788 \$0.0827	\$0.0836 \$0.0877
(3) Service extensions and signal installations made by the utility shall be paid for by the City General Fund, subject to material and installation costs at the time of installation			

Section 11. That the modifications set forth above shall be effective for all energy consumption on or after January 1, 2023.

Introduced, considered favorably on first reading, and ordered published this 1st day of November, A.D. 2022, and to be presented for final passage on the 15th day of November, A.D. 2022.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading on this 15th day of November, A.D. 2022.

Mayor

ATTEST:

City Clerk

ORDINANCE NO. 128, 2022
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING CHAPTER 26 OF THE CODE OF THE CITY OF
FORT COLLINS TO REVISE WATER RATES, FEES, AND CHARGES

WHEREAS, the City Council is empowered and directed by Article XII, Section 6 of the Charter of the City of Fort Collins, to by ordinance from time to time fix, establish, maintain and provide for the collection of such rates, fees or charges for utility services furnished by the City as will produce revenues sufficient to pay the costs, expenses, and other obligations as set forth therein; and

WHEREAS, the rates, fees or charges for utility services set forth herein are necessary to produce sufficient revenues to provide the utility services described herein; and

WHEREAS, the revenue from the rates, fees or charges for utility services set forth herein shall be used to defray the costs of providing such utility services as required by the Charter and the City Code; and

WHEREAS, Article III, Chapter 26 of the City Code establishes the water utility as a utility service furnished by and as an enterprise of the City; and

WHEREAS, City Code Sections 26-126 and 26-127 concern various water-related rates, fees, and charges; and

WHEREAS, City Code Section 26-118 requires that the City Manager analyze the operating and financial records of the utility during each calendar year and recommend to the City Council user rates or adjustments to be in effect for the following year; and

WHEREAS, the City Manager and City staff have recommended to the City Council adjustment of the water-related rates, fees, and charges as set forth herein to be effective January 1, 2023; and

WHEREAS, this Ordinance increases the subject water rates by 4%; and

WHEREAS, based on the foregoing, City Council desires to amend Chapter 26 of the City Code to adjust the scope and rate of the water-related rates, fees, and charges as set forth herein.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes any and all determinations and findings contained in the recitals set forth above.

Section 2. That Section 26-126 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 26-126. - Schedule A, flat rates for unmetered construction water use.

For residential and nonresidential premises under construction with a planned meter size greater than one (1) inch, no flat unmetered water service will be provided. For residential and nonresidential premises under construction with a planned meter size of one (1) inch or less, the following flat rates will apply per month until the permanent meter is set: **The use of construction water, pursuant to this Section, shall exclude the establishment of vegetation, landscape and other appurtenances.**

<i>Category</i>	<i>Component Charge</i>	<i>Billed Charge (with PILOT)</i>
¾-inch construction service, flat charge per month	\$30.15 31.36	\$31.96 33.24
1-inch construction service, flat charge per month	\$57.49 59.79	\$60.94 63.38

Section 2. That Section 26-127 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 26-127. - Schedule B, meter rates.

(a) *Residential rates.*

(1) Residential customers with one (1) dwelling unit shall pay the sum of the following charges:

<i>Category</i>	<i>Component Charge</i>	<i>Billed Charge (with PILOT)</i>
a. Base monthly charge for residential customers with one (1) dwelling unit	\$17.27 17.96	\$18.30 19.04
b. Quantity monthly charge for residential customers with one (1) dwelling unit (volumetric)		
Tier 1 - For the first seven thousand (7,000) gallons used per month, per one thousand (1,000) gallons	\$2.673 2.780	\$2.834 2.947
Tier 2 - For the next six thousand (6,000) gallons used per month, per one thousand (1,000) gallons	\$3.072 3.195	\$3.257 3.387
Tier 3 - For all additional gallons used per month, per one thousand (1,000) gallons	\$3.534 3.675	\$3.746 3.896
...

(2) Residential customers with two (2) dwelling units shall pay the sum of the following charges:

<i>Category</i>	<i>Component Charge</i>	<i>Billed Charge (with PILOT)</i>
a. Base monthly charge for residential customers with two (2) dwelling units	\$18.24 18.97	\$19.33 20.11
b. Quantity monthly charge for residential customers with two (2) dwelling units (volumetric)		
Tier 1 - For the first nine thousand (9,000) gallons used per month, per one thousand (1,000) gallons	\$2.316 2.409	\$2.455 2.553
Tier 2 - For the next four thousand (4,000) gallons used per month, per one thousand (1,000) gallons	\$2.662 2.768	\$2.822 2.935
Tier 3 - For all additional gallons used per month, per one thousand (1,000) gallons	\$3.063 3.186	\$3.247 3.377
...

(3) Residential customers with more than two (2) dwelling units shall pay the sum of the following charges:

<i>Category</i>	<i>Component Charge</i>	<i>Billed Charge (with PILOT)</i>
a. Base monthly charge for residential customers with more than two (2) dwelling units		
First dwelling unit	\$13.12 13.64	\$13.90 14.46
Second and each additional dwelling unit	\$4.37 4.54	\$4.63 4.82
b. Quantity monthly charge for residential customers with more than two (2) dwelling units (volumetric)		
Winter - per one thousand (1,000) gallons used in the winter season months of November through April	\$1.907 1.983	\$2.022 2.102
Summer - per one thousand (1,000) gallons used in the summer season months of May through October	\$2.384 2.479	\$2.527 2.628
The meter reading date shall generally determine the seasonal monthly quantity charge; however, no customer shall be billed more than six (6) full billing cycles at the summer quantity charge.		
...

(b) *Nonresidential rates.*

(1) *Base charge.* Nonresidential, except for special users as described in Subsection 26-127(c) below, customers shall pay a base monthly charge based on meter size as follows:

<i>Meter Size (inches)</i>	<i>Monthly Base Charge</i>	<i>Billed Charge (with PILOT)</i>
¾	\$15.36 15.97	\$16.28 16.93
1	\$42.86 44.57	\$45.43 47.25
1½	\$116.54 121.20	\$123.53 128.47
2	\$175.61 182.63	\$186.15 193.59
3	\$267.85 278.56	\$283.92 295.28
4	\$420.51 437.33	\$445.74 463.57
6	\$815.73 848.36	\$864.68 899.26
8	\$1,441.07 1,498.71	\$1,527.53 1,588.64

(2) *Quantity charges.* Nonresidential customers shall pay monthly charges as follows:

<i>Category</i>	<i>Component Charge</i>	<i>Billed Charge (with PILOT)</i>
Winter - per one thousand (1,000) gallons used in the winter season months of November through April	\$2.137 2.222	\$2.265 2.356
Summer - per one thousand (1,000) gallons used in the summer season months of May through October	\$2.671 2.778	\$2.832 2.945
The meter reading date shall generally determine the seasonal monthly quantity charge; however, no customer shall be billed more than six (6) full billing cycles at the summer quantity charge.		

(3) *Charges for excess use.* Nonresidential customers shall also pay monthly water use charges in excess of the amounts specified in the following table:

<i>Category</i>	<i>Component Charge</i>	<i>Billed Charge (with PILOT)</i>
Winter - per one thousand (1,000) gallons used in the winter season months of November through April	\$3.070 3.193	\$3.254 3.384

Summer - per one thousand (1,000) gallons used in the summer season months of May through October	\$3.84 3.994	\$4.07 4.233
The meter reading date shall generally determine the seasonal monthly quantity charge; however, no customer shall be billed more than six (6) full billing cycles at the summer quantity charge.		

...

(c) *High volume industrial rates.* High volume industrial rates apply to any customer with an average daily demand in excess of two million (2,000,000) gallons per day. The specific rate for any qualifying customer shall be based upon the applicable peaking factor for that customer as follows:

<i>Peaking Factor</i>	<i>Monthly Charge per Thousand Gallons</i>	<i>Billed Charge (with PILOT)</i>
1.00—1.09	\$1.67 1.74	\$1.77 1.84
1.10—1.19	\$1.73 1.80	\$1.84 1.91
1.20—1.29	\$1.80 1.87	\$1.90 1.98
1.30—1.39	\$1.85 1.92	\$1.96 2.04
1.40—1.49	\$1.91 1.99	\$2.02 2.11
1.50—1.59	\$1.95 2.03	\$2.07 2.15
1.60—1.69	\$2.01 2.09	\$2.13 2.22
1.70—1.79	\$2.07 2.15	\$2.19 2.28
1.80—1.89	\$2.12 2.20	\$2.25 2.34
1.90—1.99	\$2.19 2.28	\$2.32 2.41
> 2.00	\$2.24 2.33	\$2.38 2.47

...

Section 3. That the modifications set forth above shall be effective for meter readings on or after January 1, 2023, and in the case of fees not based on meter readings, shall be effective for all fees paid on or after January 1, 2023.

Introduced, considered favorably on first reading, and ordered published this 1st day of November, A.D. 2022, and to be presented for final passage on the 15th day of November, A.D. 2022.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading on the 15th day of November, A.D. 2022.

Mayor

ATTEST:

City Clerk

ORDINANCE NO. 129, 2022
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING CHAPTER 26 OF THE CODE OF THE CITY OF FORT
COLLINS TO REVISE WASTEWATER RATES, FEES, AND CHARGES

WHEREAS, the City Council is empowered and directed by Article XII, Section 6 of the Charter of the City of Fort Collins, to by ordinance from time to time fix, establish, maintain and provide for the collection of such rates, fees or charges for utility services furnished by the City as will produce revenues sufficient to pay the costs, expenses, and other obligations as set forth therein; and

WHEREAS, the rates, fees or charges for utility services set forth herein are necessary to produce sufficient revenues to provide the utility services described herein; and

WHEREAS, the revenue from the rates, fees or charges for utility services set forth herein shall be used to defray the costs of providing such utility services as required by the Charter and the City Code; and

WHEREAS, Article IV, Chapter 26 of the City Code establishes the wastewater utility as a utility service furnished by and as an enterprise of the City; and

WHEREAS, City Code Sections 26-280 and 26-282 concern various wastewater-related rates, fees, and charges; and

WHEREAS, City Code Section 26-277 requires that the City Manager analyze the operating and financial records of the utility during each calendar year and recommend to the City Council user rates or adjustments to be in effect for the following year; and

WHEREAS, the City Manager and City staff have recommended to the City Council adjustment of the wastewater-related rates, fees, and charges as set forth herein to be effective January 1, 2023; and

WHEREAS, this Ordinance does not increase wastewater rates for the fund as a whole, although there are variations for individual customer rates classes based on recent cost-of-service model updates; and

WHEREAS, the Water Commission considered the proposed wastewater-related rates, fees, and charges adjustments for 2023 at its meeting on October 20, 2022, and recommended approval of the proposed adjustments by a unanimous vote; and

WHEREAS, based on the foregoing, City Council desires to amend Chapter 26 of the City Code to adjust the scope and rate of the water-related rates, fees, and charges as set forth herein.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes any and all determinations and findings contained in the recitals set forth above.

Section 2. That Section 26-277(c) of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 26-277.- Determination of user rates; annual adjustment.

...

(c) In addition to the monthly service charges set forth in §§ 26-279, 26-280 and 26-282, there shall be a charge for payments in lieu of taxes and franchise (PILOT). The charge shall be six and zero-tenths (6.0) percent of said monthly service charges billed pursuant to said §§ 26-279, 26-280 and 26-282.

Section 3. That Section 26-280 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 26-280. - Service charges established by category.

The schedule of rates for each category described in § 26-279 shall be as follows:

<i>Category</i>	<i>Class of Customer</i>	<i>Rate</i>	<i>Component Charge</i>	<i>Billed Charge (with PILOT)</i>
A	Single-family residential user (flat rate)	Per month	\$39.81 41.40	\$42.20 43.89
	Single-family residential user (metered water use)	1. Per month (base)	\$17.79 18.50	\$18.86 19.61
		2. Plus, per 1,000 gallons per month (volumetric)	\$3.456 3.594	\$3.664 3.810
	
		Note: 1. For single family customers who have not yet established a winter quarter water use at the service address, a system average of 4,000 gallons per month shall be billed.		

		2. After establishment of a winter quarter water use at the service address, the monthly amount billed shall be based on a minimum of 3,000 gallons per month.		
B	Duplex (two-family) residential users (flat rate)	1. Per month (base)	\$55.47 \$57.69	\$58.79 \$61.15
	
	Duplex (two-family) residential users (metered water use)	1. Per month (base)	\$20.54 21.36	\$21.77 22.64
		2. Plus, per 1,000 gallons per month, to be calculated on a monthly basis (volumetric)	\$3.084 3.207	\$3.269 3.400
	
Note:		<p>1. For duplex customers who have not yet established a winter quarter water use at the service address, including new construction, a system average 6,200 gallons shall be billed. A change in ownership will continue to be billed on winter quarter average currently in effect.</p> <p>2. After establishment of a winter quarter use at the service address, the monthly amount billed shall be based on a minimum of 4,000 gallons per month.</p>		
C	Multi-family residential user (more than two dwelling units including mobile home parks) and winter quarter based nonresidential user	1. Base charge per month per dwelling unit served (base)	\$2.79 2.90	\$2.96 3.08
		2. Plus, per 1,000 gallons per month (volumetric)	\$3.547 3.689	\$3.760 3.910
	
	Note:		<p>1. For multi-family customers who have not yet established a winter quarter water use at the service address, including new construction, a system average of 3,200 gallons per living unit shall be billed. A change in ownership will continue to be billed on winter quarter average currently in effect. However, Category D rates will apply to multi-family residential units under construction</p>	

		<p>during the period of service from the installation of the water meter to the date the certificate of occupancy is issued.</p> <p>2. After establishment of a water quarter use at the service address, the monthly amount billed shall be per 1,000 gallons of winter quarter water use, calculated on a monthly basis.</p>		
D	Minor nonresidential user	1. Per 1,000 gallons of water use, measured sewage flow or winter quarter water use, whichever is applicable, to be calculated on a monthly basis, plus the following applicable base charge:	\$3.342 3.476	\$3.543 3.684
		2. Size of water meter (inches)	Base charge	
		¾ or smaller	\$9.64 10.03	\$10.22 10.63
		1	\$22.26 23.15	\$23.59 24.54
		1½	\$44.80 46.59	\$47.49 49.39
		2	\$76.66 79.73	\$81.26 84.51
		3	\$122.50 127.40	\$129.85 135.04
		4	\$193.46 201.20	\$205.07 213.27
		6	\$848.08 882.00	\$898.97 934.92
		8	\$979.23 1,018.40	\$1,037.99 1,079.50
		Note:		
		1. For minor nonresidential customers who have not yet established a winter quarter water use at the service address, a system average of 6,000 gallons per month shall be billed.		
		User shall pay an amount calculated to include:		
		1. Rate per 1,000 gallons of water use, measured wastewater flow or winter	\$3.342 3.476	\$3.543 3.684

E and F	Intermediate nonresidential user and Significant industrial user	quarter water use per month, whichever is applicable;		
		2. PLUS a surcharge per million gallons for each milligram per liter of suspended solids in excess of 235 milligrams per liter;	\$3.8874.042	\$4.1214.285
		3. PLUS a surcharge based on for the following criteria, whichever is applicable:		
		a. per million gallons for each milligram per liter of BOD in excess of 265 milligrams per liter; or	\$3.2393.369	\$3.4333.571
		b. per million gallons for each milligram per liter of COD in excess of 400 milligrams per liter; or	\$2.0442.126	\$2.1672.253
		c. per million gallons for each milligram per liter of TOC in excess of 130 milligrams per liter;	\$6.0526.294	\$6.4166.672
		whichever is applicable.		
		The user shall pay the calculated amount based on 1, 2 and 3 above, plus the applicable base charge set forth below:		
		<i>Size of water meter (inches)</i>	<i>Base charge</i>	
		¾ or smaller	\$9.6410.03	\$10.2210.63
		1	\$22.2623.15	\$23.5924.54
		1½	\$44.8046.59	\$47.4949.39
		2	\$76.6679.73	\$81.2684.51
3	\$122.50127.40	\$129.85135.04		

		4	\$193.46201.20	\$205.07213.27
		6	\$848.08882.00	\$898.97934.92
		8	\$979.231,018.40	\$1,037.991,079.50
		<p>Note:</p> <p>1. For intermediate and significant nonindustrial customers who have not yet established a winter quarter water use at the service address, a system average of 6,000 gallons per month shall be billed.</p>		
G	User outside City limits	The rate for users outside the City limits shall be the same as for like service inside the City limits as is specified in Categories A—F and H in this Section.		
H	Special with agreement	The rate pursuant to a special wastewater services agreement approved by the City Council pursuant to § 26-290 shall be set forth in said agreement.		

Section 4. That Section 26-282(a) of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 26-282. - Wastewater strength or industrial surcharges and categories established.

(a) A monthly wastewater strength surcharge shall be paid by customers located either inside or outside the City limits in accordance with the following schedule:

<i>Parameter</i>	<i>Excess over (mg/l)</i>	<i>Rate per thousand gallons</i>	<i>Billed Charge (with PILOT)</i>
BOD	355	\$0.0035040.003644	\$0.0037140.003863
COD	540	\$0.0023030.002395	\$0.0024410.002539
TOC	170	\$0.0073160.007609	\$0.0077550.008065
TSS	365	\$0.0035260.003667	\$0.0037380.003887

...

Section 5. That the modifications set forth above shall be effective for meter readings on or after January 1, 2023, and in the case of fees not based on meter readings, shall be effective for all fees paid on or after January 1, 2023.

Introduced, considered favorably on first reading, and ordered published this 1st day of November, A.D. 2022, and to be presented for final passage on the 15th day of November, A.D. 2022.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading on the 15th day of November, A.D. 2022.

Mayor

ATTEST:

City Clerk

ORDINANCE NO. 130, 2022
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING CHAPTER 26 OF THE CODE OF THE CITY OF FORT
COLLINS TO REVISE STORMWATER RATES, FEES, AND CHARGES

WHEREAS, the City Council is empowered and directed by Article XII, Section 6 of the City Charter, to by ordinance from time to time fix, establish, maintain and provide for the collection of such rates, fees or charges for utility services furnished by the City as will produce revenues sufficient to pay the costs, expenses, and other obligations as set forth therein; and

WHEREAS, the rates, fees or charges for utility services set forth herein are necessary to produce sufficient revenues to provide the utility services described herein; and

WHEREAS, the revenue from the rates, fees or charges for utility services set forth herein shall be used to defray the costs of providing such utility services as required by the Charter and the City Code; and

WHEREAS, Article VII, Chapter 26 of the City Code establishes the stormwater utility as a utility service furnished by and as an enterprise of the City; and

WHEREAS, City Council has adopted stormwater basin and citywide master plans recommending stormwater facilities necessary to provide for proper drainage and control of flood and surface waters within Fort Collins; and

WHEREAS, in 1998, City Council adopted Ordinance No. 168, 1998, determining that all lands within the city benefit by the installation of such stormwater facilities; and

WHEREAS, City Code Section 26-513 imposes stormwater utility fees on all parcels of land within the city to pay for the operation, maintenance, administration and routine functions of the existing and future City stormwater facilities established within the city; and

WHEREAS, City Code Section 26-514 sets forth the manner in which stormwater utility fees are to be determined; and

WHEREAS, the proposed stormwater utility fee adjustment reflects an increase of 3.0%; and

WHEREAS, the Water Commission considered the proposed stormwater utility fee adjustments at its meeting on October 20, 2022, and recommended approval of the proposed adjustments; and

WHEREAS, pursuant to City Code Section 26-511, the City Manager recommends the proposed stormwater utility fee for 2023; and

WHEREAS, based on the foregoing, City Council desires to amend Chapter 26 of the City Code to adjust the scope and rate of the stormwater utility fee as set forth herein.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That Section 26-514(a)(3) of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 26-514. - Determination of stormwater utility fee.

(a) The stormwater utility fee shall be determined as set forth in this Section and shall be based upon the area of each lot or parcel of land and the runoff coefficient of the lot or parcel. For the purposes of this Section, the total lot or parcel area shall include both the actual square footage of the lot or parcel and the square footage of open space and common areas allocated to such lot as provided in Paragraph (4) of this Subsection. The stormwater utility fee shall recover the costs of both operations and maintenance and a portion of capital improvements. The Utilities Executive Director shall determine the rates that shall apply to each specific lot or parcel of land within the guidelines herein set forth and shall establish the utility fee in accordance with the rate together with the other factors set forth as follows:

...

(3) The base rate for the stormwater utility fee shall be \$~~0.00453~~0.00467 per square foot per month for all areas of the City.

...

Section 3. That the modifications set forth above shall be effective for all fees accruing on or after January 1, 2023.

Introduced, considered favorably on first reading, and ordered published this 1st day of November, A.D. 2022, and to be presented for final passage on the 15th day of November, A.D. 2022.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading on the 15th day of November, A.D. 2022.

Mayor

ATTEST:

City Clerk

ORDINANCE NO. 131, 2022
 OF THE COUNCIL OF THE CITY OF FORT COLLINS
 AMENDING CHAPTER 26 OF THE CODE OF THE CITY OF FORT
 COLLINS REGARDING CALCULATION AND COLLECTION OF
 DEVELOPMENT FEES IMPOSED FOR THE CONSTRUCTION
 OF NEW OR MODIFIED ELECTRIC SERVICE CONNECTIONS

WHEREAS, the City Council is empowered and directed by Article XII, Section 6, of the City Charter to fix, establish, maintain and provide for the collection of such rates, fees or charges for utility services furnished by the City as will produce revenues sufficient to pay the costs, expenses and other obligations of the electric utility, as set forth therein; and

WHEREAS, pursuant to City Code Sections 26-473 through 26-475, the City imposes development fees for new or modified electric service connections, including an Electric Capacity Fee (“ECF”) and a Building Site Charge (“BSC”); and

WHEREAS, the ECF is a one-time charge designed to recover the initial cost of adding new development to the electric system, and the BSC is designed to recover actual time and materials costs associated with building on site electric facilities at the specific development; and

WHEREAS, the ECF and BSC together represent the total electric plant investment fee (PIF) for new development; and

WHEREAS, Fort Collins Utilities staff uses an approved cost allocation methodology to calculate ECF and BSC to assign costs based on actual system value, i.e. the “buy-in” approach also used to calculate service connection fees for water and wastewater services; and

WHEREAS, the Energy Board considered proposed 2023 ECF and BSC inflation-only-based rate adjustments at its meeting on October 13, 2022, and recommended approval of the adjustments; and

WHEREAS, based on the foregoing, it is the desire of the City Council to amend Chapter 26 of the City Code to update the values and costs applied in calculating ECF and BSC for new or modified electric service connections.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That Subsections 26-474 (b) and (d) of the Code of the City of Fort Collins are hereby amended to read as follows:

Sec. 26-474. - Residential electric development fees and charges.

...

(b) The ECF shall be the total of the dwelling unit charge and systems modification charge, to be determined as follows:

(1) The dwelling unit credit shall be as follows:

For upgrade of an existing single family panel size, to be applied against the applicable ECF charge below	\$1,816
--	---------

(2) The dwelling unit charge shall be as follows:

a. For a detached single family panel size with one hundred fifty (150) amp service (nonelectric heat), per dwelling unit	\$1,666
a. Charge F for a detached or attached single-family panel size with two hundred (200) amp service	\$2,097 \$2,286
e. For a detached single family with electric heat, per dwelling unit	\$2,757
c. Charge for a detached or attached single-family panel size with three hundred and twenty (320) amp service	\$3,658
d. Charge F for a duplex or multi-family panel size with one hundred fifty (150) amp service (non-electric heat), per dwelling unit	\$1,473 \$1,606
e. For a duplex multi-family panel size with two hundred (200) amp service or with one hundred fifty (150) amp service with electric heat, per dwelling unit	\$2,248

...

(d) A Building Site Charge (“BSC”) for any new or modified residential service shall consist of the total of the applicable charges as described in this Subsection (d), and shall be paid as specified herein.

...

(2) When any new or modified residential service requires installation by the Utility of secondary service the BSC shall include a secondary service charge (SSC), and shall be paid at the time of building permit and based upon the current rates as of the time of issuance of the building permit. The SSC for detached single-family and duplex residences shall be the total of the secondary service charges, determined as follows:

a. The secondary service charge shall be as follows:

<i>Secondary Service Size</i>	<i>Charge (up to 65 feet)</i>	<i>Plus Per-Foot Charge for Each Foot Over 65</i>
4/0 service	\$2,030.00 2,054.00	\$13.51 10.20 /Foot
4/0 Mobile Home Service	\$1,625.00 1,748.00	N/A

...

Section 3. That Subsections 26-475 (b) and (d) of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 26-475. Nonresidential electric development fees and charges.

...

(b) The ECF shall be the total of the kVA service charge and systems modification charge, to be determined as follows:

(1) The kVA service charge shall be determined as follows.

a. For customer electric loads served by the utility, the kVA service charge shall be calculated as follows:

ECF shall be calculated as follows:	
secondary metered services	$\$/kW = 363.82 396.56 + 23.26 25.35 \times \ln(kW)$

primary metered services	$\$/kW = 242.04\del{263.82} + 6.32\del{6.89} \times \ln(kW)$
Where ln is the natural logarithm	
kW is calculated as follows:	
three phase services	$kW = A \times V \times \text{SQRT}(3) \times \text{PF} \times 0.3/1000$
single phase services	$kW = A \times V \times \text{PF} \times 0.3/1000$
Where A is the requested amperage, calculated individually and aggregated under subsection (a) above. V is requested line to line voltage. PF is the power factor, which is assumed to be 0.9.	

...

(d) A Building Site Charge (“BSC”) for extending primary circuitry to the transformer for any new or modified nonresidential service shall be invoiced and paid in the same manner and at the same time as the ECF is invoiced and paid pursuant to § 26-475(a). The BSC shall be the total of the primary circuit charge, transformer installation charge and any additional charges, determined as follows:

(1) The primary circuit charge for service from the utility source to the transformer shall be as follows:

a. For single-phase service, per foot of primary circuit	$\$21.71\del{22.25}$
b. For three-phase service, per foot of primary circuit	$\$35.10\del{39.29}$

(2) The transformer installation charge shall be as follows:

a. For single-phase service, per transformer	$\$1,861.06\del{2,110.11}$
b. For three-phase service, per transformer	$\$3,711.72\del{4,704.49}$

...

Section 4. That the modifications set forth above shall be effective for all fees paid on or after January 1, 2023.

Introduced, considered favorably on first reading, and ordered published this 1st day of November, A.D. 2022, and to be presented for final passage on the 15th day of November, A.D. 2022.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading on the 15th day of November, A.D. 2022.

Mayor

ATTEST:

City Clerk

ORDINANCE NO. 132, 2022
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING CHAPTER 26 OF THE CODE OF THE CITY OF FORT
COLLINS TO REVISE SEWER PLANT INVESTMENT FEES

WHEREAS, the City Council is empowered and directed by Article XII, Section 6 of the Charter of the City of Fort Collins, to by ordinance from time to time fix, establish, maintain, and provide for the collection of such rates, fees or charges for water and for other utility services furnished by the City as will produce revenues sufficient to pay the costs, expenses, and other obligations as set forth therein; and

WHEREAS, Article IV, Chapter 26 of the City Code establishes and sets forth the wastewater utility as a utility service furnished by and as an enterprise of the City; and

WHEREAS, City Code Sections 26-283 and 26-284 provide for sewer plant investment fees (“SPIFs”) to be based on and used for growth-related capital expansion costs of wastewater collection, transmission, treatment, and administrative facilities that are reasonably related to the overall costs of and required in providing wastewater services to serve new development; and

WHEREAS, City Code Section 26-283 further requires that the City Manager annually review the parameters and rates of the SPIFs and also requires that the City Manager present such fees to the City Council for approval no less frequently than biennially; and

WHEREAS, the City Manager and City staff have also recommended to the City Council adjustment of the SPIFs; and

WHEREAS, the Water Commission considered the proposed SPIFs adjustments at its meeting on October 20, 2022, and recommended approval of the proposed adjustments; and

WHEREAS, based on the foregoing, City Council desires to amend Chapter 26 of the City Code to adjust the PIFs as set forth herein.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes any and all determinations and findings contained in the recitals set forth above.

Section 2. That Section 26-284 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 26-284. - Sewer plant investment fees and surcharges established.

(a) The schedule of sewer plant investment fees, subject to the exceptions and additional requirements provided in this Section, is as follows:

Category	SPIF		
A	Single-family	Per dwelling	\$3,824.00 4,168.00
B and C	Duplex and Multi-family	Per each dwelling unit or mobile home space	\$2,759.00 3,007.00
D, E, F	Non-residential and Industrial		
	Water meter size (inches)	Fee	Fee
	¾		\$8,211.00 8,950.00
	1		\$18,308.00 19,956.00
	1½		\$34,454.00 37,555.00
	2		\$71,485.00 77,919.00
	3 and above	Calculated on an individual basis based on peak wastewater flow (determined in the manner set forth hereinafter) but not less than the charge for a two-inch meter	
G	User outside	Same as equivalent category, plus any special sanitation district fees	
H	Special	Determined pursuant to Subsection (d) of this Section	

...

(d) The amount of the plant investment fee and surcharge for each nonresidential surcharged user, users in Category H and any user that is expected to generate greater than its proportionate share of peak day flow at the treatment plant for the applicable category (including both contributed wastewater volume and volume related to infiltration and inflow), shall be calculated utilizing the following formula:

$$SPIF = \text{Site Flow} \times [\text{Flow}_\$ + (\text{BOD} \times \text{BOD}_\$) + (\text{TSS} \times \text{TSS}_\$)] + \text{I\&I Flow} \times [\text{Flow}_\$ + (200 \text{ mg/l} \times \text{BOD}_\$) + (250 \text{ mg/l} \times \text{TSS}_\$)]$$

Where:

SPIF	=	Plant investment fee for Category H users and users discharging wastewater with average concentrations of BOD and/or TSS which exceed those average concentrations which are set forth in § 26-282(b) under Category E-34		
Site Flow	=	The user's proportionate share of peak day flow at the treatment plant based on site flow discharge from user's site		
I&I Flow	=	That proportionate share of peak day flow due to infiltration and inflow as allocated to user's site flow discharge. I&I Flow is calculated based on Site Flow multiplied by	46.5%	
Flow _s	=	Unit cost of facilities attributable to treating wastewater flow	Per Gallon	\$10.44 11.38
BOD	=	Average BOD concentration for user category or measured BOD concentration for the user as determined in accordance with Subsection (c) of this Section, but not less than 200 mg/l		
BOD _s	=	Unit cost of facilities attributable to treating BOD	Per mg/l	\$0.0156 0.0170
TSS	=	Average TSS concentration for user category or measured TSS concentration for the user as determined in accordance with Subsection (c) of this Section, but not less than 250 mg/l		
TSS _s	=	Unit cost of facilities attributable to treating TSS	Per mg/l	\$0.0125 0.0136

...

Section 3. That the modifications set forth above shall be effective for all fees paid on or after January 1, 2023.

Introduced, considered favorably on first reading, and ordered published this 1st day of November, A.D. 2022, and to be presented for final passage on the 15th day of November, A.D. 2022.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading on the 15th day of November, A.D. 2022.

Mayor

ATTEST:

City Clerk

ORDINANCE NO. 133, 2022
 OF THE COUNCIL OF THE CITY OF FORT COLLINS
 AMENDING CHAPTER 26 OF THE CODE OF THE CITY OF FORT
 COLLINS TO REVISE THE STORMWATER PLANT INVESTMENT FEES

WHEREAS, the City Council is empowered and directed by Article XII, Section 6 of the Charter of the City of Fort Collins, to by ordinance from time to time fix, establish, maintain, and provide for the collection of such rates, fees or charges for water and for other utility services furnished by the City as will produce revenues sufficient to pay the costs, expenses, and other obligations as set forth therein; and

WHEREAS, Article VII, Chapter 26 of the City Code establishes the stormwater utility as a utility service furnished by and as an enterprise of the City; and

WHEREAS, City Council has adopted stormwater basin and City-wide master plans recommending stormwater facilities necessary to provide for proper drainage and control of flood and surface waters within the City; and

WHEREAS, in 1998, City Council adopted Ordinance No. 168, 1998, determining that all lands within the City benefit by the installation of such stormwater facilities; and

WHEREAS, existing stormwater rate payers have paid for the design, right-of-way, and construction of stormwater facilities identified in the drainage basin master plans that will benefit and be utilized by new development; and

WHEREAS, City Council has determined that new development should pay its proportionate share of the costs of capital stormwater facilities in existence at the time of development in the form of a stormwater plant investment fee as established by City Code Section 26-512 (“Stormwater PIF”); and

WHEREAS, City Code Section 26-511 requires that the City Manager review the rates and parameters for the Stormwater PIF annually and present them to City Council for approval no less frequently than biennially; and

WHEREAS, the City Manager and City staff have also recommended to the City Council adjustment of the Stormwater PIF as set forth herein; and

WHEREAS, the Water Commission considered the proposed Stormwater PIF adjustments at its meeting on October 20, 2022, and recommended approval of the proposed adjustments; and

WHEREAS, based on the foregoing, City Council desires to amend Chapter 26 of the City Code to adjust the Stormwater PIF as set forth herein.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes any and all determinations and findings contained in the recitals set forth above.

Section 2. That Section 26-512 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 26-512. - Stormwater plant investment fees established.

...

(2) Plant investment fee base rate. The stormwater plant investment fee base rate is hereby established as follows:

Per gross acre of area	\$10,109 11,019
------------------------	------------------------

...

Section 3. That the modifications set forth above shall be effective for all fees paid on or after January 1, 2023.

Introduced, considered favorably on first reading, and ordered published this 1st day of November, A.D. 2022, and to be presented for final passage on the 15th day of November, A.D. 2022.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading on the 15th day of November, A.D. 2022.

Mayor

ATTEST:

City Clerk

ORDINANCE NO. 134, 2022
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING CHAPTER 26 OF THE CODE OF THE CITY OF FORT
COLLINS TO REVISE WATER PLANT INVESTMENT FEES

WHEREAS, the City Council is empowered and directed by Article XII, Section 6 of the Charter of the City of Fort Collins, to by ordinance from time to time fix, establish, maintain, and provide for the collection of such rates, fees or charges for water and for other utility services furnished by the City as will produce revenues sufficient to pay the costs, expenses, and other obligations as set forth therein; and

WHEREAS, Article III, Chapter 26 of the City Code establishes and sets forth the water utility as a utility service furnished by and as an enterprise of the City; and

WHEREAS, City Code Sections 26-120 and 26-128 provide for water plant investment fees (“WPIFs”) to be based on and used for growth-related capital expansion costs of water supply, storage, transmission, treatment and distribution, and administrative facilities that are reasonably related to the overall costs of and required in providing water services to serve new development; and

WHEREAS, City Code Section 26-120 further requires that the City Manager annually review the parameters and rates of the WPIFs and also requires that the City Manager present such fees to the City Council for approval no less frequently than biennially; and

WHEREAS, the City Manager and City staff have also recommended to the City Council adjustment of the WPIFs, as set forth herein; and

WHEREAS, the Water Commission considered the proposed WPIFs adjustments at its meeting on October 20, 2022 and recommended approval of the proposed adjustments; and

WHEREAS, based on the foregoing, City Council desires to amend Chapter 26 of the City Code to adjust the WPIFs as set forth herein.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes any and all determinations and findings contained in the recitals set forth above.

Section 2. That Section 26-128 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 26-128. Schedule C, water plant investment fees.

The water plant investment fee prescribed in § 26-120 shall be payable by users both inside and outside of the City, as follows:

(1) Single-family residential buildings.	
For a single-family residential lot greater than one-half (1/2) acre in size, the lot size shall be deemed to be one-half (1/2) acre for the purpose of this fee calculation. For each additional tap or meters larger than three-fourths (3/4) inch, the nonresidential rate shall apply.	
a. For the first three-fourths-inch water tap or meter	\$781.00 \$851.00
b. For the first one-inch water tap or meter to accommodate residential fire suppression systems based upon the criteria established in the International Building Code as adopted and amended pursuant to Chapter 5 of this Code.	\$1,322.00 \$1,441.00
c. Plus, for each square foot of lot area	\$0.42 \$0.46
(2) Residential buildings of two (2) or more dwelling units (including fraternity and sorority multi-family housing)	
The fee will provide for one (1) tap per residential building and an adequate number of additional taps to serve common irrigable areas, if any. The number and size of taps shall be determined by the Utilities Executive Director based upon the criteria established in the Uniform Plumbing Code as amended pursuant to Chapter 5 of this Code.	
a. For each residential building unit	\$589.00 \$642.00
(3) Mobile home parks	
The size of the tap shall be determined by the Utilities Executive Director based upon the criteria established in the Uniform Plumbing Code as amended pursuant to Chapter 5 of this Code.	
a. For each residential building unit	\$589.00 \$642.00
b. Plus, for each square foot of lot area to be irrigated with the tap serving the residential building unit	\$0.31 \$0.34
(4) Hotels, fraternity and sorority dormitory housing, and similar uses.	
The nonresidential rate shall apply.	
(5) Nonresidential service	
a. Service to all nonresidential taps other than irrigation-only taps in subsection b shall be charged according to the size of the meter pursuant to the following schedule:	
<i>Meter Size (inches)</i>	<i>Non-residential Non-Irrigation-Only WPIF</i>
3/4	\$4,584.00 4,997.00
1	\$11,493.00 12,527.00
1 1/2	\$21,180.00 23,086.00
2	\$41,624.00 45,370.00

The fee for such meters larger than two (2) inches shall be calculated by multiplying the estimated peak daily demand, as determined by the Utilities Executive Director, by the following charge per gallon, but shall not be less than the charge for a two-inch meter.	\$5.59 6.09
b. Service to all irrigation-only taps shall be charged according to the size of the meter pursuant to the following schedule:	
<i>Meter Size (inches)</i>	<i>Non-residential Irrigation Only Plant WPIF</i>
¾	\$14,861.00 16,198.00
1	\$33,959.00 37,015.00
1½	\$84,459.00 92,060.00
2	\$129,080.00 140,697.00
The fee for meters larger than two (2) inches shall be calculated by multiplying the estimated peak daily demand approved by the Utilities Executive Director by the following charge per gallon, but shall not be less than the charge for a two-inch meter.	\$5.59 6.09

...

Section 3. That the modifications set forth above shall be effective for all fees paid on or after January 1, 2023.

Introduced, considered favorably on first reading, and ordered published this 1st day of November, A.D. 2022, and to be presented for final passage on the 15th day of November, A.D. 2022.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading on the 15th day of November, A.D. 2022.

Mayor

ATTEST:

City Clerk

MINUTES

CITY OF FORT COLLINS • BOARDS AND COMMISSIONS



ENERGY BOARD

October 13, 2022 – 5:30 pm
222 Laporte Ave – Colorado Room

ROLL CALL

Board Members Present: Alan Braslau, Steve Tenbrink, Dan Gould, Marge Moore (remote), Emilio Ramirez (remote), Jeremy Giovando, John Fassler (remote), Bill Becker, Sidra Aghababian

Board Members Absent:

OTHERS PRESENT

Staff Members Present: Christie Fredrickson, Kraig Bader, Brian Tholl (remote), Lance Smith (remote),

Members of the Public: Javier Camacho, Rich Stave

2023 RATES & FEES

Lance Smith, Director, Utilities Financial Planning & Assets
(attachments available upon request)

Mr. Smith prefaced this discussion by noting there is an important distinction between monthly ongoing utility rates and one-time fees & charges. Ongoing rates recover the operation and maintenance of the Utility’s system and one-time fees are for development or re-development (where customers “buy-in” based on the system value and expected demands).

Staff is proposing a 5% increase in electric rates (as well as 4% in both water and wastewater, and 3% in stormwater). The rate increases are largely due to the impact of inflation, labor and material costs are raising and the rates must reflect that. Platte River is proposing a 5% wholesale increase to the blended MWh for 2023, and they are two thirds of the Utility’s operating cost.

The Cost of Service model was updated, and Mr. Smith said there is more variability between rate classes than we normally see. There seems to have been a fundamental shift in energy use in residential and industrial (tied to PRPA). Costs have shifted away from small and medium commercial to residential as many people have remained working at home.

Staff expects the average utility bill (with all four utility services) to increase about \$8.00 per month, with approximately \$4.00 of that increase attributed to electricity use.

Chairperson Tenbrink wondered if the base charge will also increase. Mr. Smith said yes, the base charge will also increase. Chairperson Tenbrink also wondered does this year’s rate increase compare with the other three owner cities. Mr. Smith said Platte River is increasing their rates by an average of 5%, but Fort Collins is seeing slightly less than Loveland and Longmont, who are expecting 5.5-6% increases; the distinction being that Fort Collins has a slightly flatter load curve than the neighboring communities. Some of that can be attributed to time of day rates, as well as the Utility’s Commercial and Industrial coincident demand charge.

Staff is proposing to maintain 2022 solar credit for residential net metering customers (as well as community solar participants and large commercial and industrial customers) but increase the solar credit using a blended wholesale and energy demand structure for small and medium commercial customers.

Plant Investment Fees (PIFs), which are inclusive of Electric Capacity Fees, Water Plant Investment Fees, Wastewater Plant Investment Fees, and Stormwater Plant Investment Fees, are proposed to increase by 9%.

Mr. Smith said the Utility continues to provide high quality services, but unfortunately the cost to deliver

MINUTES

CITY OF FORT COLLINS • BOARDS AND COMMISSIONS



ENERGY BOARD

REGULAR MEETING

those services is increasing. The Income Qualified Assistance Program will be presented for adoption at City Council the same night as 2023 Rates and Fees. If IQAP is not formally adopted, the current program participants will see a 28% increase in their bill (due to the program ending and the rate increase happening simultaneously).

Vice Chairperson Becker noticed the differential between the on peak and off peak periods seems to be closing, which may impact the incentive to shift electric usage to off-peak hours. Mr. Smith said that as we get closer to 2030 and we begin to utilize more renewables in the energy portfolio, he expects to see a seasonal energy rate, which will create a larger distinction once again.

Board member Giovando asked if 5% is the full realization of the cost increase or did staff try to keep this increase under Mr. Smith's 5% rate ceiling. Mr. Smith said 5% is close to what will be needed in 2023, but he does anticipate a few years between now and 2030 where 7-8% rate increases may be necessary due to inflation.

Board member Ramirez noted that it would be helpful to preface the rates discussion that staff does not feel good about the 5% increase but go into detail about why it's necessary. Vice Chairperson Becker added that the Utility's rates have always been and remain competitive, but the financial health of the Utility is important. Chairperson Tenbrink noted that nationwide, some utilities are experiencing over 10% increases, and he is relieved that ours is currently only at 5%.

Board member Braslau said this discussion also supports the need and necessity to formally adopt IQAP.

Board member Aghababian moved the Energy Board support the proposed changes to 2023 electric utility rates and fees, provided City Council also adopts the Income Qualified Assistance Program to support the rate increase.

Board member Giovando seconded the motion.

Discussion:

Vice Chairperson Becker said the utility must stay solvent, but there is a large group of people who would be negatively affected. City staff needs to help draw the connection to the Utility's most vulnerable customers because a 28% rate increase is significant.

The motion passed unanimously, 9-0.

Board member Braslau encouraged Board members to attend the November 1st Council meeting in support of the IQAP.

MINUTES

CITY OF FORT COLLINS • BOARDS AND COMMISSIONS



Excerpt from **Unapproved DRAFT** MINUTES WATER COMMISSION

REGULAR MEETING

October 20, 2022, 5:30 p.m.

1. **2023 Utility Rates and Fees**

Financial Planning and Analysis Director Lance Smith presented on the proposed changes to the 2023 water, stormwater, and wastewater utility rates and fees, and to seek support to present the changes to Council for approval.

Discussion Highlights

A Commissioner inquired whether there are statutory requirements, to which Mr. Smith responded that the City does not as it's a home rule community, but it does have financial policies that specify minimum reserve balances in percentages. Another Commissioner asked when there would be a firmer understanding for the Halligan cost estimate, to which Mr. Smith answered he'd have a better understanding in about 6 months. The Commissioner continued to inquire whether there's a figure where it no longer seems prudent to spend money on the project considering inflation, construction costs, easements, etc. A Commissioner projected that if the project is \$150M, Halligan would provide \$19K per acre-foot, while CBT water is going to \$120K per acre-foot, and the Commissioner added that even if the project cost \$300M, it would still be a fraction of CBT water. Mr. Smith added that the costs wouldn't be spent front loaded, but over time with cost-effective solutions during the process. A Commissioner wondered whether the foundational principle is still in effect that development pays the incremental cost for itself over time. Mr. Smith responded that it still is, though legally the requirement is that the development does not exceed the cost of adding a customer, thus the City is not obligated to have development fully pay for itself, but it's the direction that Council wants to continue. The Commissioner inquired whether these increases keep the City's reserves at the historically agreed upon percentage, to which Mr. Smith responded that it does. Another Commissioner commented that it would be helpful to see models of what it would look like to decrease rates and fees, just to see what the alternative would be. Another Commissioner commented that the rate increases don't put the community ahead of inflation or other rise in costs, considering infrastructure renewal, income deficiencies, etc. Mr. Smith responded that the 4% increase is a part of a longer timeline, hoping to see replacement rates for infrastructure at a sustainable level over the next five years. Another Commissioner added that the rates are still lower than many of the communities in Northern Colorado even with the rate increases, such as Loveland, Longmont, Greeley, and Colorado Springs. Another Commissioner underlined that it's critical to inform the public about Utility changes over the next five years.

Commissioner Kahn moved that the Water Commission recommend City Council approve the proposed changes to the Utility's water, wastewater, and stormwater rates and fees as presented.

MINUTES

CITY OF FORT COLLINS • BOARDS AND COMMISSIONS



Item 19.

WATER COMMISSION

REGULAR MEETING

Discussion Highlights

Commissioners decided to add a clause in the motion to include a plan for informing the public.

Commissioner Kahn moved that the Water Commission recommend City Council approve the proposed changes to the Utility’s water, wastewater, and stormwater rates and fees as presented, and develop a plan to inform the public about this year’s increases and increases into the future.

Commissioner Tarry seconded the motion.

Vote on the Motion: it passed unanimously, 6-0



Utilities: 2023 Rates & Fees



City Council

Lance Smith, Utilities Finance Director

Page 366 by Reuscher, Utilities Lead Rate Analyst

11-1-2022



Ongoing
Monthly
Rates

The diagram features a central orange circle labeled 'Ongoing Monthly Rates'. To its right, three orange circles are arranged vertically, each containing an icon and connected to the central circle by a light orange line. The top circle has a plug icon, the middle one has a construction site icon, and the bottom one has a dollar sign icon. To the right of each icon circle is a corresponding text block.

Recover costs to operate the distribution system in order to provide service

Recoup expenses for ongoing maintenance & renewal of the distribution system

Collect for any associated wholesale costs



'One-Time'
Fees &
Charges

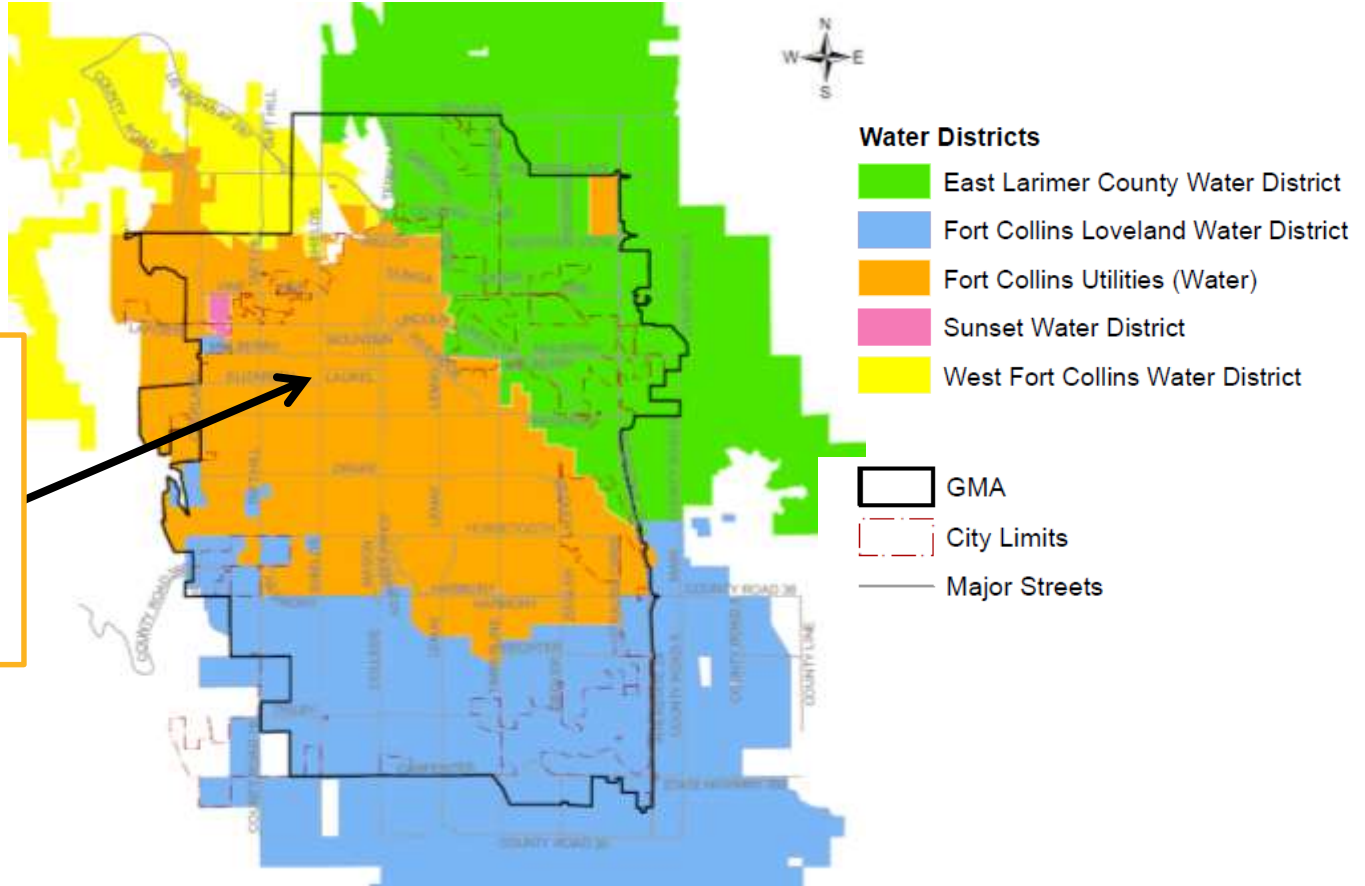
The diagram features a central dark blue circle labeled ''One-Time' Fees & Charges'. To its right, three dark blue circles are arranged vertically, each containing an icon and connected to the central circle by a grey line. The top circle has a power tower icon, the middle one has a factory icon, and the bottom one has a truck icon. To the right of each icon circle is a corresponding text block.

Recover capacity costs to buy-in to the existing system

Collect for site-specific costs





Provide funding for future growth-related capital investments

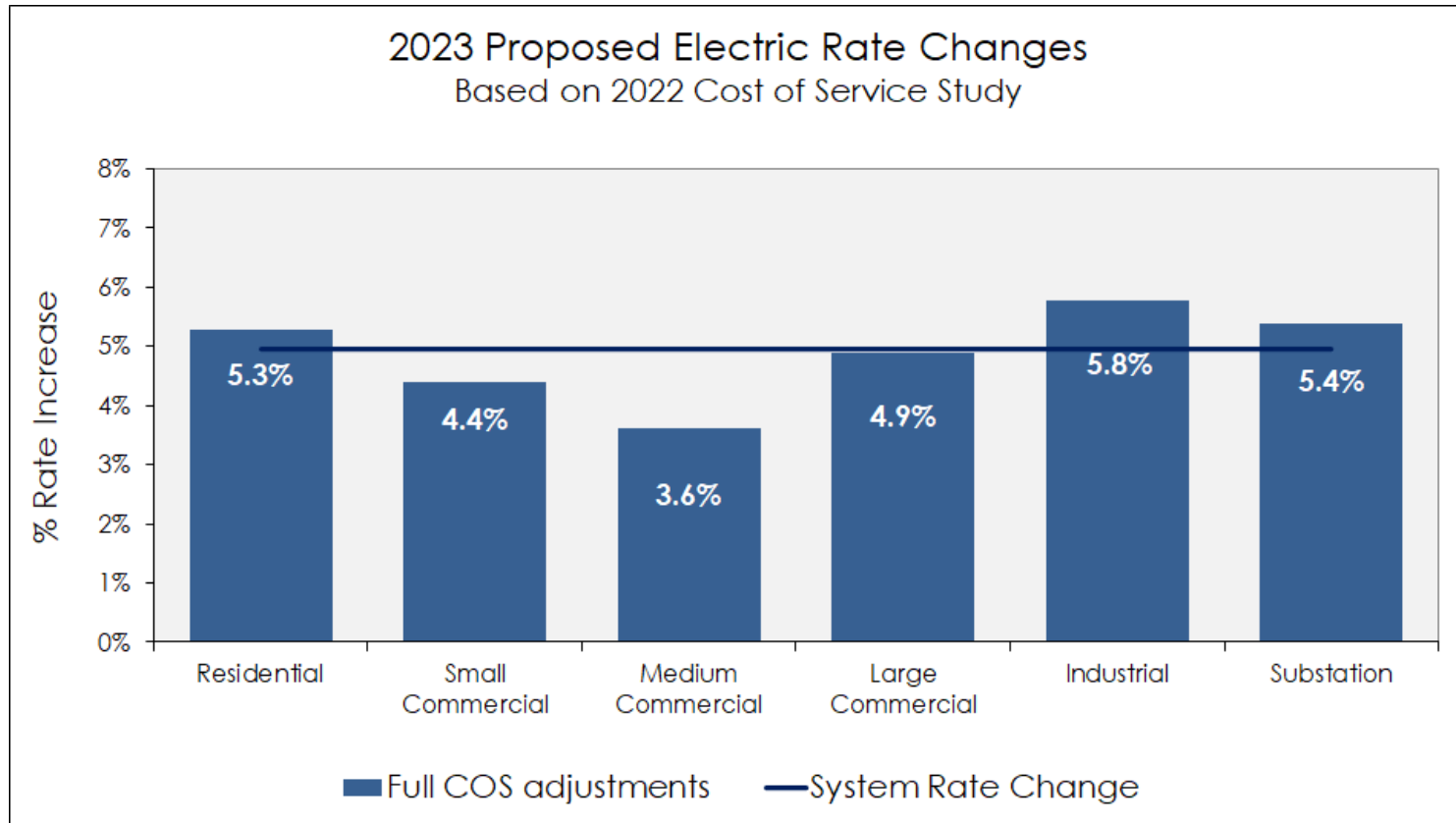
Proposed water-related changes apply **only to customers** within Fort Collins Utilities water service area.





Monthly Utility Rates

UTILITY		2023 PROPOSED INCREASE
	ELECTRIC	5%
	WATER	4%
	WASTEWATER	4%
	STORMWATER	3%



Fort Collins Utilities Comparative Residential Monthly Bill					
Utility	2022	2023	\$ Change	% Change	
Electric	\$ 80.01	\$ 84.01	\$ 4.00	5.0%	
Water	\$ 49.03	\$ 50.99	\$ 1.96	4.0%	
Wastewater	\$ 34.25	\$ 35.62	\$ 1.37	4.0%	
Stormwater	\$ 21.74	\$ 22.40	\$ 0.65	3.0%	
Total Average Bill	\$ 185.04	\$ 193.02	\$ 7.98	4.3%	

2022 Residential Average Monthly Utility Bill					
Utility	Electric	Water	Wastewater	Stormwater	Total
Ft Collins	\$ 80.01	\$ 49.03	\$ 34.25	\$ 21.74	\$ 185.04
Longmont	\$ 73.57	\$ 62.97	\$ 34.10	\$ 14.90	\$ 185.53
Loveland	\$ 82.42	\$ 54.95	\$ 39.61	\$ 18.86	\$ 195.84
Greeley	\$ 90.07	\$ 69.60	\$ 28.49	\$ 15.77	\$ 203.93
Boulder	\$ 90.07	\$ 58.31	\$ 42.70	\$ 22.00	\$ 213.08
Colorado Springs	\$ 109.39	\$ 93.26	\$ 29.85	N/A	\$ 232.51

An aerial photograph of a river flowing through a dense forest of evergreen trees. The river is turbulent, with white water rapids and large, dark rocks protruding from the water. The surrounding landscape is rugged and mountainous.

Utility Development Fees

Utility Fee	2023 Proposed Increase
Electric Capacity Fee (ECF)	9%
Water Plant Investment Fee (PIF)	
Wastewater Plant Investment Fee (PIF)	
Stormwater Plant Investment Fee (PIF)	

- Engineering News Record – Construction Cost Index
- Water Supply Requirement (WSR) and Excess Water Use (EWU) will not be adjusted until Q1 or Q2 of 2023
- ECF categories modified to align with building code regarding electric heat



**Income-
Qualified
Assistance
Program**
(Discounted
Rate)



**Medical
Assistance
Program**
(Discounted
Rate)



**Payment
Assistance
Fund**
(One-Time
Assistance)



**LCCC Water
and Energy
Program**
(Basic Retrofits)



**Colorado
Affordable
Residential
Energy**
(Deep Retrofits)



The Low-Income Energy Assistance Program (LEAP) helps with wintertime heating costs for income-qualified households.

LEAP establishes eligibility for Utilities' Income-Qualified Assistance Program (IQAP).

Apply between

Nov. 1 and April 30.



THANK YOU!

For More Information, Visit

fcgov.com/utilities



Electric	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032
Rate Increase	2.0%	5.0%	5.0%	4-5%	4-5%	4-6%	6-8%	6-8%	6-8%	4-7%	4-7%
Water	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032
Rate Increase	0.0%	4.0%	4.0%	4-7%	5-8%	5-8%	5-8%	4-7%	4-7%	4-7%	4-7%
Wastewater	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032
Rate Increase	0.0%	4.0%	4.0%	3-5%	3-5%	3-5%	3-5%	3-5%	3-5%	3-5%	3-5%
Stormwater	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032
Rate Increase	0.0%	3.0%	3.0%	3-5%	3-5%	3-5%	3-5%	3-5%	3-5%	3-5%	3-5%

November 1, 2022



AGENDA ITEM SUMMARY

City Council

STAFF

Heather Young, Sr. Community Engagement Manager, Utilities
 Shannon Ash, Utilities Affordability Program Manager, Utilities
 Brian Tholl, Sr. Energy Services Supervisor, Utilities
 Randy Reuscher, Lead Rates Analyst, Utilities
 Cyril Vidergar, Legal

SUBJECT

First Reading of Ordinance No. 135, 2022, Amending Chapter 26 of the Code of the City of Fort Collins Related to Water, Wastewater and Electric Rates, Fees, and Charges Applied Under the Income-Qualified Assistance Program.

EXECUTIVE SUMMARY

The Income-Qualified Assistance Program (IQAP) that provides income-qualified Fort Collins Utilities (Utilities) customers reduced rates on select Utilities services was introduced in October 2018 as a pilot program. The IQAP program bill adjustment effectively applies a 23% rate discount on electric, water, and wastewater services, and is due to expire December 31, 2022. In July 2021, City Council approved moving the program from an application-based, opt-in program to an auto-enroll, opt-out program, subject to participants' participation in the complementary state Low-income Energy Assistance Program (LEAP). At that time, City Council also requested an evaluation of the discounted rate percentage to ensure it was still sufficient to meet program objectives. Since July 2021, participation in IQAP has increased 128%. Staff are seeking a motion from City Council to adopt the program. The Council Finance Committee reviewed this proposal on October 20, 2022, and provided staff direction for presentation to the full City Council.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading to establish IQAP as an ongoing program to support Utilities customers and increasing the program discount from 23% to 25% for participating customer bills. Adopting this program on a permanent basis aligns with existing community, City, and Utilities priorities and is an investment in our community.

BACKGROUND / DISCUSSION

Staff is seeking Council action to transition the IQAP program from a pilot program to an ongoing program and are requesting an increase of the bill adjustment from 23% to 25% to ensure that low-income customers spend a similar percentage of household income on utilities as someone who makes 100% of Area Median Income (AMI). Specific questions for Council include:

- Does Council support the continuation and adoption of IQAP as a regular initiative?
- Does Council support increasing the bill adjustment discount from 23% to 25%?

The Income-Qualified Assistance Program was approved as a pilot by Council and launched in October 2018. The program was designed to reduce utility burdens for qualifying low-income participants that opt-in to the program by giving them a 23% discount on specific rate components of electric, water, and wastewater service bills. Utilities partnered with LEAP for income-eligibility verification for IQAP. LEAP eligibility is based on household size and an income threshold of 60% of State Median Income.

When IQAP launched, Utilities customers enrolled in the current or past LEAP season were eligible to complete an application to “opt-in” to participate in IQAP. Utilities sent bulk invites via mail or email to LEAP-enrolled customers annually to encourage them to apply for participation in IQAP. Customers could fill out an application at any time during the year to be enrolled in the program, provided their LEAP enrollment could be verified. Applications were completed online or via a paper form. Once an application was received by Utilities staff, the customer’s LEAP enrollment was verified, and their service bills were adjusted for the applicable services.

In July 2021, Council approved an extension of the pilot program and changed the enrollment structure from application-based, opt-in to auto-enroll, opt-out based on customers’ qualification and participation in LEAP. The intent of the opt-out approach was to increase overall participation while reducing administrative requirements for processing applications. The current pilot and associated discount are set to expire December 31, 2022, pursuant to City Code §26-724.

Utility Burden

One of the main reasons IQAP was implemented was to help offset the utility burden some customers experience. Utility burden is defined as the percentage of a household’s income that is spent on utility services such as electric, water, wastewater, and gas. Low-income households have been found to have disproportionately high utility burdens when compared to non-low-income households. Contributing factors include race, ethnicity, and low-quality housing.

Utility costs also continue to increase faster than income, both locally and nationally. Some customers are on a fixed income, especially seniors. Inflation means people have to spend more of their income on basic needs like utilities, and without access to heating, cooling, and water, unpaid utility bills can lead to dire health impacts. As temperatures increase due to climate change, customers use more energy. The cost of that energy also increases as the City and Platte River Power Authority work towards securing carbon-neutral energy sources.

Current Program

The IQAP pilot bill adjustment was designed as a multi-pronged approach to helping low-income households (at or below 60% AMI) achieve utility burdens that are more similar to those of households with 100% AMI. The IQAP 23% bill discount was designed to be combined with LEAP benefits and in-home conservation efforts to reduce participants’ utility burdens to more average levels (approximately 3.1% of income).

Utilities continues to partner with LEAP for income-eligibility verification to allow for auto-enrollment into IQAP. Utilities staff receives monthly lists of approved customers during the LEAP season. These lists are then verified by staff to confirm the customer is a Utilities account holder and if so, staff submits a billing rate adjustment request to the billing office. The customer is mailed a confirmation letter informing them that they have been enrolled in IQAP for the year, along with conservation education materials and additional program information.

IQAP participants are encouraged to participate in no-cost conservation programs such as Larimer County Conservation Corps (LCCC) retrofits and/or Colorado Affordable Residential Energy Program (CARE) to make their dwellings more efficient and to help reduce utility costs further. They also receive the monthly Utilities Insights newsletter (fcgov.com/utilities/utilities-insights) that provides low- or no-cost tips and tricks for reducing utility use and costs. These ancillary program communications extend the reach of Utilities

conservation and efficiency outreach efforts, delivering this key information to and improving user habits in households that historically are unlikely to participate in these efforts. Educating and creating incentives for conservation and efficiency shifts in these households builds trusted relationships and provides Utilities access to fuller rate payer usage data that in turn allows the City and Utilities to progressively achieve our environmental goals more aggressively.

Program Update

Since the launch of IQAP, participation has continued to increase and additional intentional outreach into the community is expected to gradually increase enrollment.

2021 Participation	2022 Participation	2023 Estimated Participation
759	1,727	1,900*

**Anticipating a 10% increase from the previous year*

Estimated total reach is 10,000 households using a city-wide poverty rate of ~16%, based on 2021 Census Bureau data combined with controlling for the student population in Fort Collins.

Utilities staff members have begun reaching out to partner agencies to discuss outreach opportunities. The goal is to increase awareness of LEAP and Utilities affordability programs. Utilities staff have identified underserved locations in the community using data from the Equity Office and will focus outreach opportunities in those areas.

According to current survey results, the majority of IQAP customers continue to be satisfied or very satisfied in the auto-enrollment process. The change from an application-based structure to auto-enrollment has increased program participation by approximately 128%.

Energy Use Analysis

At the launch of IQAP, an assumption was made that program participants would use less energy compared to those not in the program because participants were connected with CARE, LCCC, and other efficiency programs. Data analysis has shown that IQAP participants initially use slightly more energy (2.9% on average), but by year three of enrollment, energy use between IQAP and non-IQAP customers was similar. This can be attributed to customers being able to afford to heat and cool their homes at comfortable temperatures because it is more affordable. According to survey results, customers identify increased quality of life as a benefit of IQAP.

Rate Reduction Evaluation

In July 2021, Council requested an evaluation to determine if the 23% rate reduction was still sufficient. Utilities staff conducted an analysis to determine the percentage that it would take for a low-income customer to spend a similar amount on utilities as someone who makes 100% AMI. For this evaluation, staff used the same methodology to estimate the necessary rate reduction amount using updated utility and income data. The analysis took the LEAP benefit and non-City gas bills into consideration and calculated the necessary discount rate to be 25%. Staff expects the increased rate reduction will help offset the high energy burden and energy insecurity that continues to increase in our community and throughout the nation. This difference amounts to ~\$20/year/customer.

Utility Benefits Summary

Staff identifies the following utility purposes and benefits of IQAP for Council to evaluate under the conditions on spending utility enterprise revenues under City Charter Article XII, Section 6:

- IQAP creates parity within the residential rate class as to the percentage of household income committed to utility bills, compensating for income differences between low-income households (60% below AMI) and households that earn 100% of AMI
- The nominal financial impact of not recovering a portion of participants' monthly utility bills is offset by administrative efficiencies, including:
 - timely billing payment, allowing Utilities to avoid incurring the costs of disconnection, collections, or payment plans
 - increased participation in conservation programs that make low-income customer dwellings more efficient and advance regional efforts to reduce utility costs across the residential rate class
 - extended reach and cumulative benefits of Utilities conservation and efficiency education that affects user habits in households that historically do not participate in these efforts.
- As customers continue participation, combined program education and incentives build trusted community relationships and provide fuller customer usage pattern data that in turn allows Utilities to pursue environmental goals more aggressively.

CITY FINANCIAL IMPACTS

Based on current enrollment numbers (1,727 participants), customers receive an average IQAP discount of \$220.50/year with a 23% rate reduction. The total annual cost to Utilities is ~\$392,000. With a 25% rate reduction, customers would receive an average discount of \$240/year. The total annual cost to Utilities would be ~\$415,000, or an annual increase of ~\$23,000. The total cost of this program is nominal relative to the annual operating budget of Utilities and would minimally impact other Utilities customers. Increasing the IQAP bill discount, as proposed, is not anticipated to significantly affect the Utilities costs nor contribute to the need for additional rate increases.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

As part of outreach for this program, Utilities staff visited or will visit Energy Board, Affordable Housing Board, and Water Commission prior to the Council action on this matter. To date, Energy Board and the Affordable Housing Board are supportive of this program adoption, based on feedback provided at their September/October regular meetings. Staff will include feedback received after the AIS submission deadline from Council Finance Committee and Water Commission as it affects this matter for final adoption.

PUBLIC OUTREACH

Every year, participants in IQAP are offered an opportunity to complete a program survey. Participants are asked questions such as, "What has been the biggest benefit of receiving the IQAP utility bill discount?" and "Is there anything you would like to change about the Income-Qualified Assistance Program?" The overwhelming majority of participants report they are satisfied or very satisfied with the ease of enrollment and the discount they receive. They list increased quality of life, being able to save money for other expenses, decreased stress with paying bills, being educated on ways to conserve energy, and budgeting on a fixed income as some of the benefits because of IQAP. When asked about changes they would like to see to the program, a larger discount was listed repeatedly.

Utilities staff have scheduled outreach opportunities in the community for this upcoming LEAP season to increase awareness of the program and assist with applications. Several partner agencies throughout Fort Collins have agreed to host tabling events, which will allow Utilities staff to reach community members in locations they trust. These locations were selected to ensure accessibility to the community, from the north side to the south side of the city.

ATTACHMENTS

1. Ordinance for Consideration
2. American Council for an Energy-Efficient Economy Energy Burden Report
3. Apex Analytics: Updated IQAP Findings
4. Can't Pay Utility Bills_ 20 Million US Homes Behind on Payments, Facing Shutoffs – Bloomberg
5. Soaring Electricity Bills Latest Inflation Flashpoint
6. US Department of Energy: Low-Income Household Energy Burden Varies Among States — Efficiency Can Help In All of Them
7. City Rebates Evaluation Report
8. Energy Board Minutes, September 8, 2022
9. Affordable Housing Board Minutes, October 6, 2022
10. Presentation

ORDINANCE NO. 135, 2022
 OF THE COUNCIL OF THE CITY OF FORT COLLINS
 AMENDING CHAPTER 26 OF THE CODE OF THE CITY OF FORT COLLINS
 RELATED TO WATER, WASTEWATER AND ELECTRIC RATES, FEES, AND CHARGES
 APPLIED UNDER THE INCOME-QUALIFIED ASSISTANCE PROGRAM

WHEREAS, the City Council is empowered and directed by Article XII, Section 6 of the Fort Collins City Charter, to by ordinance from time-to-time fix, establish, maintain and provide for the collection of such rates, fees or charges for utility services furnished by the City as will produce revenues sufficient to pay the costs, expenses, and other obligations as set forth therein; and

WHEREAS, the 2022 and proposed 2023 rates, fees or charges for utility services set forth in Chapter 26 of the City Code are necessary to produce sufficient revenues to provide the utility services described herein; and

WHEREAS, the revenue from the rates, fees or charges for utility services as proposed for adjustment herein shall be used to defray the costs of providing such utility services as required by the Charter and the City Code; and

WHEREAS, on May 1, 2018, City Council adopted Ordinance No. 054, 2018, creating the Income-Qualified Assistance Program (“IQAP”), which launched in October 2018 providing customers with household incomes at or below 60% of Area Median Income (AMI) with utility service rate discounts for residential water, wastewater, and electric services furnished by respective enterprises of the City (the “IQAP Discounts”), as codified in Articles III, IV, and VI of Chapter 26 of the City Code; and

WHEREAS, on August 4, 2021, City Council adopted Ordinance No. 091, 2021 creating automatic customer enrollment and opt-out practices in City Code, and extending IQAP Discounts from August 1, 2021, through December 31, 2022; and

WHEREAS, the IQAP was initially adopted as a limited-time pilot to expire December 31, 2022, and provisions of the Code require amendment to continue the IQAP after that date; and

WHEREAS, Fort Collins Utilities staff has identified provisions of Chapter 26 of the Code where improved alignment of the IQAP with City Council priorities, market efficiencies, and utility practices can be achieved by making the IQAP an ongoing Utilities program, and by adjusting IQAP Discounts relative to geodemographic and cost of living data from the Utilities’ service area; and

WHEREAS, Utilities staff expects an increase of the IQAP Discount will increase effectiveness of the IQAP and help offset the high energy burden and increasing energy insecurity experienced within the City’s residential rate class; and

WHEREAS, the City Manager and Utilities staff also recommended to the City Council that the Code be revised to align the period for reviewing IQAP Discounts with the applicable periods for setting City utility rates; and

WHEREAS, the Energy Board considered proposed Code adjustments for the IQAP and Discounts at its September 8, 2022, regular meeting, and recommended approval of the proposed adjustments; and

WHEREAS, the Water Commission considered the proposed Code adjustments for the IQAP and Discounts at its October 20, 2022, regular meeting, and recommended approval of the proposed adjustments; and

WHEREAS, the City Council Finance Committee considered the proposed Code adjustments for the IQAP and Discounts at its October 19, 2022, regular meeting and staff included the Committee's feedback in the final adjustments proposed herein; and

WHEREAS, the proposed conversion of the IQAP from a pilot to an ongoing Utilities program, and adjusting bill discounts based on service area geodemographic and cost of living data, advance the following utility purposes that benefits rate payers, consistent with Article XII, Section 6 of the City Charter:

- creates parity as to percentage of household income within residential rate class committed to utility bills (targeting 3.1%), compensating for income differences between 60%/below AMI households and 100% AMI households;
- timely billing payment with less operational and administrative expense, as customers pay remaining bill balances without Utilities incurring the costs of disconnection, collections or payment plans;
- increased participation in programs and retrofits that improve efficiency of low-income customer dwellings and advance regional efforts to reduce utility costs across the residential rate class;
- extended reach and cumulative benefits of Utilities conservation and efficiency education involving user habits in households that historically have not participated in these efforts; and
- as customers continue participation, combined program education and incentives build trusted community relationships and provide fuller customer usage pattern data that in turn allows Utilities to pursue environmental goals more aggressively

; and

WHEREAS, based on the foregoing, City Council desires to amend Chapter 26 of the City Code to adjust the IQAP and Discounts for electric and water, and wastewater services as set forth herein.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That Section 26-127(a) of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 26-127. - Schedule B, meter rates.

(a) *Residential rates.*

(1) Residential customers with one (1) dwelling unit shall pay the sum of the following changes:

<i>Category</i>	<i>Component Charge</i>	<i>Billed Charge (with PILOT)</i>
...
c. Income-qualified assistance discount. Discount applied to monthly base and Tier 1 volumetric charges for IQAP participating residential customers in properties with one (1) dwelling unit, as further described in Section 26-724 of the Code.	23 ⁵ percent	

(2) Residential customers with two (2) dwelling units shall pay the sum of the following charges:

<i>Category</i>	<i>Component Charge</i>	<i>Billed Charge (with PILOT)</i>
...
c. Income-qualified assistance discount. Discount applied to monthly base and Tier 1 volumetric charges for IQAP participating residential customers in properties with two (2) dwelling units, as further described in Section 26-724 of the Code.	23 ⁵ Percent	

(3) Residential customers with more than two (2) dwelling units shall pay the sum of the following charges:

<i>Category</i>	<i>Component Charge</i>	<i>Billed Charge (with PILOT)</i>
...

<p>c. Income-qualified assistance discount. A discount applied to the monthly base and volumetric charges above for IQAP participating residential customers in properties with more than two (2) dwelling units who hold water and wastewater service accounts in their own names, subject to Section 26-724 of the Code.</p>	<p>235 percent</p>	
--	--------------------	--

...

Section 3. That Section 26-280 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 26-280. - Service charges established by category.

The schedule of rates for each category described in § 26-279 shall be as follows:

<i>Category</i>	<i>Class of Customer</i>	<i>Rate</i>	<i>Component Charge</i>	<i>Billed Charge (with PILOT)</i>
A	Single-family residential user (flat rate)
	Single-family residential user (metered water use)	3. Income-qualified assistance discount. Discount applied to monthly base and volumetric charges for IQAP participating residential customers, as further described in Section 26-724 of the Code.	235 percent	
	
B	Duplex (two-family) residential users (flat rate)
	
	Duplex (two-family) residential users (metered water use)	3. Income-qualified assistance discount. Discount applied to monthly base and volumetric charges for IQAP participating residential customers, as further	235 percent	

		described in Section 26-724 of the Code.		
		...		
C	Multi-family residential user (more than two dwelling units including mobile home parks) and winter quarter based nonresidential user
		3. Income-qualified assistance discount. Discount applied to monthly base and volumetric charges for IQAP participating residential customers in properties with more than two (2) dwelling units who hold water and wastewater service accounts in their own names, subject to Section 26-724 of the Code.	235 percent	
		...		

...

Section 4. That Section 26-464 (c) of the Fort Collins City Code is hereby amended to read as follows:

Sec. 26-464. - Residential energy service, schedule R.

...

(c) Monthly rate. The monthly rates for this schedule shall be the sum of the following charges applied to all energy consumption on or after January 1, 2022³.

<i>Description</i>	<i>Unit</i>	<i>Component Charge</i>	<i>Billed Charge (including PILOT)</i>
...
f. Income-qualified assistance discount. Discount applied to effective monthly charges in "a.", "b.", "c." and "d." for IQAP participating residential customers, as further described in Section 26-724 of the Code.		235 percent	

...

Section 5. Section 26-465 (c) of the Fort Collins City Code is hereby amended to read as follows:

Sec. 26-465. - All-electric residential service, schedule RE.

...

(c) *Monthly rate.*

(1) The monthly rates for this schedule shall be the sum of the following charges, applied to all energy consumption on or after January 1, 2023.

<i>Description</i>	<i>Unit</i>	<i>Component Charge</i>	<i>Billed Charge (including PILOT)</i>
...			
e. Income-qualified assistance program (“IQAP”) discount. Discount applied to monthly charges in "b.", "c." and "d." above for IQAP participating residential customers, as further described in Section 26-724 of the Code		23.5 percent	

...

Section 6. Section 26-724(d) of the Fort Collins City Code is hereby amended to read as follows:

Sec. 26-724. - Residential income-qualified assistance program.

...

(d) *Rates.* The discounts applied to monthly base and volumetric rates for qualified customers shall be as set forth in Sections 26-127(a), 26-280, 26-464(c), and 26-465(c) of this Code on meter readings during the period of August 1, 2021, through December 31, 2022 on or after January 1, 2023.

...

Introduced, considered favorably on first reading, and ordered published this 1st day of November, A.D. 2022, and to be presented for final passage on the 15th day of November, A.D. 2022.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading this 15th day of November, A.D. 2022.

Mayor

ATTEST:

City Clerk

How High Are Household Energy Burdens?

An Assessment of National and Metropolitan Energy Burden across the United States

Ariel Dreihobl, Lauren Ross, and Roxana Ayala



ABOUT THE AUTHORS

Ariel Drehobl conducts research, analysis, and outreach on local-level energy efficiency policies and initiatives, with a focus on energy affordability, energy equity, and limited-income communities. Ariel earned a master of science in environmental science, policy, and management from a joint-degree program that awarded degrees from Central European University in Hungary, Lund University in Sweden, and the University of Manchester in the United Kingdom. She earned a bachelor of arts in history and international studies from Northwestern University.

Lauren Ross oversees ACEEE's work related to the local implementation of energy efficiency. Her research concentrates on the nexus of affordable housing, energy efficiency, and cities. She leads ACEEE's efforts to improve policies and expand utility programs to promote energy efficiency in low-income and multifamily households. Lauren earned a PhD in urban sociology from Temple University, a master of arts in urban sociology from the George Washington University, and a bachelor of arts in political science from the University of Delaware.

Roxana Ayala assists with research, writing, and technical support on local-level energy efficiency policies and initiatives, with a focus on energy equity. Roxana earned a bachelor of arts in environmental studies and urban studies from the University of California, Irvine.

ACKNOWLEDGMENTS

This report was made possible through the generous support of the Kresge Foundation. The authors gratefully acknowledge external reviewers, internal reviewers, colleagues, and sponsors who supported this report.

The authors are grateful for the external reviews provided by the following experts. Note that external review and support do not imply affiliation or endorsement.

Ansha Zaman, Center for Earth, Energy, and Democracy; Chandra Farley, Partnership for Southern Equity; David Reinbolt, Ohio Partners for Affordable Energy; Denise Abdul-Rahman, NAACP; Deron Lovaas, NRDC; Diana Hernandez, Columbia University; Elizabeth Chant, Optimal Energy; Jackie Berger, APPRISE; Jacquie Moss, Texas Energy Poverty Research Institute; Lauren Wentz, VEIC; Matt Cox, Greenlink Group; Michael DiRamio, NYSERDA; Pam Mendelson, U.S. Department of Energy; Todd Nedwick, National Housing Trust; Tony Reames, University of Michigan; Valerie Strauss, Association for Energy Affordability; and Zelalem Adefris, Catalyst Miami.

The authors are also grateful to internal reviewers at ACEEE, including Jennifer Amann, Buildings Program Director; Maggie Molina, Senior Director for Policy; Martin Kushler, Senior Fellow; Reuven Sussman, Behavior Change Program Director; Stefen Samarripas, Senior Researcher; and Steve Nadel, Executive Director.

Last, the authors would like to thank Mary Robert Carter for managing the editorial process, Mariel Wolfson for developmental editing, Keri Schreiner for copyediting, Roxanna Usher and Sean O'Brien for proofreading, Kate Doughty for graphics support, Tanja Bos for graphic design, and Ben Somberg and Maxine Chikumbo for their help in launching this report.

Contents

Executive Summary ii

Introduction 1

Background 2

 Systemic Patterns and Causes of Inequities 2

 Limited Access to Energy Programs 3

 Definition and Drivers of High Energy Burdens 3

 Adverse Effects of High Energy Burdens 5

 Impact of COVID-19 on Energy Insecurity 6

Methods 7

 Limitations 8

Energy Burden Findings 9

 National Energy Burdens 9

 Regional Energy Burdens 13

 Metro Area Energy Burdens 14

Low-Income Weatherization Can Reduce High Energy Burdens 19

Strategies to Ramp-Up, Improve, and Better Target Low-Income Housing Retrofits,
Energy Efficiency, and Weatherization 20

 Design to Meet the Needs of Highly Burdened Communities 21

 Ramp-Up Investment in Low-Income Housing Retrofits, Energy Efficiency, and Weatherization 24

 Improve Program Design, Delivery, and Evaluation through Best Practices and Community Engagement 27

Conclusions and Further Research 30

References 32

Appendix A. Energy Burden Data 38

Appendix B. High and Severe Energy Burdens 51

Appendix C. City- and State-Led Actions to Address High Energy Burdens 63

Appendix D. Low-Income Energy Efficiency Program Best Practices 66

Executive Summary



KEY TAKEAWAYS

- New research based on data from 2017 finds that high energy burdens remain a persistent national challenge. Of all U.S. households, 25% (30.6 million) face a high energy burden (i.e., pay more than 6% of income on energy bills) and 13% (15.9 million) of U.S. households face a severe energy burden (i.e., pay more than 10% of income on energy).¹
- Nationally, 67% (25.8 million) of low-income households (\leq 200% of the federal poverty level [FPL]) face a high energy burden and 60% (15.4 million) of low-income households with a high energy burden face a severe energy burden.
- The East South Central Region (i.e., Alabama, Kentucky, Mississippi, and Tennessee) has the highest percentage of households with high energy burdens (38%) as compared to other regions.
- Black, Hispanic, Native American, and older adult households, as well as families residing in low-income multifamily housing, manufactured housing, and older buildings experience disproportionately high energy burdens nationally, regionally, and in metro areas.
- Weatherization can reduce low-income household energy burdens by about 25%, making it an effective strategy to reduce high energy burdens for households with high energy use while also benefiting the environment.
- Leading cities and states have begun to incorporate energy burden goals into strategies and plans and to create local policies and programs to achieve more equitable energy outcomes in their communities. They are pursuing these goals through increased investment in energy efficiency, weatherization, and renewable energy.

¹ Researchers estimate that housing costs should be no more than 30% of household income, and household energy costs should be no more than 20% of housing costs. This means that affordable household energy costs should be no more than 6% of total household income. For decades, researchers have used the thresholds of 6% as a high burden and 10% as a severe burden (APPRISE 2005). Note that high and severe energy burdens are not mutually exclusive. All severe energy burdens ($> 10\%$) also fall into the high burden category ($> 6\%$).

This report provides an updated snapshot of U.S. energy burdens (i.e., the percentage of household income spent on home energy bills) nationally, regionally, and in 25 select metro areas in the United States.^{1,2} Both high and severe energy burdens are caused by physical, economic, social, and behavioral factors, and they impact physical and mental health, education, nutrition, job performance, and community development. Energy efficiency and weatherization can help address energy insecurity (i.e., the inability to adequately meet basic household heating, cooling, and energy needs over time) by improving building energy efficiency, reducing energy bills, and improving indoor air quality and comfort (Hernández 2016).

We recognize that the economic recession brought on by the global COVID-19 pandemic has greatly increased U.S. energy insecurity and also interrupted weatherization and energy efficiency programs nationally. While this report measures energy burdens using 2017 data from the American Housing Survey (AHS), we anticipate the recession will lead to a further increase in energy insecurity and higher energy burdens in 2020 and beyond.

Methods

This study calculates energy burdens using the AHS, which includes a national and regional dataset as well as a dataset of 25 metropolitan statistical areas.⁴ We calculate energy burdens across all households and in a variety of subgroups to identify those that spend disproportionately more of their income on energy bills than otherwise similar groups, analyzing across income, housing type, tenure status, race, ethnicity, and age of occupant and structure. We also calculate the percentage of households nationally, regionally, and in each select metro area that have high energy burdens (i.e., spend more than 6% of income on home energy bills) and severe energy burdens (i.e., spend more than 10% of income on home energy bills). We do not include households who do not directly pay for their energy bills.

Energy Burden Findings

NATIONAL ENERGY BURDENS

U.S. households spend an average of 3.1% of income on home energy bills. Figure ES1 presents our national energy burden findings by subgroup. We acknowledge

that many highly burdened groups are intersectional, meaning that they face compounding, intersecting causes of inequality and injustice, with energy burden representing one facet of inequity. The following are key national findings:

- Low-income households spend three times more of their income on energy costs compared to the median spending of non-low-income households (8.1% versus 2.3%).
- Low-income multifamily households spend 2.3 times more of their income on energy costs compared to the median spending of multifamily households (5.6% versus 2.4%).
- The median energy burden for Black households is 43% higher than for non-Hispanic white households (4.2% versus 2.9%), and the median energy burden for Hispanic households is 20% higher than that for non-Hispanic white households (3.5% versus 2.9%).
- The median renter energy burden is 13% higher than that of the median owner (3.4% versus 3.0%).
- More than 25% (30.6 million) of U.S. households experience a high energy burden, and about 50% (15.9 million) of households with a high energy burden face a severe energy burden.⁵
- Of low-income households (\leq 200% FPL), 67% (25.8 million) experience a high energy burden, and 60% (15.4 million) of those households with a high energy burden face a severe energy burden.
- Low-income households, Black, Hispanic, Native American, renters, and older adult households all have disproportionately higher energy burdens than the national median household.

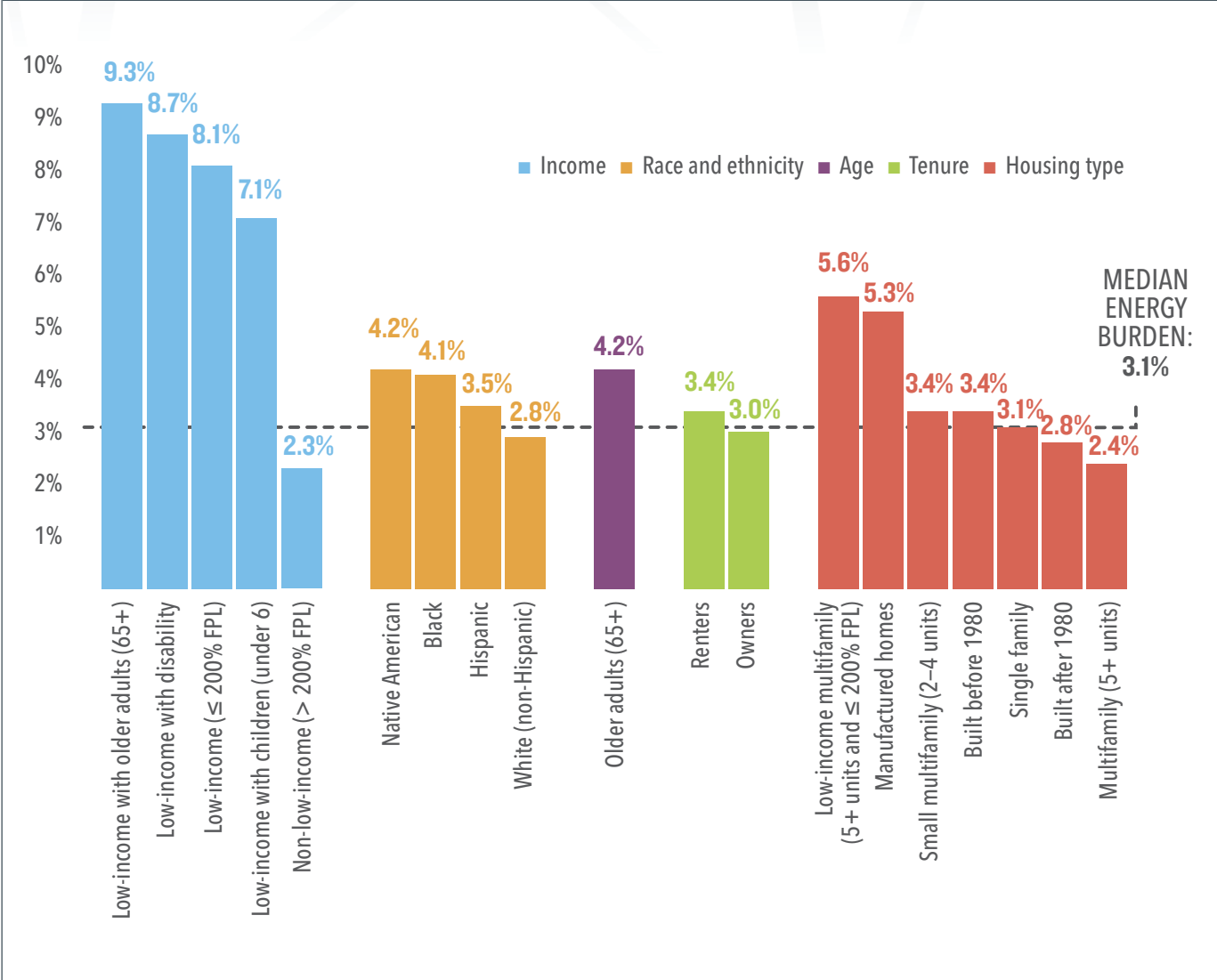
² This study focuses on home energy burden and includes electricity and heating fuels. Note that the study does not include transportation, water, or telecommunication cost burdens in its energy burden calculations.

³ This report provides an update to ACEEE's previous energy burden research. Dreihobl and Ross (2016) analyzed 2011 and 2013 American Housing Survey (AHS) data, and Ross, Dreihobl, and Stickle (2018) analyzed 2015 AHS data. This report analyzes 2017 AHS data, the most recent data available as of publication.

⁴ We include the 25 metropolitan statistical areas (MSAs) sampled for the 2017 AHS: Atlanta, Baltimore, Birmingham, Boston, Chicago, Dallas, Detroit, Houston, Las Vegas, Los Angeles, Miami, Minneapolis, New York City, Oklahoma City, Philadelphia, Phoenix, Richmond, Riverside, Rochester, San Antonio, San Francisco, San Jose, Seattle, Tampa, and Washington, DC.

⁵ Note that high and severe energy burdens are not mutually exclusive. All severe energy burdens ($>$ 10%) also fall into the high burden category ($>$ 6%).

FIGURE ES1. National energy burdens across subgroups (i.e., income, race and ethnicity, age, tenure, and housing type) compared to the national median energy burden



REGIONAL ENERGY BURDENS

We find that the national trends hold true across the nine census regions. The following are our key regional findings:

- Across all nine regions, low-income household energy burdens are 2.1-3 times higher than the median energy burden.
- The East South Central region (i.e., *Alabama, Kentucky, Mississippi, Tennessee*) has the greatest percentage of households (38%) with high energy burdens, followed by East North Central (i.e., *Illinois, Indiana, Michigan, Ohio, Wisconsin*), New England (*Connecticut, Maine, Massachusetts, New Hampshire,*

Rhode Island, Vermont), and Middle Atlantic regions (i.e., *New Jersey, New York, Pennsylvania*) (all 29%).

- The gap between low-income and median energy burdens is largest in the New England, Pacific (i.e., *Alaska, California, Hawaii, Oregon, Washington*), and Middle Atlantic regions.
- The South Atlantic region (i.e., *Delaware, DC, Florida, Georgia, Maryland, North Carolina, South Carolina, Virginia, West Virginia*) had the greatest number of households (6.3 million) with high burdens, followed by the East North Central (5.4 million) and Middle Atlantic (4.6 million) regions.

METRO AREA ENERGY BURDENS

National and regional patterns are mirrored in cities. The following are our key metropolitan area findings:

- Low-income households experience energy burdens at least two times higher than that of the average household in each metropolitan area included in the study.⁶
- Black and Hispanic households experience higher energy burdens than non-Hispanic white households; renters experience higher energy burdens than owners; and people living in buildings built before 1980 experience higher energy burdens than people living in buildings built after 1980 across all metro areas in the study.
- Six metro areas have a greater percentage of households with a high energy burden than the national average (25%), including Birmingham (34%), Detroit (30%), Riverside (29%), Rochester (29%), Atlanta (28%), and Philadelphia (26%).

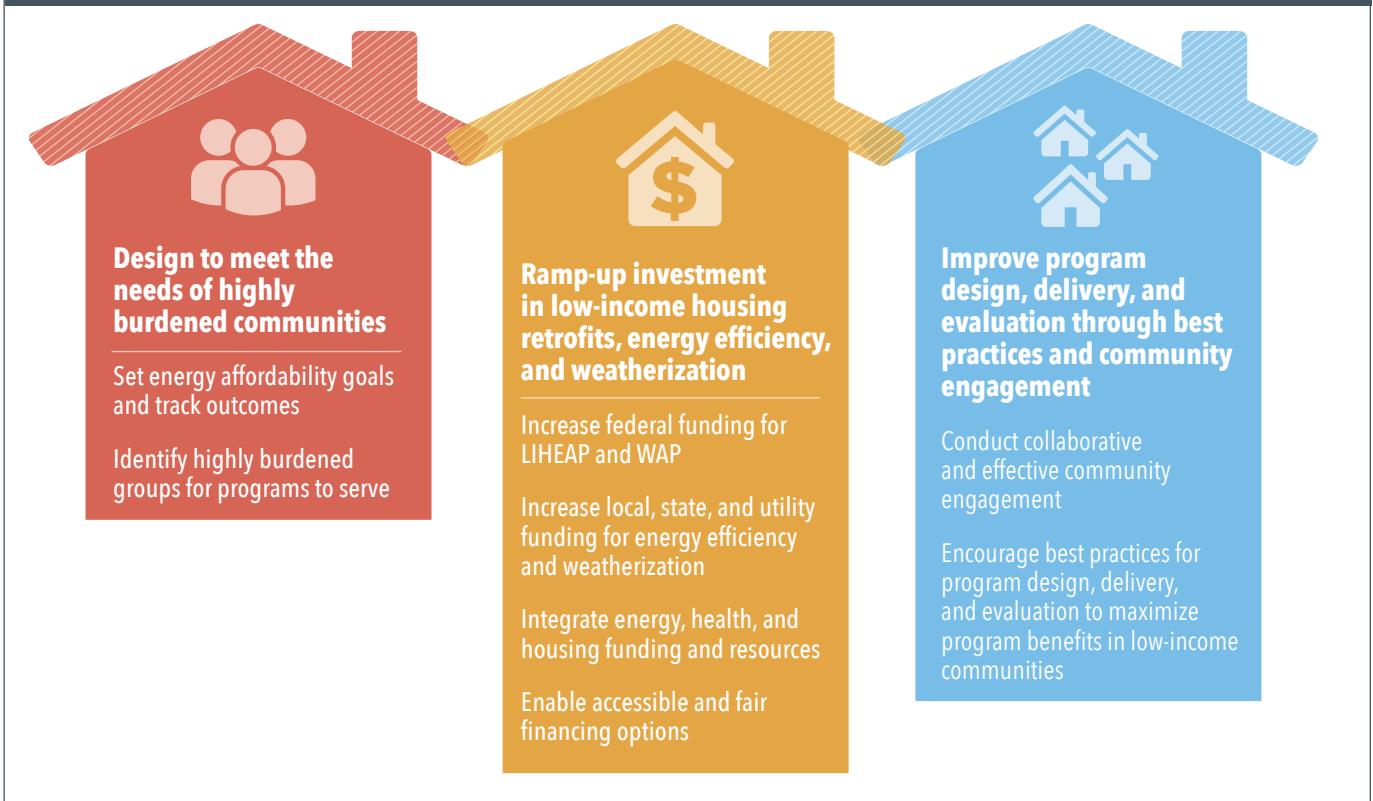
- In five metro areas—Baltimore, Philadelphia, Detroit, Boston, and Birmingham—at least one-quarter of low-income households have energy burdens above 18%, which is three times the high energy burden threshold of 6%.

See the body of the report for additional images, maps, charts, and data on energy burden calculations nationally, regionally, and in metro areas.

Strategies to Accelerate, Improve, and Better Target Low-Income Housing Retrofits and Weatherization

Clean energy investments—such as energy efficiency, weatherization, and renewable energy—can provide a long-term, high-impact solution to lowering high energy burdens. By investing in energy efficiency and weatherization first or alongside renewable energy technologies, these measures can reduce whole-home energy use to maximize the costs and benefits of

FIGURE ES2. Strategies to improve and expand low-income energy efficiency and weatherization programs



⁶ We define the "average household" energy burden as the median across all households in the sample (i.e., in each MSA).

Based on prior evidence of how weatherization reduces average customer bills, we estimate that it can reduce low-income household energy burden by 25%.

additional renewable energy generation. This report focuses on weatherization and energy efficiency as long-term solutions to reducing high energy burdens; these solutions can be combined with renewable energy investments and/or electrification strategies that reduce energy bills for additional impact. Based on prior evidence of how weatherization reduces average customer bills, we estimate that it can reduce low-income household energy burden by 25%.⁷

To ensure that more low-income and highly energy burdened households receive much-needed energy efficiency and weatherization investments, we recommend that policymakers and program implementers design policies and programs to meet the needs of highly burdened communities and set up processes for evaluation and accountability processes. This involves engaging with community members from the start, increasing funding for low-income weatherization and energy efficiency, and integrating best practices into program design and implementation. Figure ES2 depicts this actionable framework. For more information about these strategies, see the full report.

Conclusions and Next Steps

Energy affordability remains a national crisis, with low-income households, communities of color, renters, and older adults experiencing disproportionately higher energy burdens than the average household nationally, regionally, and in metro areas. This study finds that each MSA has both similar and unique energy affordability inequities. Further research can help better understand the intersectional drivers of high energy burdens and the policies best suited to improve local energy affordability. Climate change and the global pandemic also underscore the urgency in addressing high household energy burdens. As temperatures continue to rise and heat waves become more common, access to clean, affordable energy is needed more than ever to prevent indoor heat-related illnesses and deaths.

Cities, states, and utilities are well positioned to build on this research and conduct more targeted and detailed energy burden analyses, such as the Pennsylvania Public Utility Commission's study on home energy affordability for low-income customers. Studying energy burden and more broadly analyzing energy insecurity factors are first steps toward setting more targeted energy burden reduction goals and creating policies and programs that lead to more vibrant and prosperous communities.

⁷ We assume 25% savings from energy efficiency upgrades based on the U.S. Department of Energy's estimate (DOE 2014) and use the median low-income household values to calculate a 25% reduction. We reduced the median low-income energy bill by 25% from \$1,464 to \$1,098. Using the median low-income household income of \$18,000, this equates to a reduced energy burden of 6.1%. Reducing the median low-income energy burden from 8.1% to 6.1% is a 25% reduction.

Introduction



Energy insecurity—that is, the inability to adequately meet basic household heating, cooling, and energy needs over time (Hernández 2016)—is increasingly viewed as a major equity issue by policymakers, energy utilities, and clean energy and environmental justice advocates. This multidimensional problem reflects the confluence of three factors: inefficient housing and appliances, lack of access to economic resources, and coping strategies that may lead some residents to dangerously under-heat or under-cool their homes (Hernández, Aratani, and Jiang 2014).

Household energy burden—the percentage of annual household income spent on annual energy bills—is one key element contributing to a household’s energy insecurity. Energy burden as a metric helps us visualize energy affordability (i.e., the ability to afford one’s energy bills); identify which groups shoulder disproportionately higher burdens than others; and recognize which groups most need targeted energy-affordability- and energy-justice-related policies and investments to reduce high energy burdens. Three strategies can reduce both energy insecurity and high energy burdens: increasing household income, increasing bill payment assistance through government or utility resources, and reducing household energy use. This study discusses policy considerations that focus on the third solution of reducing excess energy use to lower high household energy burdens.

This report provides a snapshot of energy burdens nationally and in 25 of the largest U.S. metro areas. We examine median household energy burdens among

groups—varying by income, housing type and age, and tenure status—as well as the percentage of households experiencing high (> 6%) and severe (> 10%) energy burdens nationally, in metro areas, and across groups (APPRISE 2005). Building on ACEEE’s 2016 urban energy burden study and 2018 rural energy burden study (Drehobl and Ross 2016; Ross, Drehobl, and Stickles 2018), this report analyzes national-, regional-, and metro-level data from the U.S. Census Bureau’s most recent American Housing Survey (AHS) conducted in 2017.

Local policymakers, utilities, and advocates can use this report’s data and policy recommendations to better understand both which groups tend to have disproportionately higher energy burdens and how they can measure these burdens in their communities. The subsequent policy recommendations focus on low-income energy efficiency and weatherization as high-impact strategies to alleviate high energy burdens and improve overall energy affordability.

Background



Systemic Patterns and Causes of Inequities

Household access to energy is central to maintaining health and well-being, yet one in three U.S. households reported difficulty paying their energy bills in 2015 (EIA 2018). Black, Indigenous, and People of Color (BIPOC) communities often experience the highest energy burdens when compared to more affluent or white households (Kontokosta, Reina, and Bonczak 2019; Drehobl and Ross 2016; Hernández et al. 2016).⁸ These communities often experience racial segregation, high unemployment, high poverty rates, poor housing conditions, high rates of certain health conditions, lower educational opportunity, and barriers to accessing financing and investment (Jargowsky 2015; Cashin 2005). Many of these characteristics are due in part to systemic racial discrimination, which has led to long-standing patterns of disenfranchisement from income and wealth-building opportunities for BIPOC communities as compared to white communities (Rothstein 2017).

⁸ We use the term BIPOC in this report to describe communities that experience especially acute systemic inequities, barriers, and limited access to energy programs. By specifically naming Black and Indigenous (Native American) communities, the term BIPOC recognizes that Black and Indigenous people have historically experienced targeted policies of systemic economic exclusion, classism, and racism in the United States. It is important to recognize this history and how it has led to disproportionately high energy burdens and unique barriers to accessing clean energy technologies and investments.

Policies and practices that have led to economic and/or social exclusion in BIPOC communities include neighborhood segregation and redlining, lack of access to mortgages and other loans, mass incarceration, employment discrimination, and the legacy of segregated and underfunded schools (Jargowsky 2015; McCarty, Perl, and Jones 2019).⁹ These types of systemic exclusions, underinvestments, discriminative lending practices, and limited housing choices have also limited BIPOC communities' access to efficient and healthy housing (Lewis, Hernández, and Geronimus 2019). In addition, Black communities are 68% more likely to live within 30 miles of a coal-fired power plant, and properties in close proximity to toxic facilities average 15% lower property values than those in other areas (National Research Council 2010). Black children are three times as likely to be admitted to the hospital for asthma attacks than white children (Patterson et al. 2014). According to a study by the American Association of Blacks in Energy, while Black households spent \$41 billion on energy in 2009, they held only 1.1% of energy jobs and gained only 0.01% of the revenue from energy-sector profits (Patterson et al. 2014).

Limited Access to Energy Programs

A growing body of research shows that BIPOC and low-income communities experience disparate access to residential energy-saving appliances and other energy efficiency upgrades. While low-income and communities of color on average consume less energy than wealthier households, they are more likely to live in less-efficient housing (Bednar, Reames, and Keoleian 2017). Researchers found that, when holding income constant, BIPOC households experience higher energy burdens than non-Hispanic white households (Kontokosta, Reina, and Bonczak 2019). BIPOC and low-income communities also may experience higher costs when investing in energy-efficient upgrades. For example, a study based in Detroit found that energy-efficient lightbulbs were less available in high-poverty areas and smaller stores, and when they were available, they were more expensive than in other areas (Reames, Reiner, and Stacey 2018).

Others have found that untargeted utility-administered energy efficiency programs do not effectively reach BIPOC and low-income communities—particularly those living in multifamily buildings (Frank and Nowak 2016; Samarripas and York 2019). Low-income communities face economic, social, health and safety, and information barriers that impact their ability to access programs, and many programs fail to address these barriers through specific targeting practices. Limited access to energy

Systemic exclusions, under-investments, discriminative lending practices, and limited housing choices have limited Black, Indigenous, and People of Color communities' access to efficient and healthy housing.

efficiency resources and investments coupled with lower incomes increase the proportion of income that low-income and BIPOC households spend on energy bills (Jessel, Sawyer, and Hernández 2019; Berry, Hronis, and Woodward 2018).

Where utilities do administer programs targeted at low-income customers, participant needs far exceed available resources. Reames, Stacy, and Zimmerman (2019) found that 11 large investor-owned utilities across six states have distributional disparities in low-income investments; that is, they do not spend energy efficiency dollars proportionally on programs designed to reach low-income populations. A 2018 report found that only 6% of all U.S. energy efficiency spending in 2015 was dedicated to low-income programs (EDF APPRISE 2018). Most states require that utility energy efficiency program portfolios be cost effective, often using tests that focus mostly on direct economic costs to the utility (Woolf et al. 2017; Hayes, Kubes, and Gerbode 2020). This requirement places an additional burden on utilities, states, and local governments that invest in programs that serve low-income communities because it does not account for nonenergy and additional health, economic, and community benefits in program planning and evaluations.

Definition and Drivers of High Energy Burdens

High energy burdens are often defined as greater than 6% of income, while *severe energy burdens* are those greater than 10% of income (APPRISE 2005).¹⁰ Past research found that low-income, Black, and Hispanic communities, as well as older adults, renters, and those residing in low-income multifamily buildings experienced disproportionately higher energy burdens than other households (Drehobl and Ross 2016; Ross, Drehobl, and Stickles 2018).

⁹ *Redlining* is the discriminatory practice of fencing off areas in which banks would avoid investments based on community demographics. Redlining was included in local, state, and federal housing policies for much of the 20th century. For more information on historical forms of economic and social exclusion, see *The Color of Law: A Forgotten History of How Our Government Segregated America* by Richard Rothstein.

¹⁰ Researchers estimate that housing costs should be no more than 30% of household income, and household energy costs should be no more than 20% of housing costs. This means that affordable household energy costs should be no more than 6% of total household income.

TABLE 1. Key drivers of high household energy burdens

Drivers	Examples of factors that affect energy burden
Physical	Housing age (i.e., older homes are often less energy efficient)
	Housing type (e.g., manufactured homes, single family, and multifamily)
	Heating and cooling system (e.g., system type, fuel type, and fuel cost)
	Building envelope (e.g., poor insulation, leaky roofs, inefficient and/or poorly maintained poorly maintained heating and cooling systems (HVAC), and/or inadequate air sealing)
	Appliances and lighting efficiency (e.g., large-scale appliances such as refrigerators, washing machines, and dishwashers)
	Topography and location (e.g., climate, urban heat islands)
	Climate change and weather extremes that raise the need for heating and cooling
Socioeconomic	Chronic economic hardship due to persistent low income
	Sudden economic hardship (e.g., severe illness, unemployment, or disaster event)
	Inability to afford (or difficulty affording) up-front costs of energy efficiency investments
	Difficulty qualifying for credit or financing options to make efficiency investments due to financial and other systemic barriers
	Systemic inequalities relating to race and/or ethnicity, income, disability, and other factors
Behavioral	Information barriers relating to available bill assistance and energy efficiency programs and relating to knowledge of energy conservation measures
	Lack of trust and/or uncertainty about investments and/or savings
	Lack of cultural competence in outreach and education programs
	Increased energy use due to occupant age, number of people in the household, health-related needs, or disability
Policy-related	Insufficient or inaccessible policies and programs for bill assistance, energy efficiency, and weatherization for low-income households
	Utility rate design practices, such as high customer fixed charges, that limit customers' ability to respond to high bills through energy efficiency or conservation

Source: Updated from Ross, Drehobl, and Stickles 2018

Drivers of high household energy burdens are often the result of the systemic factors, barriers, and challenges that these households face. Previous research identified drivers that can raise energy burdens, including the dwelling's physical structure, the resident's socioeconomic status and behavioral patterns, and the availability of policy-related resources (Drehobl and Ross 2016; Ross, Drehobl, and Stickles 2018). Table 1 shows an updated list of key drivers of high energy burdens.

ENERGY INEFFICIENCY AS A DRIVER OF HIGH ENERGY BURDENS

While low incomes are a substantial factor driving higher energy burdens, inefficient housing is also a

contributor. According to the 2017 AHS data, 9% of total U.S. households completed an energy-efficient improvement in the past two years, but only 17% were low-income households (Census Bureau 2019). Low-income households ($\leq 200\%$ of the federal poverty level [FPL]) make up about 30% of the population, which means that they are underrepresented in households completing energy efficiency upgrades and thus are not proportionally accessing and benefiting from these investments.

Additional research examining energy benchmarking data in a few major cities has found that households from both the lowest- and highest-income brackets had the highest *energy use intensity* (EUI)—that is, they had

the highest energy consumption per square foot. While consumption behaviors are regarded as the driver for high EUI among higher-income households, the researchers point to inefficient heating and lighting infrastructure to help explain the high EUI among low-income households (Kontokosta, Reina, and Bonczak 2019). High-income households use large amounts of energy to power larger homes—as well as more electronics and devices that use large amounts of energy—while low-income households tend to use fewer, less-efficient devices that require relatively large amounts of energy due to the inefficiency of the dwelling or the appliance itself. Therefore, household inefficiencies rather than inefficient behaviors tend to lead to higher energy use and expenditures for low-income households. Generally, energy efficiency investments can allow households to engage in the same activity while using less energy, thus reducing high energy burdens and improving comfort, health, and safety.

Adverse Effects of High Energy Burdens

Our comprehensive evaluation of energy burden research reveals both that low-income households spend, on average, a higher portion of their income on energy bills than other groups, and that energy burdens are also higher for communities of color, rural communities, families with children, and older adults (Brown et al. 2020; Lewis, Hernández, and Geronimus 2019; Reames 2016; Hernández et al. 2016; Drehobl and Ross 2016; Ross, Drehobl, and Stickles 2018). Energy burden is one indicator to measure energy insecurity, and high energy burdens are associated with inadequate housing conditions and have been found to affect physical and mental health, nutrition, and local economic development.

EXCESSIVE ENERGY COST CAN IMPACT RESIDENTS' HEALTH AND COMFORT.

Researchers have found that many households with high energy burdens also live in older, inefficient, and unhealthy housing. Inefficient housing is associated with other health impacts, such as carbon monoxide poisoning, lead exposure, thermal discomfort, and respiratory problems such as asthma and chronic obstructive pulmonary disease (COPD); it is also associated with the potential for hypothermia and/or heat stress resulting from leaky and/or unrepaired heating and cooling equipment (Brown et al. 2020; Norton, Brown, and Malomo-Paris 2017).

Households experiencing energy insecurity may forego needed energy use to reduce energy bills, forcing them to live in uncomfortable and unsafe homes. Hernández, Phillips, and Siegel (2016) found that half of the study's participants who experienced high monthly utility bills engaged in coping strategies such as using secondary heating equipment (i.e., stoves, ovens, or space heaters) to compensate for inefficient or inadequate heating systems. Employing this coping measure can compromise resident safety and comfort, and it may increase exposure to toxic gases. Teller-Elsberg et al. (2015) found that excess winter deaths potentially caused by fuel poverty kill more Vermonters each year than car crashes. In addition, according to the Residential Energy Consumption Survey, one in five U.S. households reported reducing or forgoing necessities such as food or medicine to pay an energy bill (EIA 2018). These tradeoffs can impact long-term health and well-being.

Climate change, rising temperatures, and subsequent cooling demands will continue to exacerbate household energy burdens—and prove deadly for some. In Maricopa County, Arizona—one of the hottest regions in the southwest—more than 90% of residents have access to a cooling system, yet up to 40% of heat-related deaths occur indoors (Maricopa County Department of Public Health 2020). A recent survey of homebound individuals found that one-third faced limitations on home cooling system use, with the overwhelming majority (81%) citing the “cost of bills” as a contributing factor (Maricopa County Department of Public Health 2016). As residents are increasingly forced to weigh the cost of properly cooling their homes, high energy burdens will likely become an even greater public health priority in the years to come.

HIGH ENERGY BURDENS IMPACT MENTAL HEALTH OF RESIDENTS.

High energy burdens can have mental health impacts—such as chronic stress, anxiety, and depression—associated with fear and uncertainty around access to energy, the complexities of navigating energy assistance programs, and the inability to control energy costs (Hernández, Phillip, and Siegel 2016). In addition, Hernández (2016) found that low-income residents who were experiencing energy insecurity worried about losing their parental rights as they struggled to maintain essential energy services, such as lighting, in their homes.

HIGH ENERGY BURDENS CAN LIMIT INDIVIDUALS' ABILITY TO BENEFIT FROM ECONOMIC DEVELOPMENT IN THEIR COMMUNITIES.

Households with high energy burdens are more likely to stay caught in cycles of poverty. After controlling for common predictors of poverty status such as income loss, illness, health, marital status, education, health insurance, and head of households—Bohr and McCreery (2019) found that, on average, energy-burdened households have a 175–200% chance of remaining in poverty for a longer period of time compared to nonenergy-burdened households.¹¹ BIPOC communities, older adults, and low-income households often experience this pernicious cycle, which includes persistent income inequality along with limited funding to invest in education or job training, and high energy burdens can perpetuate this cycle (Bohr and McCreery 2019; Lewis, Hernández, and Geronimus 2019).

Impact of COVID-19 on Energy Insecurity

As the world enters a global recession in the wake of the coronavirus pandemic, more households—especially in BIPOC communities—may have difficulty paying their energy bills due to massive job losses; reduced income; a warming climate; and higher energy bills resulting from more time at home due to stay-at-home orders and to students and adults learning and working from home, respectively. For example, in March and April 2020, the California Public Utility Commission stated that residential electricity usage increased by 15–20% compared to the previous year (CPUC 2020). Because such factors lead to higher home energy bills, energy burdens will increase for households across the United States.

Households with high energy burdens are more likely to stay caught in cycles of poverty.

COVID-19 disproportionately impacts BIPOC communities due to many of the policies that have led to systemic economic and social exclusion. These policies have led to BIPOC communities experiencing higher rates of underlying health conditions, a lack of health insurance or access to testing, and a higher likelihood of working in the service industry or in other essential worker roles that do not allow for teleworking (SAMHSA 2020; CDC 2020). COVID-19 has also impacted the ability of energy efficiency and weatherization programs to operate, and limited the mix of measures that can be installed; many energy efficiency and weatherization programs have slowed down or are on hold (Ferris 2020). Policies and programs that address energy insecurity are even more important now in the face of rising energy bills and burdens.

Given these factors, energy burdens in 2020 are likely to be much higher than the burdens we calculate in this report, which uses 2017 data. The economic situation has clearly shifted drastically since 2017. While we expect post-2020 burden trends to be similar, yet more acute, we cannot visualize the full extent of current and future energy burdens until the release of post-2020 data in the 2023 AHS, which will include data from 2021.

¹¹ This study does not examine the relationship between energy burden and rent burden (i.e., the percentage of income spent on housing costs). Studies have found that rent burdens are also increasing, especially for communities of color, older adults, and families (Currier et al. 2018).

Methods



This analysis builds on the methods used in ACEEE’s previous two energy burden studies, *Lifting the High Energy Burden in American’s Largest Cities* (Drehobl and Ross 2016) and *The High Cost of Energy in Rural America* (Ross, Drehobl, and Stickles 2018). This new study analyzes 2017 data from AHS, which is issued by the U.S. Department of Housing and Urban Development (HUD). The AHS is a biennial household-level survey by the Census Bureau that collects wide-range housing and demographic data from a nationally and regionally representative cross section of households across the United States and in a subset of metropolitan statistical areas (MSAs). The AHS includes household-level income data and energy cost data that we use as the basis of our energy burden calculations. The AHS models its energy cost data based on household characteristics ascertained through its survey and also uses data collected through the Residential Energy Consumption Survey (RECS) for a different national set of households.¹²

As we noted earlier, we define households with high energy burdens as those spending more than 6% of their income on electricity and heating fuel costs, and households with severe energy burdens as those

spending more than 10% of their income on energy costs.¹³ These two categories are not mutually exclusive; *severe burden* is a worse-off subset of high burden households.

¹² Beginning with the 2015 edition, the AHS stopped including questions on energy costs. Previously, the majority of these data was self-reported. As part of the 2015 AHS redesign, researchers began estimating energy costs through regression-model-based imputation. They created the utility estimation system (UES) to estimate annual energy costs using regression models developed from the RECS, which collects administrative data from suppliers on actual billing amounts. This estimate was divided by 12 to calculate average monthly energy costs. The RECS also collects some housing characteristics similar to those the AHS collects, which allows the construction of models that can then be applied to the AHS. For more on the energy cost estimation model development and decisions for the 2015 AHS, see www.huduser.gov/portal/sites/default/files/pdf/American-Housing-Survey.pdf.

¹³ HUD determines affordable housing costs to be 30% of total household income. Researchers have determined that, typically, 20% of total housing expenses are energy costs. This equates to 6% of total income spent on energy bills as an affordable level (Fisher Sheehan & Colton 2020). We consider energy burdens above 6% to be high burdens, with burdens above 10% to be severe. This method is in line with other research (APPRISE 2005).

The following are our study's inclusion and exclusion criteria:

- *Electricity and heating fuels.* The study does not include water, transportation, telecommunications, or Internet costs. Although such costs can create additional monetary burdens for households, we include only electricity and heating fuel costs in our energy burden calculations.
- *Households must report household income and the amount they pay for their electricity and their main heating fuel.*¹⁴ If households did not include all three factors, we did not include them in our analysis.

We examine energy burdens for a variety of household subsets at the national, regional, and metropolitan levels, including the following:

- *Income level.* All households that fall into low-income ($\leq 200\%$ FPL) and non-low-income ($> 200\%$ FPL) categories.¹⁵
- *Low-income households with vulnerable persons at home.* Low-income households with a household member over the age of 65, under the age of 6, or who has a disability.
- *Housing type and age.* Single-family, small multifamily (two to four units), large multifamily (five or more units), low-income multifamily (five or more units and $\leq 200\%$ FPL), manufactured housing, buildings built before 1980, and buildings built after 1980.¹⁶
- *Tenure:* Renters and owners.
- *Race and ethnicity.* Black, Hispanic, and non-Hispanic white households. We also include Native American households in the national analysis.
- *Age.* Households with one or more adults over the age of 65.

Limitations

We included 48 MSAs in our last urban energy burden report, which used both 2011 and 2013 AHS data. This report uses only 2017 data, which limits our sample to 25 MSAs (AHS 2019). AHS includes modeled energy costs, which are determined by matching characteristics of households in the AHS to characteristics of households in the RECS. We also exclude households that do not report income, do not have a heating source, or do not pay for their heating costs. Thus, our report findings do not include data on renters who pay for their heating and/or electricity in their rent, or households with no annual income reported.

Our study does not explore causality, so we cannot determine *why* energy burdens differ across metro areas and demographic and other groups. Additional research is needed to determine the causes of disproportionate energy burdens, which can include building efficiency, income and poverty rates, and other timely economic factors. We are unable to compare trends across our energy burden reports, as this study does not explore *why* and *how* energy burdens may have changed over time.

Finally, our study includes only the 25 metro areas sampled by the AHS, which are not necessarily the best or worst performing metro areas regarding energy burdens. Ranking metro areas is thus limited since this is only a partial sample of cities. ACEEE plans to update this research with additional metro areas as more AHS data are available in the fall of 2020.

The following are the 25 MSAs with representative samples in the 2017 AHS dataset:

1. Atlanta	6. Dallas	11. Miami	16. Phoenix	21. San Francisco
2. Baltimore	7. Detroit	12. Minneapolis	17. Richmond	22. San Jose
3. Birmingham	8. Houston	13. New York City	18. Riverside	23. Seattle
4. Boston	9. Las Vegas	14. Oklahoma City	19. Rochester	24. Tampa
5. Chicago	10. Los Angeles	15. Philadelphia	20. San Antonio	25. Washington, DC

¹⁴ AHS calculates household income as total money before taxes and other payments, including Social Security income, cash public assistance, or welfare payments from the state or local welfare office, retirement, survivor or disability benefits, and other sources of income such as veterans' payments, unemployment and/or worker's compensation, child support, and alimony. For more information, see: www2.census.gov/programs-surveys/ahs/2017/2017%20AHS%20Definitions.pdf.

¹⁵ In ACEEE's 2016 urban energy burden report, we defined low-income as 80% of the area median income (AMI), while this report defines low-income as 200% FPL. We made this change due to data availability. The 200% FPL definition also lines up with the Weatherization Assistance Program and is the most common qualification criterion for utility-led low-income programs. Because of this, low-income data in the 2016 and 2020 reports do not use the same definitions and are therefore not directly comparable.

¹⁶ We chose 1980 as our cutoff point as states and cities began adopting the first building energy codes in the late 1970s and early 1980s. At this time, builders around the country began to consider energy and minimal energy efficiency measures due to increasing awareness of efficiency measures and concerns about energy as a result of the energy-related economic shocks of the 1970s.

Energy Burden Findings



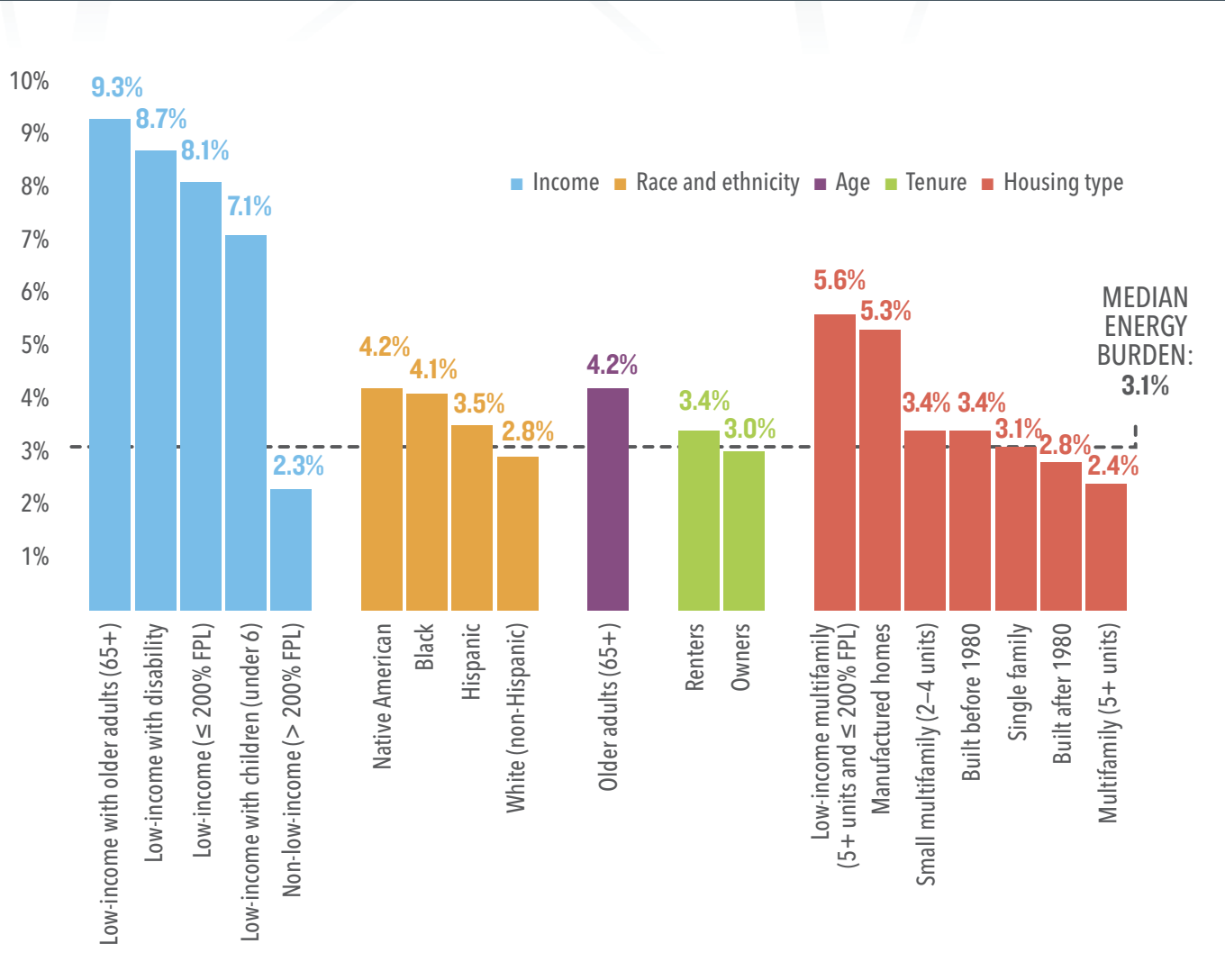
The results of this energy burden analysis reflect previous ACEEE studies in finding that nationally, regionally, and across all 25 metro areas, particular groups experience disproportionately high energy burdens. See **Appendices A** and **B** for tables including national, regional, and metro energy burden data.

National Energy Burdens

Across the nationally representative sample, we find that low-income, Black, Hispanic, renter, and older adult households have disproportionately higher energy burdens than the average household. Figure 1 shows the median energy burden for different groups nationally,

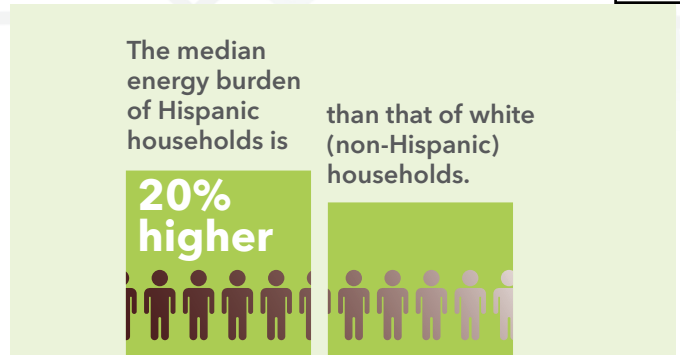
across categories of income, race and ethnicity, age, tenure status, and housing type. We find that the median national energy burden is 3.1%, and that the median low-income ($\leq 200\%$ FPL) household energy burden is 3.5 times higher than the non-low-income household energy burden (8.1% versus 2.3%).

FIGURE 1. National energy burdens across subgroups (i.e., income, race and ethnicity, age, tenure, and housing type) compared to the national median energy burden





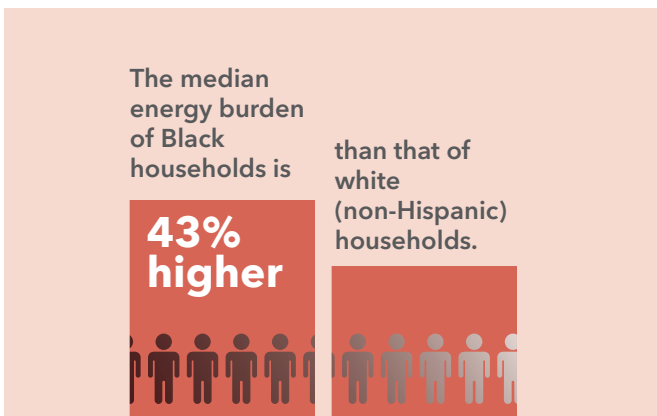
Many groups experience disproportionately high energy burdens, with low-income households having the highest energy burdens. These households have limited discretionary income and often have older, less-efficient housing stock and appliances that lead to higher energy bills. Even for cases in which monthly energy costs are similar between low-income and non-low-income households, the former devote a greater proportion of their income to these costs. Given this, reducing excess energy use in low-income households is critical for addressing energy insecurity.



NATIONAL DATA: HIGH AND SEVERE ENERGY BURDENS

Median energy burdens allow us to compare burdens between groups, yet they do not illustrate how many people experience the impacts of energy insecurity, or the degrees to which they experience it. We therefore also calculate the percentage of households that experience high and severe energy burdens for different demographic groups. Figure 2 shows the percentage of households across subgroups that experience a high energy burden (above 6%), along with the total number of households experiencing a high energy burden. Figure 2 also indicates the percentage of those households that experience a severe energy burden (above 10%).

Nationally, more than 25% (30.6 million) of all households experience a high energy burden, and about 50% (15.9 million) of all households that experience a high energy burden have a severe energy burden. These burdens are even more acute for low-income households, of which 67% (25.8 million) experience a high energy burden and 60% (15.4 million) of those experience a severe energy burden. **Appendix B** includes high and severe energy burden percentages and total households that experience a high and severe



We also recognize that many highly burdened groups are intersectional—that is, they face compounding, intersecting causes of inequality and injustice. For example, nearly half of the older adult population in general is economically vulnerable, as are the majority of older Black and Hispanic households (Cooper and Gould 2013). Policies and programs that focus on addressing low-income household energy burdens will likely intersect with other highly burdened groups. Further research can help identify how high energy burdens are impacted by differences in race, ethnicity, income, education, housing type, occupant age, and other factors.

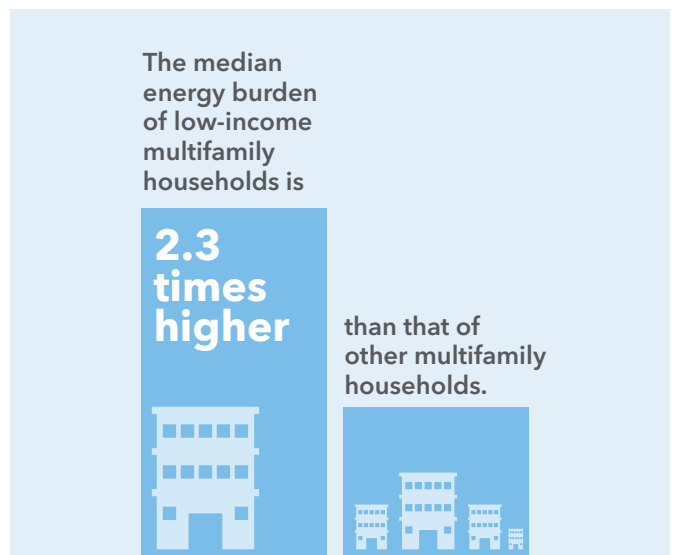
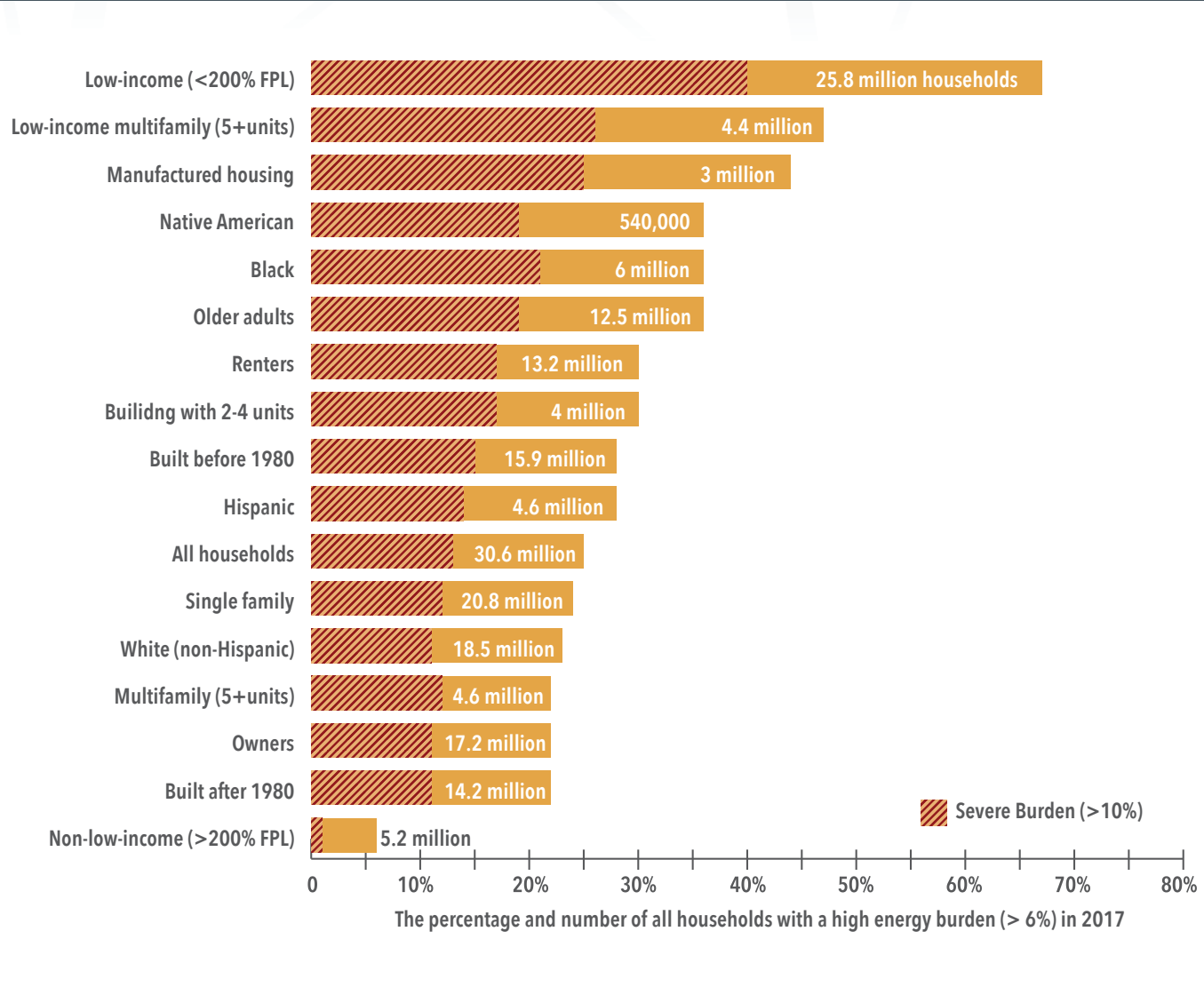


FIGURE 2. The percentage and number of households nationally with a high energy burden (> 6%) across different subgroups in 2017



Note: High and severe energy burdens are not mutually exclusive, meaning that the number of households experiencing a severe burden are also counted in the percentage that experience high burdens. All severe energy burdens (> 10%) also fall into the high burden category (> 6%). The red and orange bars in figure 2 sum to the total high energy burdened households, and the number of households is the total that experience a high energy burden.

burden nationally, regionally, and in each MSA across all households and across low-income, Black, Hispanic, older adult, and renting households.

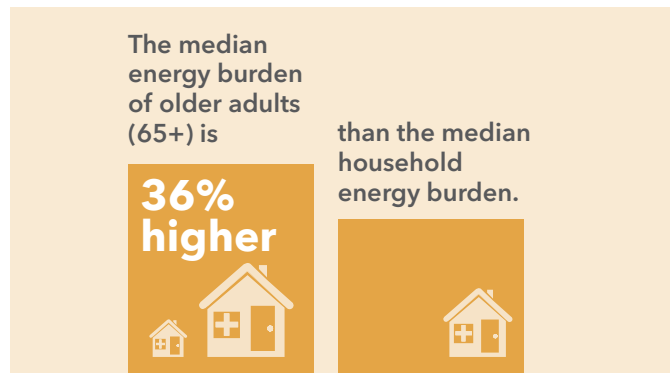
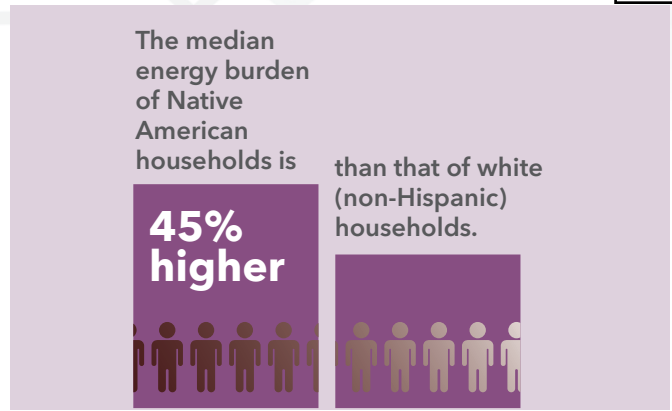
As figure 2 illustrates, U.S. residents experience high and severe energy burdens at different rates depending on factors such as income, occupant age, race, and tenure. Almost 50% of low-income multifamily residents; 36% of Black, Native American, and older adult households; 30% of renters; and 28% of Hispanic households experience a high energy burden.

Many households also have severe energy burdens, spending more than 10% of their income on energy. For example, 21% of Black households experience severe energy burdens as compared to 1% of non-low-income and 9% of non-Hispanic white households. For context, households with severe energy burdens spend at least three times more of their income on home energy bills than the median household.

Regional Energy Burdens

National patterns play out across all regions, where low-income, Black, and Hispanic households; renters; manufactured housing residents; and older adults all have disproportionately higher energy burdens than each region’s average household. Table 2 shows the states in each census region in the study.

Across all nine regions, low-income household energy burdens are 2.1-3 times higher than the median energy burden. The gap between low-income and median energy burdens is largest in the New England, Pacific,

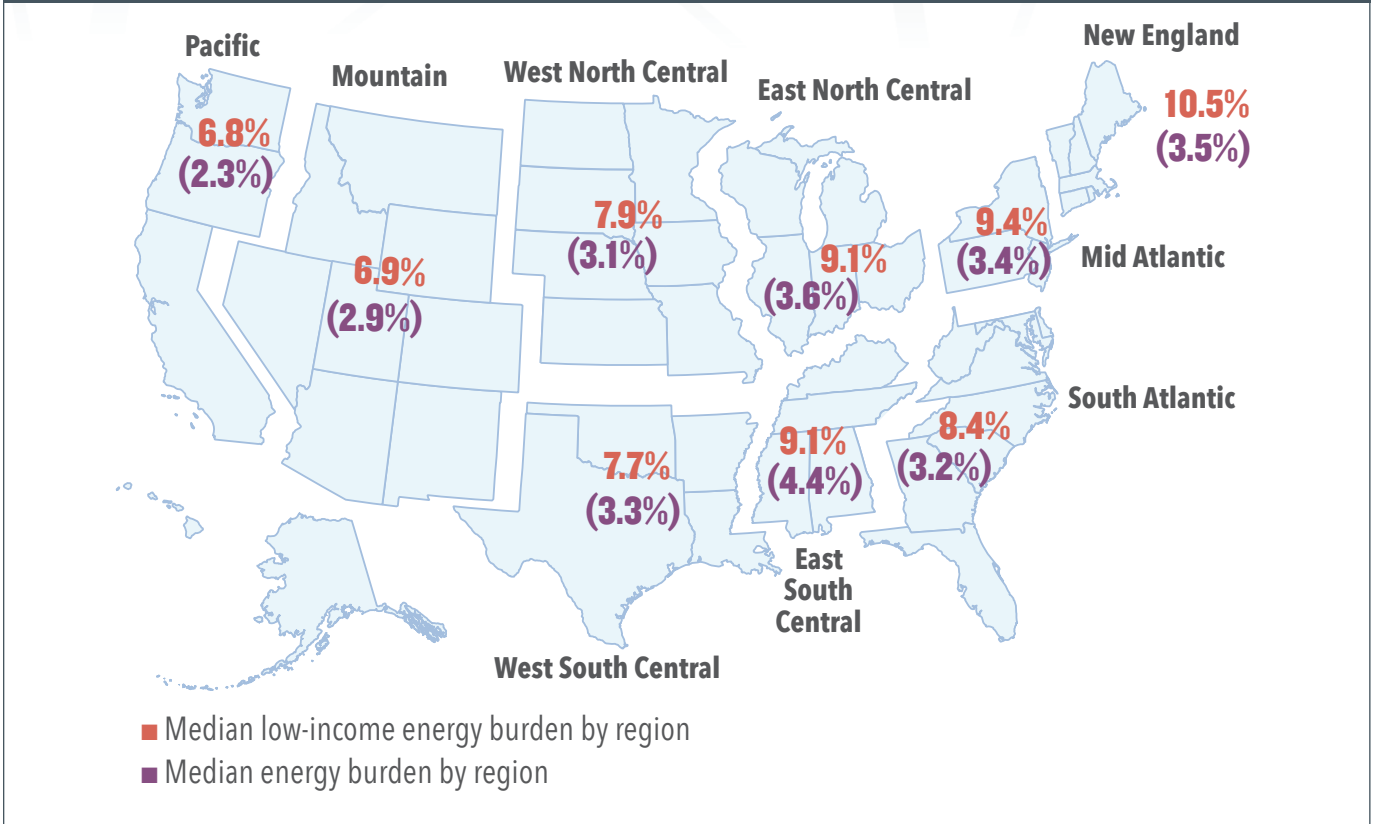


and Mid-Atlantic regions (3.0, 2.9, and 2.8 times higher, respectively). Figure 3 illustrates low-income energy burdens and the median energy burden across the nine census regions.

TABLE 2. States within each census region

Region	States
New England	Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont
Middle Atlantic	New Jersey, New York, Pennsylvania
East North Central	Illinois, Indiana, Michigan, Ohio, Wisconsin
West North Central	Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota
South Atlantic	Delaware, DC, Florida, Georgia, Maryland, North Carolina, South Carolina, Virginia, West Virginia
East South Central	Alabama, Kentucky, Mississippi, Tennessee
West South Central	Arkansas, Louisiana, Oklahoma, Texas
Mountain	Arizona, Colorado, Idaho, Montana, Nevada, New Mexico, Utah, Wyoming
Pacific	Alaska, California, Hawaii, Oregon, Washington

FIGURE 3. Median low-income (< 200% FPL) energy burdens by region (red) compared to median energy burdens by region (purple)



REGIONAL DATA: HIGH AND SEVERE ENERGY BURDENS

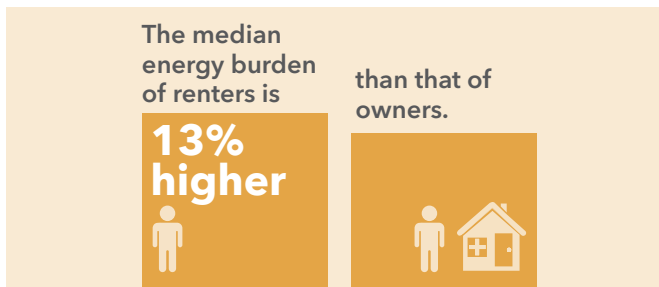
Figure 4 shows the percentage and total number of households that experience high and severe energy burdens in each region.

The percentage and total number of households that experience a high energy burden vary across regions. The East South Central region has the greatest percentage of households with high energy burdens (38%), followed

by East North Central, New England, and Middle Atlantic regions, all with 29%. The South Atlantic region had the greatest number of households (6.27 million) with high burdens, followed by the East North Central (5.40 million) and Middle Atlantic (4.57 million) regions. See **Appendix B** for the total number of highly burdened households across different groups in each region.

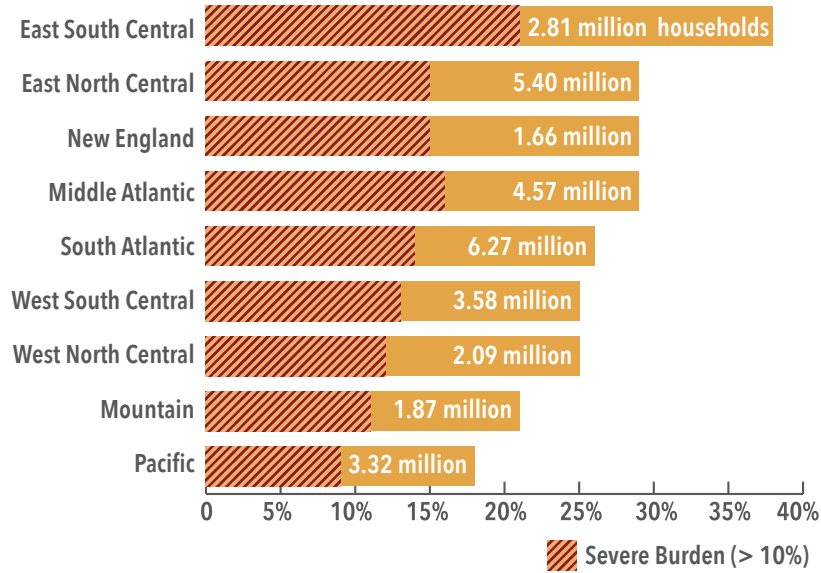
Metro Area Energy Burdens

Across the select MSAs—which represent 38% of all households nationally—low-income households, low-income multifamily households, and older adult households are the most energy burdened groups. Groups with the lowest energy burdens are non-low-income, those living in buildings built after 1980, and those living in market-rate multifamily housing. Table 3 includes the median energy burdens for the most highly burdened groups in each metro area; **Appendices A** and **B** offer more details.¹⁷



¹⁷ **Appendix A** includes national, regional, and metro area sample sizes, median energy burdens, median incomes, median monthly bills, upper-quartile energy burdens, percentage with a high burden, and percentage with a severe burden. **Appendix A** also includes median and upper-quartile energy burdens for subgroups nationally, regionally, and in metro areas, including low-income, low-income with older adults, low-income with a child under 6, low-income with disability, low-income multifamily, non-low-income, Black, Hispanic, non-Hispanic white, older adult, renters, owners, multifamily, built before 1980, and built after 1980. **Appendix B** includes the number of households nationally, regionally, and in metro areas that experience a high or severe energy burden.

FIGURE 4. The percentage and number of all households with a high energy burden (> 6%) in each region in 2017



The percentage and number of all households with a high energy burden (> 6%) in 2017

The median energy burden of manufactured housing residents is **39% higher** than that of single family households.

Figure 5 includes the energy burdens at the median and upper quartile, showing that 50% of households in each city experience a burden above the median and 25% experience a burden above the upper quartile. For example, in Baltimore, 25% of low-income households experience an energy burden above 21.7%, which is seven times the national median burden. In five cities—Baltimore, Philadelphia, Detroit, Boston, and Birmingham—a quarter of low-income households have energy burdens above 18%, which is three times the 6% high energy burden threshold.

Across the 25 MSAs, low-income households experience energy burdens at least two times higher than the average household in all cities. In all metro areas, Black and Hispanic households experience higher energy burdens than non-Hispanic white households. Renters and people living in buildings built before 1980 experience higher energy burdens than owners in almost all metro areas in the study.

Median energy burdens do not tell the whole energy affordability story, as half of households in each group experience a higher energy burden than the median.

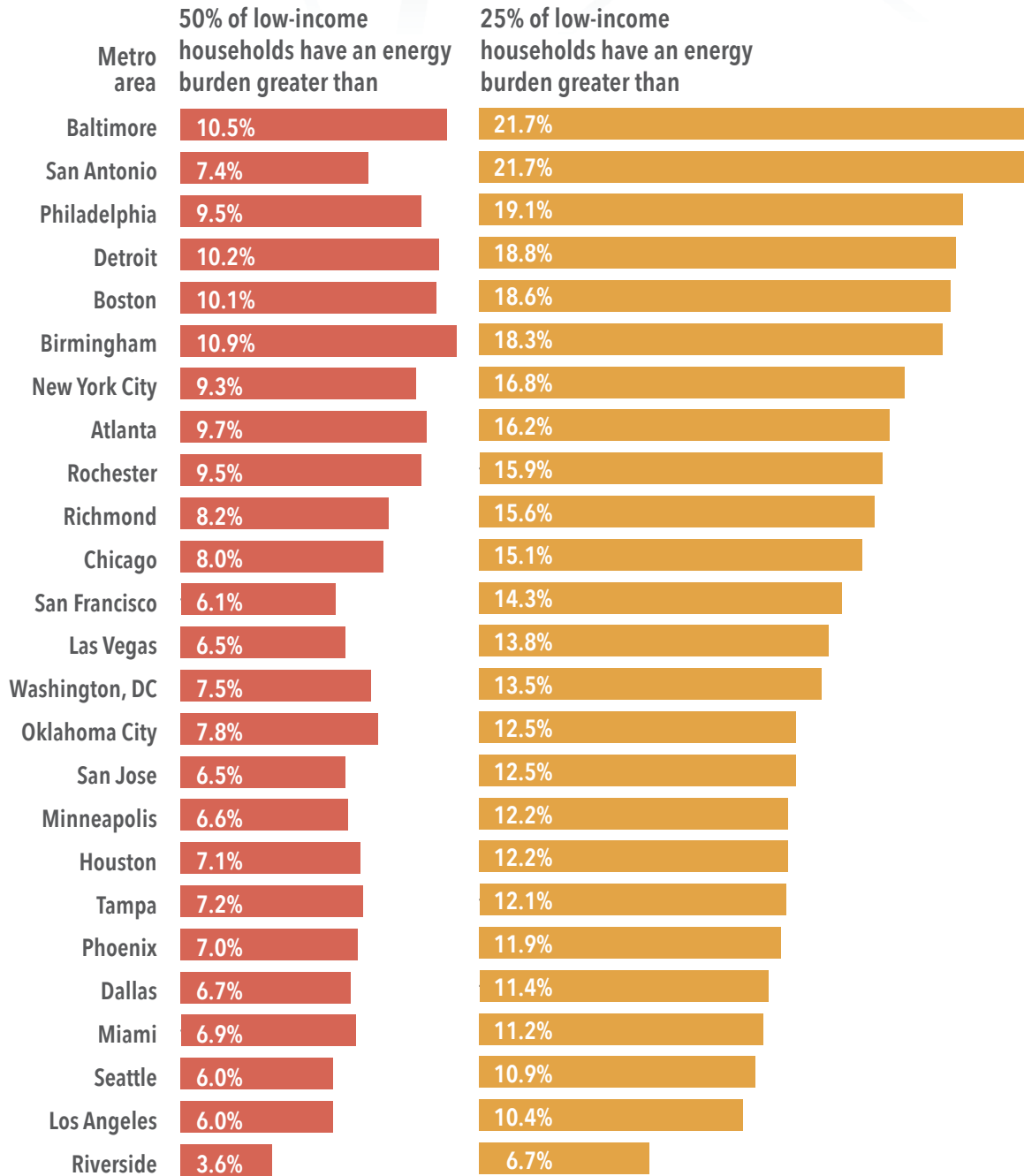
The median energy burden of residents in pre-1980s buildings is **21% higher** than that of residents in post-1980 buildings.

TABLE 3. Median energy burdens in metro areas for all households and highly impacted groups, including low-income, Black, Hispanic, older adult (65+), renters, low-income multifamily residents, and those residing in buildings built before 1980

Metro area	All households	Low-income (≤ 200% FPL)	Black	Hispanic	Older adults (65+)	Renters	Low-income multifamily*	Built before 1980
National data	3.1%	8.1%	4.2%	3.5%	4.2%	3.4%	3.1%	3.4%
Atlanta	3.5%	9.7%	4.1%	4.7%	5.1%	3.7%	6.6%	4.5%
Baltimore	3.0%	10.5%	3.8%	3.3%	4.1%	3.2%	2.5%	3.6%
Birmingham	4.2%	10.9%	5.6%	4.8%	5.8%	5.2%	6.8%	5.1%
Boston	3.1%	10.1%	3.7%	3.6%	4.4%	3.2%	6.6%	3.2%
Chicago	2.7%	8.0%	4.1%	3.0%	3.7%	3.1%	6.4%	2.9%
Dallas	2.9%	6.7%	3.3%	3.8%	3.8%	2.9%	5.0%	3.5%
Detroit	3.8%	10.2%	5.3%	4.5%	5.2%	4.6%	6.0%	4.3%
Houston	3.0%	7.1%	3.5%	3.4%	4.1%	3.3%	5.8%	3.4%
Las Vegas	2.8%	6.5%	3.2%	3.0%	3.4%	3.0%	5.3%	3.6%
Los Angeles	2.2%	6.0%	3.6%	2.6%	3.2%	2.4%	4.8%	2.3%
Miami	3.0%	6.9%	3.4%	3.1%	4.2%	3.1%	5.5%	3.3%
Minneapolis	2.2%	6.6%	2.6%	2.7%	3.0%	2.3%	4.3%	2.5%
New York City	2.9%	9.3%	3.6%	3.8%	4.2%	3.3%	8.0%	3.0%
Oklahoma City	3.3%	7.8%	3.9%	4.2%	4.0%	3.9%	6.5%	3.8%
Philadelphia	3.2%	9.5%	4.4%	5.2%	4.4%	3.9%	6.5%	3.6%
Phoenix	3.0%	7.0%	3.2%	3.6%	4.0%	2.8%	4.6%	3.6%
Richmond	2.6%	8.2%	3.4%	2.9%	3.5%	2.9%	5.0%	3.1%
Riverside	3.6%	8.7%	3.9%	3.7%	5.1%	4.0%	6.1%	4.3%
Rochester	3.8%	9.5%	5.1%	5.4%	4.8%	4.3%	6.0%	4.0%
San Antonio	3.0%	7.4%	3.1%	3.4%	4.1%	3.1%	4.8%	3.9%
San Francisco	1.4%	6.1%	2.4%	1.2%	2.4%	1.4%	4.9%	1.4%
San Jose	1.5%	6.5%	1.8%	1.9%	2.4%	1.5%	4.7%	1.6%
Seattle	1.8%	6.0%	2.3%	2.0%	2.4%	1.8%	4.1%	2.0%
Tampa	2.8%	7.2%	3.6%	3.5%	3.8%	2.8%	4.9%	3.3%
Washington, DC	2.0%	7.5%	2.9%	2.7%	2.9%	2.0%	5.2%	2.3%

* Low-income multifamily households are below 200% FPL and in a building with five or more units.

FIGURE 5. Energy burden experienced by 50% and 25% of low-income households in 25 metro areas

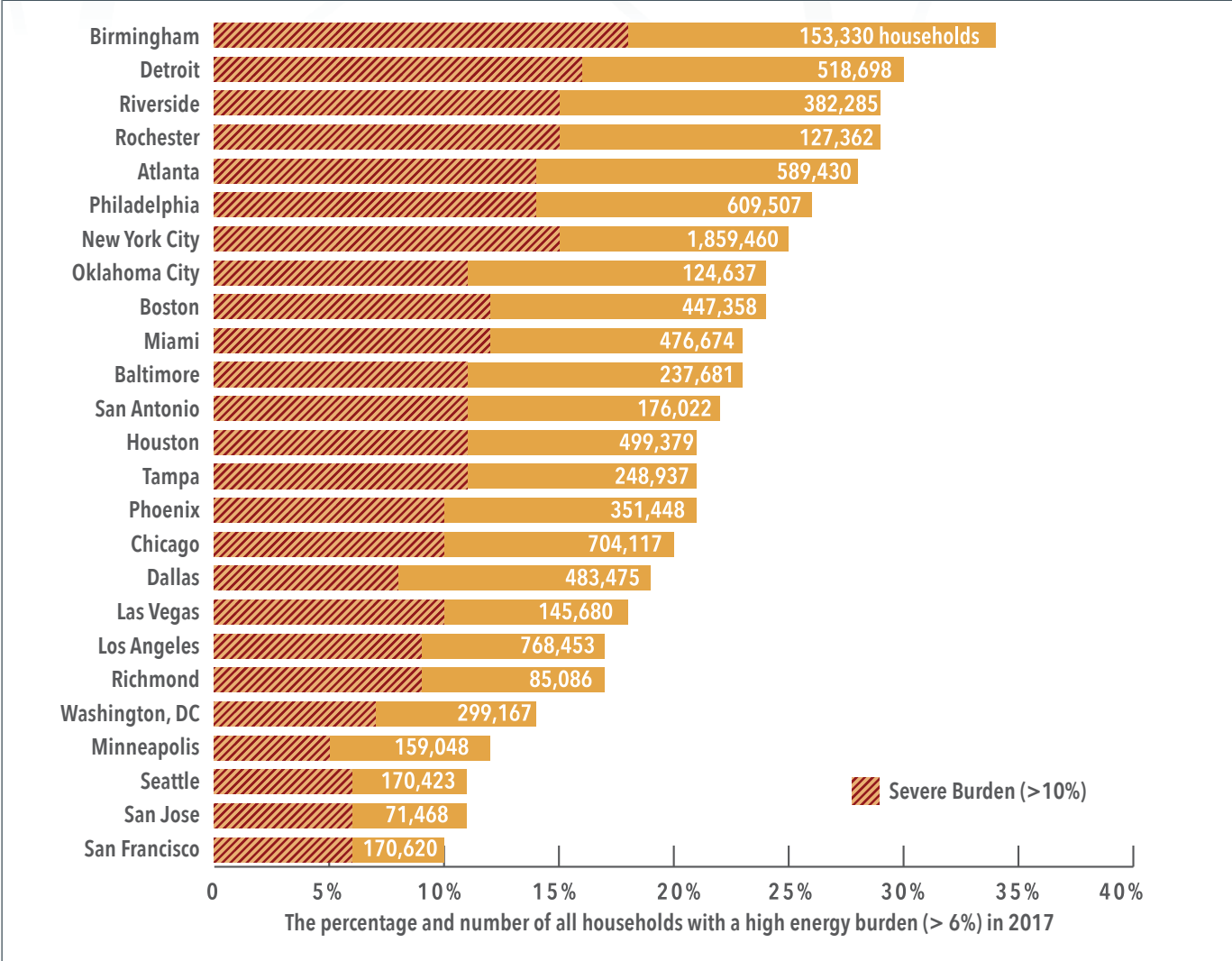


METRO DATA: HIGH AND SEVERE ENERGY BURDENS

The percentage of households experiencing a high energy burden varied across the select metro areas, with up to one-third of residents in some cities facing a high energy burden. Figure 6 shows the percentage and total

number of households in each metro area that experience high and severe energy burdens. Six metro areas have a greater percentage of households with a high energy burden than the national average (25%), including Birmingham (34%), Detroit (30%), Riverside (29%), Rochester (29%), Atlanta (28%), and Philadelphia (26%).

FIGURE 6. The percentage and number of all households with a high energy burden (> 6%) in each of the 2017 AHS MSAs



Appendix B includes data on high and severe energy burdens in each metro area in our sample. In nine metro areas, 12% or more of households experienced a severe energy burden, spending more than 10% of their income on energy bills; among these are 1.1 million households in New York City, 333,000 in Philadelphia, and 288,000 in Atlanta.

As these findings illustrate, high and severe energy burdens are both a national and a local challenge. Even though some metro areas have lower percentages of households with high energy burdens than the national average, each city has tens to hundreds of thousands of households with high energy burdens. In addition, both the national energy burden trends and the metro-level trends show similar patterns of energy burden vulnerability for specific groups and are therefore likely reflected in other metro areas nationally as well. This indicates that both the metro areas studied and

other cities have energy burden disparities in their communities. They also have opportunities to create policy and programs to lower these energy burdens for their residents.

By focusing on the needs of those who are disproportionately burdened—particularly at the intersection of criteria such as of low-income, communities of color, older adults, and renters—policymakers can set policies and create programs that have the greatest impact on energy insecurity. As they do so, they should recognize that many households—especially those with high energy use due to building inefficiencies—experience much higher than average energy burdens. These households are therefore likely to need targeted and long-lasting interventions, such as energy efficiency and weatherization, to achieve long-term affordability.

Low-Income Weatherization Can Reduce High Energy Burdens



Energy efficiency and weatherization provide a long-term solution to reducing high energy burdens, while also complementing bill payment assistance and programs aimed at energy-saving education and behavior change. *Weatherization* refers to programs that address the efficiency of the building envelope and building systems (such as unit heating, cooling, lighting, windows, and water heating) through energy audits; these audits identify cost-effective energy efficiency upgrades provided through energy efficiency programs. Other low-income energy efficiency programs may include additional measures such as appliance replacements, efficient lighting, and health and safety measures. While these recommendations focus on weatherization and energy efficiency as a long-term solution to reducing high energy burdens, these investments can be combined with renewable energy technologies and/or electrification strategies to further reduce energy bills.

Energy efficiency programs and investments that provide comprehensive building upgrades—such as insulation, air sealing, heating and cooling systems, appliances, lighting, and other baseload measures—can strongly impact long-term energy affordability, as low-income households tend to live in older buildings and have older, less-efficient appliances than higher income households (Cluett, Amann, and Ou 2016). Research suggests that weatherization measures can reduce energy use by 25–35% (DOE 2014, 2017; DOE 2011). Assuming a 25% reduction in energy use and using the 2017 AHS data, we estimate that energy efficiency and

weatherization can reduce the energy burden of the average low-income household by 25%.¹⁸

Low-income energy efficiency and weatherization programs are especially important in the wake of the economic recession and pandemic. These programs can both reduce high energy burdens and help stimulate the economy through local job creation and workforce development. Policies that accelerate investment in, improve the design of, and better target low-income energy efficiency, weatherization, and housing retrofit programs can have a high impact on long-term energy affordability.

¹⁸ We assume a 25% savings from energy efficiency upgrades based on the U.S. Department of Energy's estimate (DOE 2014) and use the median low-income household values to calculate a 25% reduction. We reduced the median low-income energy bill by 25% from \$1,464 to \$1,098. Using the median low-income household income of \$18,000, this equates to a reduced energy burden of 6.1%. Reducing the median low-income energy burden from 8.1% to 6.1% is a 25% reduction. Following this same methodology, our 2016 metro energy burden report estimates a 30% reduction based on the 2011 and 2013 data.

Strategies to Accelerate, Improve, and Better Target Low-Income Housing Retrofits, Energy Efficiency, and Weatherization



Many local and state governments, utilities, and community-based organizations have already begun to identify energy efficiency as a key strategy for lowering high energy burdens. To date, we have identified nine cities (Atlanta, Cincinnati, Houston, Minneapolis, New Orleans, Oakland, Philadelphia, Pittsburgh, Saint Paul) and six states (Colorado, New Jersey, New York, Oregon, Pennsylvania, Washington) that have set energy-burden-focused policies, goals, or programs with energy efficiency as a key component (see **Appendix C**). For example, the State of Oregon's *Ten-Year Plan to Reduce the Energy Burden in Oregon Affordable Housing* states that its goal is to "reduce the energy burden on the low-income population in Oregon, while prioritizing energy efficiency to achieve that reduction" (OR DOE, OR PUC, and OHCS 2019). At the city level, Philadelphia's Clean Energy Vision Plan set a goal to eliminate the energy burden for 33% of Philadelphians. To accomplish this, the city has designed and funded multiple pilot programs to reduce high energy use in multifamily and single-family buildings. See **Appendix C** for more information on energy-burden-focused city- and state-led actions.

FIGURE 7. Key strategies to lower high energy burdens by better targeting low-income energy efficiency programs, ramping up investment, and improving program design and best practices

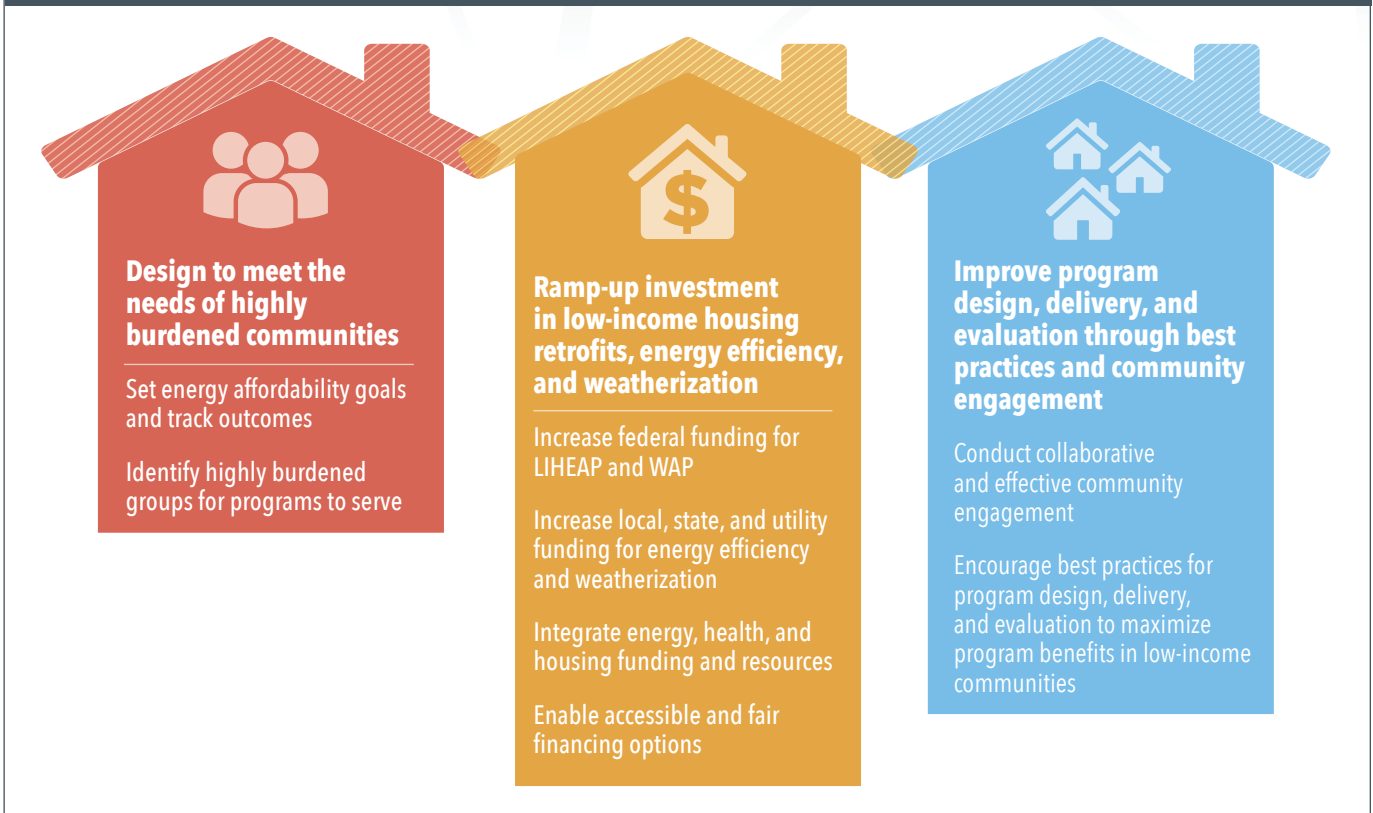


Figure 7 illustrates the key strategies to design programs to meet the needs of highly burdened communities, increase funding, and improve program design to have the greatest impact.

Design to Meet the Needs of Highly Burdened Communities

Focusing low-income energy efficiency and weatherization investment on residents with the highest burdens can greatly alleviate energy insecurity. Local and state governments and utilities can conduct more granular and detailed energy insecurity studies or analyses to help identify which local communities have the highest burdens. They can also use other energy equity and justice-related metrics and indicators to target resources to and investment in these communities. One tool for doing this analysis is the U.S. Department of Energy (DOE) Low Income Energy Affordability Data (LEAD) tool (see text box 1). Policymakers and program implementers can use a community-based approach to develop programs to invest in communities with high burdens. Cities and states can also set energy affordability goals and policies, and then track outcomes to ensure that the communities most impacted by energy insecurity receive the benefits of energy efficiency investments.

TEXT BOX 1. ENERGY BURDEN ASSESSMENTS: LOW INCOME ENERGY AFFORDABILITY DATA (LEAD) TOOL

The Department of Energy's Low Income Energy Affordability Data Tool (LEAD), developed with the National Renewable Energy Laboratory, aims to help states, communities, and other stakeholders create better energy strategies and programs by improving their understanding of low-income housing and community energy characteristics. LEAD is a web-accessible interactive platform that allows users to build their own state, county, and census tract and city profiles with specific household energy characteristics associated with various income levels and housing type, vintage, and tenure. The tool provides three principal metrics—energy burden, annual average housing energy costs, and housing counts—along with map and chart-based visualizations (Ma et al. 2019). States and local governments have begun using the LEAD tool in planning. For example, New Jersey cited its use of LEAD in the development of its new Office of Clean Energy Equity (New Jersey Legislature 2020).

LEAD is available for free at energy.gov/eere/slsc/maps/lead-tool.

SET ENERGY AFFORDABILITY GOALS AND TRACK OUTCOMES

State and local policymakers can set energy affordability and energy burden goals as a first step to addressing energy insecurity in their communities. Examples of such goals include reducing energy burdens by certain percentages, lowering energy burdens for all households to a certain threshold, or targeting resources toward individuals with high energy burdens. By focusing on the needs of those who are disproportionately burdened—particularly at the intersection of criteria such as income, race and ethnicity, and age—policymakers can set policies and create programs that have the greatest impact on addressing energy insecurity. Table 4 lists cities that have established energy burden and affordability goals.

Appendix C includes additional city and state energy burden policies.

To establish energy burden goals, cities, states, and utilities can conduct baseline studies to understand the state of energy burdens, poverty, housing, and access to energy efficiency investments in their communities. They can then establish an appropriate goal and strategies to accomplish that goal.

Coordinating goal setting with other state and local priorities can help cities to streamline their efforts. Some cities—such as Minneapolis and New Orleans—include energy burden goals in their climate action plans as a strategy to reduce greenhouse gas emissions and achieve more equitable outcomes. States such as New

York have also used energy burdens in statewide energy affordability policy plans.

Energy burden maps and visualizations are a useful tool for cities and states to achieve more equitable and affordable energy in their communities, move resources toward overburdened communities, and address other climate and equity goals. The DOE's LEAD tool provides one way to create energy burden visualizations. Plans should include specific strategies for lowering high energy burdens, as well as methods and strategies to track iterative progress.

In addition to goals, some cities have begun using energy burden as an equity indicator metric. For example, the city of Oakland includes energy cost burden as a metric in its *2018 Equity Indicators* report (City of Oakland 2018) to measure equity within essential housing services. The city found that energy burdens were higher for Black, Hispanic, and Asian households in the city as compared to white households. Similarly, the Minneapolis Climate Action Plan indicates that reporting on plan progress should also include equity indicators to measure whether energy burden reductions are equitable (City of Minneapolis 2013). Text box 2 offers examples of how governors and policymakers in four states—Pennsylvania, New York, Oregon, and Washington—created goals and policies around energy burdens to address energy insecurity in their states. To date, energy burden goals are largely set and acted upon by climate and energy officials at the city and state level. Such metrics and goals are rarely part of larger

TABLE 4. Cities with energy burden goals and strategies

City	Description	Data source
Atlanta	The Resilience Strategy includes action to lift energy burden on 10% of Atlanta households.	City of Atlanta 2017
Cincinnati	The Green Cincinnati Plan set a goal to reduce household energy burdened by 10% compared to current levels.	City of Cincinnati 2018
Houston	The Climate Action Plan includes a goal to promote weatherization programs to reduce residential energy consumption and focus on reducing energy burdens of low-income populations.	City of Houston 2020
Minneapolis	The Climate Action Plan states that the city will prioritize neighborhoods with high energy burdens for strategy implementation.	City of Minneapolis 2013
New Orleans	The Climate Action Plan includes two strategies to reduce the high energy burdens of the city's residents.	City of New Orleans 2017
Philadelphia	The Clean Energy Vision Plan set a goal to eliminate the energy burden for 33% of Philadelphians.	City of Philadelphia 2018
Saint Paul	The city set a 10-year goal to reduce resident energy burden so that no household will spend more than 4% of its income on energy bills.	City of Saint Paul 2017

TEXT BOX 2. CASE STUDIES: STATE-LED ENERGY AFFORDABILITY EFFORTS

New York Energy Affordability Goal. In 2016, Governor Andrew M. Cuomo became one of the first U.S. government officials to issue a policy aimed at addressing high energy burdens. Through the state's first ever Energy Affordability policy, he aims to ensure that no New Yorker spends more than 6% of their household income on energy (New York 2016). New York continues to explore pathways to reducing energy burden to 6% for all New Yorkers through a combination of enhanced bill assistance, energy efficiency, and increased coordination among state agencies responsible for energy, bill assistance, and affordable housing.

Oregon's Strategies to Achieve Affordability. Issued by Governor Kate Brown in 2017, Executive Order 17-20 targets state agencies to improve energy efficiency. Section 5(b) emphasizes a prioritization of energy efficiency in affordable housing to reduce utility bills (Oregon 2017). In response to this directive, the Oregon Housing and Community Service Department partnered with the DOE and the Public Utility Commission to develop an assessment to identify the energy burden of Oregon's low-income population and also prioritize energy efficiency. The interagency assessment concluded that energy costs for low-income Oregonians are nearly \$350 million per year, and it identified more than \$113 million annual potential energy cost savings that can be achieved through low-income energy efficiency programs across the state (OR DOE, OR PUC, and OHCS 2019). The order identifies a number of strategies to achieve these cost savings, such as adopting energy codes for new buildings and including retrofit measures, such as smart thermostats and replacing electric resistance heating.

Pennsylvania Energy Affordability Study. In 2019, the Pennsylvania Public Utility Commission (PA PUC) released a report that examined home energy affordability for the state's low-income customers (Pennsylvania PUC 2019a). The report's goal was to determine what constitutes an affordable energy burden for low-income households in the state, which would advise changes to the bill payment assistance programs to achieve these affordable energy burden levels. In 2020, the PA PUC set a new policy to direct the state's regulated utilities to ensure that low-income customers spend no more than 10% of their income on energy bills and that the lowest-income customers spend no more than 6% of their income on energy bills (Pennsylvania PUC 2019b).

Washington Clean Energy Transformation Act. In 2019, Governor Jay Inslee passed the Clean Energy Transformation Act (CETA), which sets specific goals to achieve 100% clean electricity across Washington by 2045. Under CETA, the Washington Department of Commerce will assess the energy burdens of low-income households and the energy assistance offered by electric utilities. The department will consult with local advocates of vulnerable populations and low-income households to improve energy assistance programs. The department will publish a statewide summary to include the estimated level of energy burden and energy assistance among electric customers, identify drivers of energy burden and energy efficiency potential, and assess the effectiveness of current utility programs and mechanisms to reduce energy burdens (Washington State Department of Commerce 2020).

public health strategies and priorities despite their wide-reaching health implications.

IDENTIFY HIGHLY BURDENED GROUPS FOR PROGRAMS TO SERVE

Overburdened households, especially Black, Native American, Hispanic, and other communities of color, often are either marginalized and overlooked by utilities' energy efficiency program marketing or face additional barriers to program participation, such as high cost or financing barriers (Leventis, Kramer, and Schwartz 2017). Creating targeted energy efficiency marketing beyond direct billing mailers can drive positive outcomes for the whole system.

Policymakers can also look beyond energy burden as an indicator to identify highly burdened groups, taking into account factors such as income, unemployment

rates, race and ethnicity, geography, education, and multiple other stressors—including air pollution and health indicators. By using metrics beyond energy burden, policymakers and program implementers can better invest resources in communities that experience the highest levels of marginalization underinvestment, and negative social and health impacts (Lin et al. 2019). Policymakers can design and implement programs that meet the needs of highly burdened groups through robust community engagement. For example, local governments can design programs to improve access to affordable, energy-efficient housing by mandating or incentivizing stringent energy efficiency standards, streamlining permit and inspection processes, and amending zoning codes for construction of more housing units, while also using neighborhood approaches to involve and empower community members in these processes (Samarripas and de Campos Lopes 2020).

TEXT BOX 3. MEETING THE NEEDS OF HIGHLY BURDENED GROUPS: CASE STUDIES

Minneapolis Green Zones: The Minneapolis Climate Action Plan’s Environmental Justice Working Group developed the idea of *Green Zones*, a place-based policy initiative aimed at improving health and supporting economic development. The city used data to identify two such zones—a Northern Green Zone and a Southern Green Zone—where residents face disproportionate burdens across areas such as equity, displacement, air quality, brownfields and soil contamination, housing, green jobs, food access, and greening (City of Minneapolis 2020). Once created, the city designed programs to direct investment into these communities. The Green Zones provide an example of how policymakers can work to identify highly burdened communities and create programs that meet the needs of residents in these areas.

Energy Burden as a Program Qualification: Efficiency Vermont. Efficiency Vermont (EVT), the energy efficiency program implementer for the state’s utility-funded energy efficiency programs, conducted a 2018 study of equity measurements to better understand how the clean energy industry defines, collects, analyzes, and reports data on equity. This study informed changes to the design of EVT’s Targeted High Use Program, which launched in 2011 and originally qualified customers based on two factors: income (< 80% of Area Median Income [AMI]) and a minimum energy use of 10,000 kWh/year. The program historically served approximately 350 households per year, working with the DOE’s Weatherization Assistance Program (WAP) to conduct energy assessments and then install LEDs and water-saving measures, identify appliances for replacement, and replace high-efficiency heat pumps and heat pump water heaters where appropriate. Through its equity analysis, EVT determined that the energy use threshold was too high and excluded many customers with high energy burdens—but lower energy use—from accessing the program. In 2019, EVT changed the program qualification to two factors: income (< 80% AMI) and electric energy burden ($\geq 3\%$). This change allowed it to recenter the program around energy burden reduction by qualifying not only more customers but also those who have high energy burdens yet may have previously been disqualified based on their energy use.

Efforts to alleviate high energy burdens should aim not only to identify those with high burdens and energy use but also to understand who has been overlooked by past efforts and develop strategies to address the needs of these households. Text box 3 contains additional case studies of city- and utility-led strategies to meet the needs of their overburdened communities.

Accelerate Investment in Low-Income Housing Retrofits, Energy Efficiency, and Weatherization

The current need for low-income energy efficiency and weatherization far exceeds allocated resources. In 2017, utility-led energy efficiency administrators allocated only 5% of electric and 22% of natural gas energy efficiency expenditures to low-income programs (CEE 2019). This funding allocation shows that energy efficiency funds are not currently distributed to ensure that low-income households have equitable access to these investments and their benefits.

Policymakers and advocates can work toward leveraging and allocating additional funding for low-income energy efficiency and weatherization programs. They can also help ensure that these programs follow best practices to increase their impact. Following are several useful strategies for ramping up additional funding for low-income energy efficiency and weatherization.

INCREASE FEDERAL FUNDING FOR LIHEAP AND WAP

Although an estimated 36 million U.S. households are currently eligible for weatherization, the DOE’s Weatherization Assistance Program (WAP) has served only 7 million households over the past 40 years (Bullen 2018; DOE 2016). WAP serves about 100,000 homes per year through DOE and leveraged funds, which is far fewer than both the eligible households nationally and the 15.7 million severely energy burdened households estimated in this study (NASCS 2020b). At the current rate, it would take 360 years to weatherize all eligible households through WAP—assuming no more households become WAP-eligible over time.

Congress funds WAP and allows funds to be transferred to the program from the Department of Health and Human Services’ Low-Income Home Energy Assistance Program (LIHEAP). WAP can also utilize additional leveraged funds. States can transfer 15% (or up to 25% with a waiver) of LIHEAP bill assistance funds to WAP to supplement DOE weatherization funding. Over the past 10 years, annual expenditures directed toward weatherization have ranged from \$1 billion to \$3 billion per year, with the American Recovery and Reinvestment Act greatly increasing low-income funding for WAP (Brown et al. 2019). The National Association for State Community Services Programs’ 2018 funding report estimates that WAP grantees had access to \$1.1 billion in total available funding in 2018, with \$247 million direct base funding from the DOE, \$453

million from LIHEAP-transferred funding, and \$408 million from utilities, state-sourced revenue, and other sources (NASCS 2020b). Non-DOE WAP funds in 2018 added an additional \$861 million, or \$3.48 for every DOE-invested dollar (NASCS 2020b).

The federal government has the ability to increase both WAP and LIHEAP budgets to better meet households' needs. From 2008 to 2018, DOE base funding for WAP has fluctuated from a high of \$450 million in 2009 to a low of \$68 million in 2012 (DOE 2009, 2012). In 2020, Congress allocated \$305 million to WAP—a 23% increase (\$58 million) compared to the funds allocated in 2018 (DOE 2020). Even so, leveraging additional state, local, and other funding helps supplement and increase available weatherization funds. In addition, states can decide to increase the LIHEAP percentage they transfer to WAP to better support the program. Further, it is essential that the increased demand for adequate cooling systems be assessed in the allocation of WAP and LIHEAP funds. For households across the South, rising temperatures and the increasing frequency and duration of heat waves are likely to increase cooling needs—and thus energy expenses (Berardelli 2019).

The COVID-19 pandemic has added to the urgency of increasing support for low-income bill payment assistance. On May 8, 2020, the federal government authorized \$900 million in supplemental LIHEAP funding to help “prevent, prepare for, or respond to” home energy needs surrounding the national emergency created by COVID-19 (HHS 2020). On May 15, 2020, the U.S. House of Representatives passed the Health and Economic Recovery Omnibus Emergency Solutions (HEROES) Act, which would add an additional \$1.5 billion for LIHEAP to address energy access and security issues resulting from the COVID-19 pandemic (116th Congress 2020). As of publication, the Senate has not passed this legislation.

INCREASE STATE, LOCAL, AND UTILITY FUNDING FOR ENERGY EFFICIENCY AND WEATHERIZATION

Funding from states, local governments, and utilities can also support low-income energy efficiency and weatherization efforts. In many states, PUCs can set low-income energy efficiency spending and/or savings requirements—as well as energy burden reduction targets—for their regulated utilities. As of 2017, of the 27 states with electric and/or natural gas Energy Efficiency Resource Standards (EERS), 18 had low-income energy efficiency spending requirements in place (Berg and Drehobl 2018; Gilleo 2019). States and local governments can also fund and implement their own energy efficiency and weatherization programs separately from WAP or as

Policy approaches can be aligned to leverage funding resources and maximize benefits for residents, including reduced energy burdens and safer and healthier housing.

a WAP add-on. They can, for example, allocate funds—such as from Community Development Block Grants (CDGB)—to joint or independent energy efficiency and weatherization programs.

Appendix C and text box 4 include examples of cities and states that created independent energy efficiency and weatherization programs to address high energy burdens.

INTEGRATE ENERGY, HEALTH, AND HOUSING FUNDING AND RESOURCES.

High energy burdens, housing, and health are inextricably linked. In our study, many of the groups who experience high energy burdens also live in inadequate housing and disproportionately suffer from a variety of other harms, including higher than average exposures to environmental pollution (Tessum et al. 2019) and higher than average rates of certain preventable illnesses and diseases (CDC 2013). Although the recent COVID-19 pandemic has sharply illustrated this disparity, the same story plays out across a variety of preventable harms.¹⁹ Policy approaches can be aligned to leverage funding resources and maximize benefits for residents, including reduced energy burdens and safer and healthier housing.

The benefits of these programs can be much greater when the goals of saving energy and protecting health are sought in tandem. Typical energy efficiency and weatherization services can provide a range of health benefits. Poorly sealed building envelopes allow pests, moisture, and air pollution to infiltrate (Institute of Medicine 2011), which can harm respiratory health through pest allergies, mold growth, and lung disease. Leaky windows, faulty HVAC systems, and poor insulation can lead to cold drafts and extreme home temperatures during summer and winter months. This can trigger heat-related illnesses and asthma attacks, as well as exacerbate other respiratory illnesses (AAFA 2017; American Lung Association 2020; CDC 2016). Addressing these issues through energy efficiency and weatherization will result in improved health outcomes; it will also reduce household energy burdens.

¹⁹ For more on the disparities among COVID-19 fatalities, see Malcolm and Sawani (2020); Hooper, Nápoles, and Pérez-Stable (2020); and CDC (2020).

TEXT BOX 4. CITY- AND STATE-FUNDED ENERGY AFFORDABILITY PILOT PROGRAMS

Philadelphia: To meet its energy burden goals, Philadelphia has partnered on multiple pilot programs to reduce high energy burdens for low-income single and multifamily households. In 2017, the Philadelphia Energy Authority (PEA) launched its Multifamily Affordable Housing Pilot program in partnership with public and private-sector groups, including the local electric and natural gas utilities, property owners, energy service companies, program implementers, contractors, and technology providers (PEA 2020a). The program's goal was to deliver deep energy savings of more than 30% to low-income multifamily building residents in the city. In 2018, PEA and partners completed the program's first phase, which included low-cost measures and measures to collect energy data. These data were then used in the second phase to design deeper savings measures, such as HVAC and building envelope measures.

In response to COVID-19, PEA is developing a platform with its partners and advocates to coordinate and streamline low-income homeowner services aimed at improving home safety, health, affordability, and comfort (PEA 2020b). Set to launch in 2021, PEA's Built to Last pilot program aims to deliver comprehensive home improvements that will reduce energy burden while improving health and safety. The program will serve 80–100 homes and will streamline benefit screening, property assessment, and construction management. To cover program costs, Built to Last aims to combine available funding with grants and microfinancing options. PEA plans to deploy the Built to Last program at a larger scale in 2022 (PEA 2020b).

Pittsburgh. The city recognized that while Pittsburgh residents have some of the lowest utility rates in the country, they still pay almost twice the national average for their energy bills, leading to high energy burdens. Over the course of a few years, Pittsburgh developed a Climate Action Plan and launched both its resilience strategy (OnePGH) and its equality indicator project. These three projects helped the city identify residential energy burden as one of the primary challenges that local communities face (City of Pittsburgh 2019). As part of the Bloomberg Mayor's Challenge, Pittsburgh created Switch PGH to address high energy burdens through a civic engagement tool that gamifies home improvement (Mayors Challenge 2018). Switch PGH helps residents make lasting energy efficiency behavior changes and incentivizes home upgrades to reduce energy burdens.

Colorado. The Colorado State Energy Office awarded GRID Alternatives, a solar installer that focuses on the low-income market, a \$1.2 million grant to launch a demonstration project with the goal of reducing the energy burden for more than 300 low-income households. The program also aimed to improve understanding of how to make community solar programs with low-income participants mutually beneficial for both utilities and participants (Cook and Shah 2018) Through this program, households saved from 15% to more than 50% on their utility bills, with an average annual savings of \$382.

Myriad programs exist to address health and safety issues within homes, as well as to preserve and grow the affordable housing stock. Opportunities exist to integrate these programs and resources to more comprehensively address the energy, health, and housing needs of the households most in need of assistance.²⁰ For example, many homes must defer energy efficiency investments due to a home's physical issues, such as those related to structural deficiencies, moisture, and/or mold. According to Rose et al. (2015), WAP agencies estimated that such issues led to a 1–5% deferral rate for WAP income-eligible homes. In some areas, however, the problem is worse. In western Wisconsin, for example, a Community Action Agency and WAP provider serving four counties reported a deferral rate approaching 60% (NASCS 2020a). Addressing nonenergy-related housing issues would allow more homes to be weatherization-ready.

Integrating programs creates opportunities to streamline

administration and reduce operating redundancies that can leave more funding for energy efficiency and weatherization measures that enable households to save on energy costs. Pooling resources and establishing cross-sector referral networks not only stretches program budgets, but it also can make programs more accessible for residents by streamlining eligibility and enrollment processes. For instance, offering a single contact point or a streamlined process can give participants a variety of services simultaneously to meet their energy, health, and housing needs (Levin, Curry, and Capps 2019). This can help mitigate barriers that arise when people have to navigate multiple separate services with varying eligibility requirements and enrollment processes. Efficiency Vermont's Healthy Homes Initiative (HHI) is one such example. A partnership between the state's WAP partners and community-based organizations that offer health interventions, HHI is coordinated through Vermont's Office of Economic Opportunity. Using

²⁰ ACEEE recently published several reports exploring the intersection of health and energy, including *Protecting the Health of Vulnerable Populations with In-Home Energy Efficiency: A Survey of Methods for Demonstrating Health Outcomes* (www.aceee.org/research-report/h1901); *Making Health Count: Monetizing the Health Benefits of In-Home Services Delivered by Energy Efficiency Programs* (www.aceee.org/research-report/h2001); and *Braiding Energy and Health Funding for In-Home Programs: Federal Funding Opportunities* (www.aceee.org/research-report/h2002).

One Touch, an electronic platform for healthy home resources, HHI has established a robust referral network and successfully integrated healthy home principles into its residential energy efficiency program design.

The health sector is also beginning to realize the efficiencies of combining health and energy assessments and interventions (Hayes and Gerbode 2020). For example, a single contractor could be trained to both identify and address a family's asthma triggers, energy efficiency needs, and fall risks, thereby reducing the associated logistical burden on residents who might otherwise have to coordinate each service individually. Efforts such as this are beginning to appear across the country. In 2015, the state of Washington directed more than \$4 million in competitive grants to fund collaborations among clinical practitioners, home retrofitters, and community service organizations as a means of empowering clinicians and others to refer participants for a range of coordinated services (e.g., comprehensive in-home repairs and community health worker visits) (Levin, Curry, and Capps 2019). In New York, the State Energy Research and Development Authority (NYSERDA) recently kicked off a value-based payment pilot program that seeks to implement a healthy homes approach; through this program, Medicaid managed care organizations will partly cover residential upgrades when healthcare cost savings and benefits to residents are verified (NYSERDA 2018). Such cross-sectoral approaches to energy efficiency and weatherization seek to address some of the major root causes of health and energy inequities while making enrollment and participation feasible and accessible for residents. The benefits of energy efficiency cut across the health and energy sectors; by working to integrate resources, policymakers can maximize these benefits.

Housing policy can also help ensure that energy efficiency is integrated into efforts to upgrade and expand the affordable housing stock. State and local governments can play a key role in these integrating approaches. For example, a growing number of state housing finance agencies (HFAs)—state-chartered entities responsible for ensuring affordable housing across states—have included energy efficiency requirements in their allocation criteria for low-cost financing programs such as federal Low-Income Housing Tax Credits and grant programs administered to local governments. The same is true for local housing authorities, which increasingly incorporate energy efficiency into the maintenance and repair of their subsidized housing stock (EPA 2018). Text box 5 offers a brief case study of how one local government systematically required energy efficiency in its rental certification process, ensuring that all types of rental housing meet a specific level of energy performance.

ENABLE ACCESSIBLE AND FAIR FINANCING OPTIONS

Many low-income households face barriers—such as credit eligibility—to investing in energy efficiency; these barriers can prevent them from participating in energy efficiency programs or installing energy efficiency upgrades that require financing for up-front costs. With the right consumer protections in place, financing can enable households to undertake cost-effective energy efficiency investments to lower their energy usage and bills. Local and state governments, utilities, private lenders, and nonprofit or community-based organizations can act to create and/or enable low- or no-cost financing options (i.e., payments are offset by energy cost savings) for energy efficiency investments.

Several types of financing instruments, such as on-bill payment (i.e., loan repayments included on the utility bill) and energy service agreements are becoming more common (Leventis, Kramer, and Schwartz 2017). Similarly, opportunities such as Commercial Property Assessed Clean Energy (C-PACE) can increase energy efficiency financing in the affordable multifamily sector. SEE Action's 2017 report, *Energy Efficiency Financing for Low- and Moderate-Income Households*, provides a comprehensive overview of the pros and cons of various financing options for both single and multifamily low-income households (Leventis, Kramer, and Schwartz 2017).

Improve program design, delivery, and evaluation through best practices and community engagement

Program designers and implementers can collaborate and effectively engage with a community to create programs that fit its specific needs rather trying to fit the community into an existing program design. They can also incorporate best practices into their program design, delivery, and evaluation, and can emulate successful peer program models to increase program effectiveness and impact.

CONDUCT COLLABORATIVE AND EFFECTIVE COMMUNITY ENGAGEMENT

To create programs that effectively reduce high energy burdens, energy efficiency and renewable energy program designers and implementers can work to engage and include local stakeholders throughout the program planning and implementation processes.

By connecting with, listening to, and partnering with community-serving organizations and community members in highly impacted communities, program

TEXT BOX 5. THE CITY OF BOULDER'S SMARTREGS PROGRAM

In 2010, the city council in Boulder, Colorado, adopted SmartRegs, a program that requires all rental housing units in the city to demonstrate that their efficiency approximates or exceeds the standards set by the 1999 Energy Code. The program was integrated into the city's existing rental license program, which requires a rental property to obtain and renew its rental license every four years. This renewal entails an inspection for health and safety measures, and SmartRegs added energy efficiency requirements that must be met to certify that the property is approved for rental. All single- and multifamily units that offer long-term licensed rental housing are subject to the requirement. For larger multifamily buildings, a sample of representative apartments can be inspected.

Boulder also offers a companion EnergySmart program that provides technical assistance, help with selecting contractors for energy efficiency improvements, and financial incentives beyond those offered by the local utility. EnergySmart is funded primarily by Boulder County and provides services to all municipalities in the county.

SmartRegs has been recognized not only for saving energy and related costs but also for leading to widescale upgrades in the city's rental housing stock. Over the course of the eight-year compliance timeline, nearly all of the approximately 23,000 licensed rental units have become compliant (City of Boulder 2020a). The most common upgrades were attic, crawlspace, and wall insulation. The average upgrade cost has been about \$3,000 per unit, of which an average of \$579 was paid by city- and utility-sponsored rebates. As of 2018, the city estimates that the program has saved about 1.9 million kWh of electricity, 460,000 therms of natural gas, \$520,000 in energy costs, and 3,900 million metric tons of carbon dioxide. The city estimates the total investment in the program at just over \$8 million, including nearly \$1 million in rebates (City of Boulder 2020b).

administrators can identify the best measures, financing options, delivery methods, and marketing strategies to help residents reduce high energy burdens and meet their needs. Achieving this connection requires partnering with the community on program design and identifying and addressing barriers to participation for key stakeholders. This often requires engagement and trust-building over a long time period.

Robust community engagement incorporates the voices of and/or delegates power to community members. Such engagement can help develop neighborhood-centered programs that are most successful when combined with consistent funding, quality delivery infrastructure, and targeted outreach and engagement (USDN 2019). For more information on best practices in stakeholder engagement, see the DOE's Clean Energy for Low-Income Communities (CELICA) Online Toolkit at betterbuildingsolutioncenter.energy.gov/CELICA-Toolkit/stakeholder-engagement.

To include residents with high energy burdens in policy and program design, cities, states, and utilities can establish working groups, task forces, committees, and other structures that give residents a formal decision-making role. Creating this engagement when energy insecurity strategies, goals, and/or programs are first being developed allows for more input and direction from community members. Local energy planning efforts can also start with a community needs assessment led by a formal body of community residents. Local government and community leaders can then use this assessment's

findings to drive local energy affordability policies and program developments based on the findings' prioritized needs and strategies.

Policymakers and program implementers can minimize stakeholder and community participation barriers by funding or compensating participants for their time and participation in stakeholder engagement processes. For example, offering stipends to compensate participants for their time and expertise, setting realistic time expectations, creating accessible logistics, and offering additional incentives can increase participation and access (Curti, Andersen, and Write 2018). Other incentives to reduce engagement barriers include childcare, meals, and transit passes.

Policymakers can also move to a model of *energy democracy* in which community residents are innovators, planners, and decision makers on how to use and create energy in a way that is local, renewable, affordable, and just (Fairchild and Weinrub 2017). Communities that have transitioned to an energy democracy have shifted away from "an extractive economy, energy, and governance system to one that is regenerative, provides reparations, transforms power structures, and creates new governance and ownership practices (ECC 2019)." The Emerald Cities Collaborative led the creation of an *Energy Democracy Scorecard*, which provides a framework for communities to move toward an energy democracy. Policymakers can work to create energy democracy frameworks in their communities by working with community members to recognize power

imbalances and create dialogues about systemic barriers that must be addressed in order to correct long-standing injustices and inequalities in the energy and related sectors. This can help move the energy planning model to one of community self-determination and shared ownership. For more information, see emeraldcities.org/about/energy-democracy-scorecard.

ENCOURAGE BEST PRACTICES FOR PROGRAM DESIGN, DELIVERY, AND EVALUATION TO MAXIMIZE BENEFITS IN LOW-INCOME COMMUNITIES

Researchers from ACEEE and other organizations have established numerous best practice strategies and case

studies of ways to improve and expand low-income energy efficiency programs and investments (Aznar et al. 2019; Nowak, Kushler, and Witte 2019; EDF 2018; Gileo, Nowak, and Drehobl 2017; Samarripas and York 2019; Cluett, Amann, and Ou 2016; Ross, Jarrett, and York 2016; Reames 2016).

Table 5 includes low-income program best practices across five categories: coordination, collaboration, and segmentation; funding and financing; measures, messaging, and targeting; evaluation and quality control; and renewables and workforce development. **Appendix D** offers more detailed descriptions and examples of each of these best practices.

TABLE 5. Low-income program best practices by category

Coordination, collaboration, and segmentation	Funding and financing	Measures, messaging, and targeting	Evaluation and quality control	Renewables and workforce development
Community engagement and participatory planning	Leverage diverse funding sources	Include health and safety measures and healthier building materials	Collect and share metrics	Integrate energy efficiency and solar
Statewide coordination models	Inclusive financing models	Prioritize deep energy-saving measures	Conduct robust research and evaluation	Support the development of a diverse and strong energy efficiency workforce
One-stop-shop program models	Align utility and housing finance programs	Integrate direct-installation and rebate programs	Include quality control	
Market segmentation		Target high energy users and vulnerable households	Incorporate nonenergy benefits	
Fuel neutral programs		Incorporate new and emerging technologies in low-income programs		
		Effectively message programs in ways that provide clear value and actionable guidance		

Conclusions and Further Research



High energy burdens and energy insecurity are well-documented and pervasive national issues. Even in 2017, a time of economic prosperity, well over one-quarter of all U.S. households experienced a high energy burden. As this indicates, we need a renewed focus on equitable clean energy development and just energy transitions to ensure that investments in energy efficiency and renewable energy address energy insecurity. Climate change also underscores the urgency in addressing high household energy burdens. As temperatures continue to rise and heat waves become more common, access to clean, affordable energy is needed more than ever. We need cross-sectoral approaches that address the intersection of energy, health, and housing in the face of climate change.

Both nationally and in metro areas, this study finds that certain groups pay disproportionately more of their income on energy costs, including low-income households, communities of color, older adults, renters, and those residing in older buildings. Even though each metro area has a unique energy burden landscape, all cities have energy security inequities and can work to address them through collaborative policy and program decisions. Policymakers at the local, state, and utility levels can direct energy efficiency and renewable energy investments to disadvantaged and historically underinvested communities. They can then measure and ensure that these investments provide equitable benefits to local jobs, community health, and residential energy affordability.

Energy burdens are not the sole indicator of energy insecure households but rather provide one metric for determining energy insecurity. Further research is needed to identify the main physical drivers of high energy burdens, as well as the policies best suited to address the needs of the most highly energy burdened households. To better understand their communities' energy insecurity landscape, cities and states—and their energy, health, and housing agencies—as well as utilities are well-positioned to conduct detailed energy burden analyses, including qualitative data collection and interviews. Such studies would enable a first step toward setting more targeted energy affordability and energy burden goals and creating equitable, cross-sectoral policies and programs for achieving greater access to affordable energy for all.

References

References

- 116th Congress. 2020. *A Bill Making Emergency Supplemental Appropriations for the Fiscal Year Ending September 30, 2020, and for Other Purposes; Health and Economic Recovery Omnibus Emergency Solutions (HEROES) Act*. H.R. 6800, May 12. Washington, DC: 116th Congress. docs.house.gov/billsthisweek/20200511/BILLS-116hr6800ih.pdf.
- AAFA (Asthma and Allergy Foundation of America). 2017. "Weather Can Trigger Asthma." www.aafa.org/weather-triggers-asthma/.
- American Lung Association. 2020. "Winter Weather." www.lung.org/clean-air/emergencies-and-natural-disasters/winter-weather.
- APPRISE (Applied Public Policy Research Institute for Study and Evaluation). 2005. *LIHEAP Energy Burden Evaluation Study*. Washington, DC: HHS (Department of Health and Human Services). www.acf.hhs.gov/sites/default/files/ocs/comm_liheap_energyburdenstudy_appraise.pdf.
- Aznar, A., J. Logan, D. Gagne, and E. Chen. 2019. *Advancing Energy Efficiency in Developing Countries: Lessons Learned from Low-Income Residential Experiences in Industrialized Countries*. Prepared by USAID (U.S. Agency for International Development) and NREL. Washington, DC: DOE. www.nrel.gov/docs/fy19osti/71915.pdf.
- Beaulieu, S., A. Buylova, M. Hannoosh, and P. Schaffer. 2018. *Ten-Year Plan: Reducing the Energy Burden in Oregon's Affordable Housing*. Salem: Oregon DOE (Department of Energy), Oregon PUC (Public Utility Commission), and OHCS (Oregon Housing and Community Services Department). www.oregon.gov/energy/Get-Involved/Documents/2018-BEEWG-Ten-Year-Plan-Energy-Burden.pdf.
- Bednar, D., T. Reames, and G. Keoleian. 2017. "The Intersection of Energy Justice: Modeling the Spatial, Racial/Ethnic and Socioeconomic Patterns of Urban Residential Heating Consumption and Efficiency in Detroit, Michigan." *Energy and Buildings* 143: 25–34. doi.org/10.1016/j.enbuild.2017.03.028.
- Berardelli, J. 2019. "Heat Waves and Climate Change: Is There a Connection?" *Yale Climate Connections*, June 25. www.yaleclimateconnections.org/2019/06/heat-waves-and-climate-change-is-there-a-connection/.
- Berg, W., and A. Drehobl. 2018. "State-Level Strategies for Tackling the Energy Burden: A Review of Policies Extending State- and Ratepayer-Funded Energy Efficiency to Low-Income Households." In *Proceedings of the 2018 ACEEE Summer Study on Energy Efficiency in Buildings*. Washington, DC: ACEEE. aceee.org/files/proceedings/2018/index.html#/paper/event-data/p390.
- Berry, C., C. Hronis, and M. Woodward. 2018. "Who's Energy Insecure? You Might Be Surprised." In *Proceedings of the 2018 ACEEE Summer Study on Energy Efficiency in Buildings* 13: 1–14. Washington, DC: ACEEE. www.aceee.org/files/proceedings/2018/#/paper/event-data/p393.
- Bohr, J., and A. McCreery. 2019. "Do Energy Burdens Contribute to Economic Poverty in the United States? A Panel Analysis." *Social Forces* November 16. doi.org/10.1093/sf/soz131.
- Brown, M., A. Soni, M. Lapsa, K. Southworth, and M. Cox. 2019. "Low-Income Energy Affordability in an Era of U.S. Energy Abundance." *Progress in Energy* 1: 1. iopscience.iop.org/article/10.1088/2516-1083/ab250b.
- Brown, M., A. Soni, M. Lapsa, and K. Southworth. 2020. *Low-Income Energy Affordability: Conclusions from a Literature Review*. Prepared by Oak Ridge National Laboratory. Washington, DC: DOE. info.ornl.gov/sites/publications/Files/Pub124723.pdf.
- Bullen, L. 2018. Estimated Number of Households Income-Eligible for the Department of Energy Weatherization Assistance Program as of 2015. Washington, DC: Community Action Partnership. communityactionpartnership.com/wp-content/uploads/2018/07/Estimated-Number-of-Households-Income-Eligible-for-WAP.pdf.
- Cashin, S. 2004. *The Failures of Integration: How Race and Class Are Undermining the American Dream*. New York: PublicAffairs.
- CDC (Centers for Disease Control and Prevention). 2013. "CDC Health Disparities and Inequalities Report—United States, 2013." *Morbidity and Mortality Weekly Report, Supplement 2* (3): 1–187. www.cdc.gov/mmwr/pdf/other/su6203.pdf.
- 2016. *Heat-Related Illness*. Atlanta: CDC. www.cdc.gov/pictureofamerica/pdfs/picture_of_america_heat-related_illness.pdf.
- 2020. "Coronavirus Disease 2019—Racial & Ethnic Minority Groups." www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/racial-ethnic-minorities.html.
- CEE (Consortium for Energy Efficiency). 2019. *2018 State of the Efficiency Program Industry: Budgets, Expenditures, and Impacts*. Middleton, MA: CEE. library.cee1.org/system/files/library/13981/CEE_2018_AnnualIndustryReport.pdf.
- Census Bureau. 2019. *Metropolitan Area Oversample Histories: 2015 and Beyond*. Washington, DC: HUD (Department of Housing and Urban Development) and Census Bureau. www.census.gov/programs-surveys/ahs/tech-documentation/help-guides/metro_oversamp_hist_2015.html.
- City of Atlanta. 2017. *Resilient Atlanta: Actions to Build an Equitable Future*. Atlanta: City of Atlanta Mayor's Office of Resilience. 100resilientcities.org/wp-content/uploads/2017/11/Resilience-Strategy-Atlanta-English.pdf

- 2019. *Clean Energy Atlanta: A Vision for a 100% Clean Energy Future*. Atlanta: City of Atlanta Mayor's Office of Resilience. www.100atl.com/.
- City of Boulder. 2020a. *2019 Rental Housing License Long-Term Licenses and SmartRegs Compliance*. Boulder: City of Boulder. www-static.bouldercolorado.gov/docs/2019_RHL_Smart_Regs_Stats_for_web-1-202001230915.pdf.
- 2020b. "SmartRegs Program Progress." bouldercolorado.gov/plan-develop/smartregs-progress.
- City of Cincinnati. 2018. *2018 Green Cincinnati Plan*. Cincinnati: City of Cincinnati. [cincinnati-oh.gov/oes/assets/File/2018%20Green%20Cincinnati%20Plan\(1\).pdf](http://cincinnati-oh.gov/oes/assets/File/2018%20Green%20Cincinnati%20Plan(1).pdf).
- 2020. "City, Duke Energy Ohio Pilot Energy Efficiency Program for Income-Eligible Renters." *Office of Environment & Sustainability News*, February 5. www.cincinnati-oh.gov/oes/news/city-duke-energy-ohio-pilot-energy-efficiency-program-for-income-eligible-renters/.
- City of Houston. 2020. *Houston Climate Action Plan*. Houston: City of Houston. greenhoustontx.gov/climateactionplan/CAP-April2020.pdf.
- City of Minneapolis. 2013. *Climate Action Plan: A Roadmap to Reducing Citywide Greenhouse Gas Emissions*. Minneapolis: City of Minneapolis Sustainability Office. vote.minneapolismn.gov/www/groups/public/@citycoordinator/documents/webcontent/wcms1p-113598.pdf.
- 2020. "Green Zone Initiative." www.ci.minneapolis.mn.us/sustainability/policies/green-zones.
- City of New Orleans. 2017. *Climate Action for a Resilient New Orleans*. New Orleans: City of New Orleans. www.nola.gov/nola/media/Climate-Action/Climate-Action-for-a-Resilient-New-Orleans.pdf.
- City of Oakland. 2018. *Oakland Equity Indicators: Measuring Change toward Greater Equity in Oakland*. Oakland: City of Oakland. cao-94612.s3.amazonaws.com/documents/2018-Equity-Indicators-Full-Report.pdf.
- City of Philadelphia. 2018. *Powering Our Future: A Clean Energy Vision for Philadelphia*. Philadelphia: City of Philadelphia Office of Sustainability. www.phila.gov/media/20180821150658/Powering-Our-Future-Full-Report.pdf.
- City of Pittsburgh. 2019. "The Mayor's Challenge." pittsburghpa.gov/dcp/mayors-challenge.
- City of Saint Paul. 2017. *Saint Paul's Path to Carbon Neutrality: Buildings Sector*. Prepared by Xcel Energy. St. Paul, MN: City of Saint Paul. www.stpaul.gov/sites/default/files/Media%20Root/Mayor%27s%20Office/Saint%20Paul%27s%20Path%20to%20Carbon%20Neutrality_Buildings%20Sector%20Draft%20Plan.pdf.
- Cluett, R., J. Amann, and S. Ou. 2016. *Building Better Energy Efficiency Programs for Low-Income Households*. Washington, DC: ACEEE. aceee.org/research-report/a1601.
- Cook, J., and M. Shah. 2018. *Reducing Energy Burden with Solar: Colorado's Strategy and Roadmap for States*. Prepared by NREL. Washington, DC: DOE. www.nrel.gov/docs/fy18osti/70965.pdf.
- Cooper, D., and E. Gould. 2013. *Financial Security of Elderly Americans at Risk*. Washington, DC: EPI (Economic Policy Institute). www.epi.org/publication/economic-security-elderly-americans-risk/.
- CPUC (California Public Utilities Commission). 2020. *CPUC Works to Help Mitigate Higher Energy Bills Utility Customers May Receive Due to Shelter at Home*. Press release, April 2. docs.cpuc.ca.gov/PublishedDocs/Published/G000/M331/K358/331358410.PDF.
- Currier, E., C. Key, J. Biernacka-Lievstro, W. Lake, S. Elmi, S. Kypa, and A. Lantz. 2018. *American Families Face a Growing Rent Burden*. Philadelphia: The Pew Charitable Trusts. www.pewtrusts.org/-/media/assets/2018/04/rent-burden_report_v2.pdf.
- Curti, J., F. Andersen, and K. Wright. 2018. *A Guidebook on Equitable Clean Energy Program Design for Local Governments and Partners*. Waltham, MA: The Cadmus Group and USDN (Urban Sustainability Directors Network). cadmusgroup.com/wp-content/uploads/2018/09/Cadmus-USDN-Equitable-Clean-Energy-Guidebook.pdf.
- DOE (Department of Energy). 2009. *Weatherization Program Notice 09-2: Program Year 2009 Grantee Allocations*. March 25. Washington, DC: DOE. www.energy.gov/sites/prod/files/2016/01/f28/WAP-WPN-09-2.pdf.
- 2011. *Weatherization Assistance Program*. Washington, DC: DOE. www.nrel.gov/docs/fy11osti/51242.pdf.
- 2012. *Weatherization Program Notice 12-2: Program Year 2012 Grantee Allocations*. February 8. Washington, DC: DOE. www.energy.gov/sites/prod/files/2015/12/f27/WAP-WPN-12-2.pdf.
- 2014. *Better Buildings Neighborhood Program Summary of Reported Data from July 1, 2010-September 30, 2013*. Washington, DC: DOE. energy.gov/sites/prod/files/2014/09/f18/bbnp_summary_reported_data_9-15-2014.pdf.
- 2016. "Celebrating 40 Years of America's Weatherization Assistance Program." www.energy.gov/eere/articles/celebrating-40-years-america-s-weatherization-assistance-program.
- 2017. *Weatherization Works!* Washington, DC: DOE. www.energy.gov/sites/prod/files/2017/05/f34/wap_factsheet_08.2017.pdf.

- 2020. *Weatherization Program Notice 20-2: Program Year 2020 Grantee Allocations*. February 10. Washington, DC: DOE. www.energy.gov/sites/prod/files/2020/05/f74/wpn-20-2_v2_0.pdf.
- Drehobl, A., and L. Ross. 2016. *Lifting the High Energy Burden in America's Largest Cities: How Energy Efficiency Can Improve Low-Income and Underserved Communities*. Washington, DC: ACEEE. aceee.org/research-report/u1602.
- ECC (Emerald Cities Collaborative). 2019. *Energy Democracy: Reparation—Regeneration—Reinvestment*. Washington, DC: ECC. files.emeraldcities.org/Energy%20Democracy%20FINAL_Flipbook.pdf.
- EDF (Environmental Defense Fund). 2018. *Low-Income Energy Efficiency: A Pathway to Clean, Affordable Energy for All*. Prepared by APPRISE. New York: EDF. www.edf.org/sites/default/files/documents/liee_national_summary.pdf.
- EIA (Energy Information Administration). 2018. "One in Three U.S. Households Faces a Challenge in Meeting Energy Needs." *Today in Energy*, September 19. www.eia.gov/todayinenergy/detail.php?id=37072.
- EPA (Environmental Protection Agency). 2018. *Energy Efficiency in Affordable Housing: A Guide to Developing and Implementing Greenhouse Gas Reduction Programs*. Washington, DC: EPA. www.epa.gov/sites/production/files/2018-07/documents/final_affordablehousingguide_06262018_508.pdf.
- Fairchild, D., and A. Weinrub. 2017. *Energy Democracy: Advancing Equity in Clean Energy Solutions*. Washington, DC: Island Press.
- Ferris, D. 2020. "Inside Clean Energy's Coronavirus Job Crash." *Energy Wire*, April 8. www.eenews.net/energywire/2020/04/08/stories/1062815823.
- Fisher Sheehan & Colton. 2020. "What Is the Home Energy Affordability Gap?" www.homeenergyaffordabilitygap.com/01_whatIsHEAG2.html.
- Frank, M., and S. Nowak. 2016. "Who's Participating and Who's Not? The Unintended Consequences of Untargeted Programs." In *Proceedings of the 2016 ACEEE Summer Study on Energy Efficiency in Buildings 2*: 1-13. Washington, DC: ACEEE. aceee.org/files/proceedings/2016/data/papers/2_542.pdf.
- Gilleo, A. 2019. *State Energy Efficiency Resource Standards (EERS)*. Washington, DC: ACEEE. www.aceee.org/sites/default/files/state-eers-0519.pdf.
- Gilleo, A., S. Nowak, and A. Drehobl. 2017. *Making a Difference: Strategies for Successful Low-Income Energy Efficiency Programs*. Washington, DC: ACEEE. aceee.org/research-report/u1713.
- Hayes, S., and C. Gerbode. 2020. *Braiding Energy and Health Funding for In-Home Programs: Federal Funding Opportunities*. Washington, DC: ACEEE. aceee.org/research-report/h2002.
- Hayes, S., C. Kubes, and C. Gerbode. 2020. *Making Health Count: Monetizing the Health Benefits of In-Home Services Delivered by Energy Efficiency Programs*. Washington, DC: ACEEE. aceee.org/research-report/h2001.
- Hernández, D. 2016. "Understanding 'Energy Security' and Why It Matters to Health." *Social Science & Medicine* 167: 1-10. www.ncbi.nlm.nih.gov/pmc/articles/PMC5114037/.
- Hernández, D., Y. Aratani, and Y. Jiang. 2014. *Energy Insecurity among Families with Children*. New York: National Center for Children in Poverty, Columbia University Mailman School of Public Health. www.nccp.org/publications/pdf/text_1086.pdf.
- Hernández, D., D. Phillips, and E. Siegel. 2016. "Exploring the Housing and Household Energy Pathways to Stress: A Mixed Methods Study." *International Journal of Environment Research and Public Health* 13 (9): 916-28. www.ncbi.nlm.nih.gov/pubmed/27649222.
- Hernández, D., Y. Jiang, D. Carrión, D. Phillips, and Y. Aratani. 2016. "Housing Hardship and Energy Insecurity among Native-Born and Immigrant Low-Income Families with Children in the United States." *Journal of Children and Poverty* 22 (2): 77-92. doi.org/10.1080/10796126.2016.1148672.
- HHS (Department of Health and Human Services). 2020. "LIHEAP DCL 2020-10 CARES Act Supplemental Funding Release FFY20." May 8. www.acf.hhs.gov/ocs/resource/liheap-dcl-2020-10-cares-act-supplemental-funding-release-ffy20.
- Hooper, M., A. Nápoles, and E. Pérez-Stable. 2020. "COVID-19 and Racial/Ethnic Disparities." *JAMA* 323 (24): 2466-7. jamanetwork.com/journals/jama/fullarticle/2766098.
- Institute of Medicine. 2011. *Climate Change, the Indoor Environment, and Health*. Washington DC: The National Academies Press. healthyindoors.com/wp-content/uploads/2016/11/IOM-CLIMATE-CHANGE-AND-HEALTH-pdf-1.pdf.
- Jargowsky, P. 2015. *Architecture of Segregation: Civil Unrest, the Concentration of Poverty, and Public Policy*. New York: The Century Foundation. production-tcf.imgix.net/app/uploads/2015/08/07182514/Jargowsky_ArchitectureofSegregation-11.pdf.
- Jessel, S., S. Sawyer, and D. Hernández. 2019. "Energy, Poverty, and Health in Climate Change: A Comprehensive Review of an Emerging Literature." *Frontiers in Public Health* 7: 357. www.ncbi.nlm.nih.gov/pmc/articles/PMC6920209/.
- Kontokosta, C., V. Reina, and B. Bonczak. 2019. "Energy Cost Burdens for Low-Income and Minority Households." *Journal of the American Planning Association* 86 (1): 89-105. doi.org/10.1080/01944363.2019.1647446.

- Leventis, G., C. Kramer, and L. Schwartz. 2017. *Energy Efficiency Financing for Low- and Moderate-Income Households: Current State of the Market, Issues, and Opportunities*. Washington, DC: SEE Action (State and Local Energy Efficiency Action Network), DOE. emp.lbl.gov/sites/default/files/news/lmi-final0811.pdf.
- Levin, E., L. Curry, and L. Capps. 2019. *Energy-Plus-Health Playbook*. Winooski, VT: VEIC. www.veic.org/clients-results/reports/energy-plus-health-playbook.
- Lewis, J., D. Hernández, and A. Geronimus. 2019. "Energy Efficiency as Energy Justice: Address Racial Inequalities through Investments in People and Places." *Energy Efficiency* 13: 419-32 doi.org/10.1007/s12053-019-09820-z.
- Lin, J., K. Marshall, S. Kabaca, M. Frades, and D. Ware. 2019. "Energy Affordability in Practice: Oracle Utilities Opower's Business Intelligence to Meet Low and Moderate Income Need at Eversource." *The Electricity Journal* 33 (2): 106687. doi.org/10.1016/j.tej.2019.106687.
- Ma, O., K. Laymon, M. Day, R. Oliveira, J. Weers, and A. Vimont. 2019. *Low-Income Energy Affordability Data (LEAD) Tool Methodology*. Prepared by NREL. Washington, DC: DOE. www.nrel.gov/docs/fy19osti/74249.pdf.
- Malcolm, K., and J. Sawani. 2020. "Racial Disparities in the Time of COVID-19." *University of Michigan Health Lab Rounds*, May 4. labblog.uofmhealth.org/rounds/racial-disparities-time-of-covid-19.
- Maricopa County Department of Public Health Office of Epidemiology. 2016. *Assessing the Cooling Needs of Homebound Individuals in Maricopa County, 2016*. Phoenix: Maricopa County Department of Public Health. www.maricopa.gov/DocumentCenter/View/53679/Cooling-Needs-of-Homebound-Individuals-Report-PDF
- 2020. *Heat-Associated Deaths in Maricopa County, AZ: Final Report for 2019*. Phoenix: Maricopa County Department of Public Health. www.maricopa.gov/ArchiveCenter/ViewFile/Item/4959.
- Mayors Challenge. 2018. "2018 Champion City—Bringing Housing Stock Up to Scratch with Collaborative Energy Retrofits: Pittsburgh." mayorchallenge.bloomberg.org/ideas/pittsburgh-pa/.
- McCarty, M., L. Perl, and K. Jones. 2019. *Overview of Federal Housing Assistance Programs and Policy*. Washington, DC: CRS (Congressional Research Service). crsreports.congress.gov/product/pdf/RL/RL34591.
- National Research Council. 2010. *Hidden Costs of Energy: Unpriced Consequences of Energy Production and Use*. Washington, DC: National Academies Press. www.ourenergypolicy.org/wp-content/uploads/2012/06/hidden.pdf.
- NASCSP (National Association for State Community Service Programs). 2020a. "Couleecap's Weatherization Deferral Program Makes Homes Safer and More Energy Efficient." Accessed July. nascsp.org/success-story/couleecaps-weatherization-deferral-program-makes-homes-safer-and-more-energy-efficient/.
- 2020b. *Weatherization Assistance Program: Funding Report PY 2018*. Washington, DC: NASCSP. nascsp.org/wp-content/uploads/2020/05/NASCSP-2018-WAP-Funding-Survey_Final_May12.pdf.
- New Jersey Legislature. 2020. *An Act Concerning Clean Energy and Energy Efficiency Programs for Overburdened Communities*. S. 2484, May 14. www.njleg.state.nj.us/2020/Bills/S2500/2484_11.HTM.
- New York. 2016. "Governor Cuomo Announces New Energy Affordability Policy to Deliver Relief to Nearly 2 Million Low-Income New Yorkers." May 19. www.governor.ny.gov/news/governor-cuomo-announces-new-energy-affordability-policy-deliver-relief-nearly-2-million-low.
- Norton, R., B. Brown, and K. Malomo-Paris. 2017. *Weatherization and Its Impact on Occupant Health Outcomes*. Washington, DC: GHHI (Green & Health Homes Initiative). www.greenandhealthyhomes.org/publication/weatherization-impact-occupant-health-outcomes/.
- Nowak, S., M. Kushler, and P. Witte. 2019. *The New Leaders of the Pack: ACEEE's Fourth National Review of Exemplary Energy Efficiency Programs*. Washington, DC: ACEEE. aceee.org/research-report/u1901.
- NYSERDA (New York State Energy Research & Development Authority). 2018. *Annual Investment Plan and Performance Report through December 31, 2018*. Albany: NYSERDA. nyscrda.ny.gov/About/Publications/NYSERDA-Annual-Reports-and-Financial-Statements.
- Oregon. 2017. *Executive Order No. 17-20: Accelerating Efficiency in Oregon's Build Environment to Reduce Greenhouse Gas Emissions and Address Climate Change*. Salem: Office of Governor Kate Brown. www.oregon.gov/gov/Documents/executive_orders/eo_17-20.pdf.
- Patterson, J., K. Fink, C. Grant, S. Terry, R. Rosenberg, and C. Walker. 2014. *Just Energy Policies: Reducing Pollution and Creating Jobs: A State by State Guide to Energy Efficiency and Renewable Energy Policies*. Baltimore: NAACP (National Association for the Advancement of Colored People). www.naacp.org/wp-content/uploads/2014/03/Just-Energy-Policies-Compendium-EXECUTIVE-SUMMARY_NAACP.pdf.
- PEA (Philadelphia Energy Authority). 2020a "Affordable Residential." Accessed July. philaenergy.org/programs-initiatives/residential/.
- 2020b. *Built to Last: An Initiative to Restore Safe, Healthy, and Affordable Homes*. Philadelphia: PEA. philaenergy.org/wp-content/uploads/2020/07/Built-to-Last-Overview.pdf.

- Pennsylvania PUC (Public Utility Commission). 2019a. *Home Energy Affordability for Low-Income Customers in Pennsylvania*. Docket No. M-2017-2587711. Harrisburg: Pennsylvania PUC. www.puc.pa.gov/pccdocs/1602386.pdf.
- 2019b. "PUC Takes Major Steps to Address Energy Affordability for Low-Income Households; Revises Policy on Customer Assistance Programs and Initiates Rulemaking for Universal Service Programs." Press release, September 19. www.puc.state.pa.us/about_puc/press_releases.aspx?ShowPR=4262.
- Reames, T. 2016. "A Community-Based Approach to Low-Income Residential Energy Efficiency Participation Barriers." *Local Environment* 21 (12): 1449-66. dx.doi.org/10.1080/13549839.2015.1136995.
- Reames, T., M. Reiner, and M. Stacey. 2018. "An Incandescent Truth: Disparities in Energy-Efficient Lighting Availability and Prices in an Urban U.S. County." *Applied Energy* 218: 95-103. doi.org/10.1016/j.apenergy.2018.02.143.
- Reames, T., B. Stacey, and M. Zimmerman. 2019. *A Multi-State Analysis of Equity in Utility-Sponsored Energy Efficiency Investments for Residential Electric Customers*. Ann Arbor: University of Michigan. poverty.umich.edu/files/2019/05/Energy_efficiency.pdf.
- Rose, E., B. Hawkins, L. Ashcraft, and C. Miller. 2015. *Exploratory Review of Grantee, Subgrantee and Client Experiences with Deferred Services under the Weatherization Assistance Program*. Prepared by Oak Ridge National Laboratory. Washington, DC: DOE. weatherization.ornl.gov/wp-content/uploads/pdf/WAPRecoveryActEvalFinalReports/ORNL_TM-2014_364.pdf.
- Ross, L., A. Drehobl, and B. Stickles. 2018. *The High Cost of Energy in Rural America: Household Energy Burdens and Opportunities for Energy Efficiency*. Washington, DC: ACEEE. aceee.org/research-report/u1806.
- Ross, L., M. Jarrett, and D. York. 2016. *Reaching More Residents: Opportunities for Increasing Participation in Multifamily Energy Efficiency Programs*. Washington, DC: ACEEE. aceee.org/sites/default/files/publications/researchreports/u1603.pdf.
- Rothstein, R. 2017. *The Color of Law: A Forgotten History of How Our Government Segregated America*. New York: Liveright Publishing.
- Samarripas, S., and C. de Campos Lopes. 2020. *Taking Stock: Links between Local Policy and Building Energy Use across the United States*. Washington, DC: ACEEE. aceee.org/research-report/2020/04/taking-stock-links-between-local-policy-and-building-energy-use-across.
- Samarripas, S., and D. York. 2019. *Closing the Gap in Energy Efficiency Programs for Affordable Multifamily Housing*. Washington, DC: ACEEE. aceee.org/research-report/u1903.
- SAMHSA (Substance Abuse and Mental Health Services Administration). 2020. *Double Jeopardy: COVID-19 and Behavioral Health Disparities for Black and Latino Communities in the U.S.* Rockville, MD: SAMHSA. www.samhsa.gov/sites/default/files/covid19-behavioral-health-disparities-black-latino-communities.pdf.
- Teller-Elsberg, J., B. Sovacool, T. Smith, and E. Laine. 2015. "Fuel Poverty, Excess Winter Deaths, and Energy Cost in Vermont: Burdensome for Whom?" *Energy Policy* 90 (March): 81-91. doi.org/10.1016/j.enpol.2015.12.009.
- Tessum, C., J. Apte, A. Goodkind, N. Muller, K. Mullins, D. Paoletta, S. Polasky, N. Springer, S. Thakrar, J. Marshall, and J. Hill. 2019. "Inequality in Consumption of Goods and Services Adds to Racial-Ethnic Disparities in Air Pollution Exposure." *Proceedings of the National Academy of Sciences of the United States of America* 116 (13): 6001-6. doi.org/10.1073/pnas.1818859116.
- USDN. 2019. *From Community Engagement to Ownership: Tools for the Field with Case Studies of Four Municipal Community-Driven Environmental & Racial Equity Committees*. Prepared by Facilitating Power, Movement Strategy Center, and the National Association of Climate Resilience Planners. Port Washington, WI: USDN (Urban Sustainability Directors Network). www.usdn.org/uploads/cms/documents/community_engagement_to_ownership_-_tools_and_case_studies_final.pdf.
- Washington State Department of Commerce. 2020. *CETA: A Brief Overview*. Olympia: Washington State Department of Commerce. www.commerce.wa.gov/wp-content/uploads/2020/02/CETA-Overview.pdf.
- Woolf T., C. Neme, M. Kushler, S. Schiller, and T. Eckman. 2017. *National Standard Practice Manual for Assessing Cost-Effectiveness of Energy Efficiency Resources*. Framingham, MA: NESP (National Efficiency Screening Project). nationalefficiencyscreening.org/wp-content/uploads/2017/05/NSPM_May-2017_final.pdf.

APPENDIX A. **Energy Burden Data**

Appendix A.1–National Energy Burden Data

A1. National energy burden data including sample sizes, median energy burdens, median income, median monthly energy bills, and the percentage of households in each group with a high and severe burden

Subgroups	Sample size	Median energy burden	Median annual income	Median annual energy expenditures	High burden percentage (>6%)	Severe burden percentage (>10%)
All households	53,539	3.1%	\$58,000	\$1,800	25%	13%
Low-income (\leq 200% FPL)	16,685	8.1%	\$18,000	\$1,464	67%	40%
Low-income with adult over 65	6,018	9.3%	\$15,000	\$1,440	74%	47%
Low-income with child under six	2,665	7.1%	\$26,400	\$1,800	59%	33%
Low-income with disability	5,759	8.7%	\$14,660	\$1,344	69%	43%
Non-low-income ($>$ 200% FPL)	36,854	2.3%	\$84,005	\$2,040	6%	1%
White (non-Hispanic)	33,219	2.9%	\$65,000	\$1,920	23%	11%
Black	7,747	4.2%	\$36,000	\$1,560	36%	21%
Hispanic	8,435	3.5%	\$47,400	\$1,680	28%	14%
Native American	1,003	4.2%	\$40,000	\$1,680	36%	19%
Older adults (65+ years)	15,750	4.2%	\$40,015	\$1,800	36%	19%
Renters	20,455	3.4%	\$36,000	\$1,320	30%	17%
Owners	33,082	3.0%	\$75,000	\$2,160	22%	11%
Single family	37,423	3.1%	\$70,020	\$2,160	24%	12%
Multifamily (5+ units)	9,936	2.4%	\$35,450	\$960	22%	12%
Low-income multifamily (5 + units, \leq 200% FPL)	4,563	5.6%	\$14,300	\$960	47%	26%
Small multifamily (2-4 units)	3,708	3.4%	\$34,700	\$1,200	29%	17%
Manufactured homes	2,440	5.3%	\$34,800	\$1,800	45%	25%
Buildings built before 1980	28,013	3.4%	\$50,040	\$1,800	29%	15%
Buildings built after 1980	25,525	2.8%	\$66,000	\$1,920	21%	11%

Appendix A.2—Regional Energy Burden Data

A2.1. Regional energy burdens, including sample sizes for each region, median energy burdens, median monthly energy bill, and the percentage with high and severe burdens

Region	Sample size	Median energy burden	Median annual income	Median annual energy expenditures	Upper-quartile energy burden	High burden percentage (>6%)	Severe burden percentage (>10%)
East North Central	7,422	3.6%	\$52,500	\$1,920	6.8%	29%	15%
East South Central	2,177	4.4%	\$39,400	\$1,800	8.5%	38%	21%
Middle Atlantic	4,851	3.4%	\$60,000	\$2,040	6.8%	29%	16%
Mountain	3,932	2.9%	\$57,625	\$1,680	5.2%	21%	11%
New England	2,778	3.5%	\$71,985	\$2,640	6.7%	29%	15%
Pacific	11,177	2.3%	\$69,800	\$1,680	4.5%	18%	9%
South Atlantic	11,363	3.2%	\$56,120	\$1,920	6.2%	26%	14%
West North Central	2,412	3.1%	\$55,100	\$1,800	5.8%	25%	12%
West South Central	7,427	3.3%	\$52,000	\$1,800	6.0%	25%	13%
National	53,539	3.1%	\$58,000	\$1,800	6.0%	25%	13%

A2.2. Regional median energy burdens for income-based groups

Region	Low-income (≤200% FPL)	Low-income with older adults (65+)	Low-income with child under 6	Low-income with disability	Low-income multifamily (5+ units, ≤200% FPL)	Non-low-income (>200% FPL)
East North Central	9.1%	9.8%	8.2%	9.2%	6.0%	2.6%
East South Central	9.1%	10.0%	8.6%	9.9%	6.6%	2.9%
Middle Atlantic	9.4%	10.7%	7.9%	10.2%	6.9%	2.6%
Mountain	6.9%	8.4%	5.7%	7.7%	4.5%	2.2%
New England	10.5%	11.6%	9.6%	10.8%	5.6%	2.9%
Pacific	6.8%	7.5%	5.4%	6.9%	5.3%	1.7%
South Atlantic	8.4%	9.5%	7.7%	8.8%	5.8%	2.3%
West North Central	7.9%	9.1%	7.1%	7.9%	4.7%	2.5%
West South Central	7.7%	9.6%	6.6%	9.0%	5.8%	2.4%
National	8.1%	9.3%	7.1%	8.7%	5.6%	2.3%

A2.3. Regional median energy burdens based on race/ethnicity, age, and tenure status

Region	White (non-Hispanic)	Black	Hispanic	Older adults (65+ years)	Renter	Owner
East North Central	3.4%	5.1%	3.4%	4.7%	4.2%	3.3%
East South Central	4.0%	6.2%	5.0%	5.7%	5.3%	4.0%
Middle Atlantic	3.2%	4.4%	4.5%	4.8%	3.8%	3.2%
Mountain	2.6%	3.3%	3.7%	3.8%	3.0%	2.8%
New England	3.4%	4.0%	4.6%	4.8%	3.6%	3.5%
Pacific	2.1%	3.2%	3.0%	3.3%	2.5%	2.2%
South Atlantic	2.9%	4.0%	3.4%	4.4%	3.5%	3.0%
West North Central	3.0%	4.6%	3.3%	3.9%	3.9%	2.9%
West South Central	2.9%	4.0%	4.0%	4.4%	3.6%	3.1%
National	2.9%	4.2%	3.5%	4.2%	3.4%	3.0%

A2.4. Regional median energy burdens based on building type

Region	Single family	Multifamily (5+ units)	Low-income multifamily (5+ units, ≤200% FPL)	Built before 1980	Built after 1980
East North Central	3.6%	3.0%	6.0%	4.0%	2.9%
East South Central	4.3%	3.9%	6.6%	4.9%	3.9%
Middle Atlantic	3.5%	2.5%	6.9%	3.6%	2.9%
Mountain	2.9%	2.3%	4.5%	3.3%	2.7%
New England	3.6%	2.4%	5.6%	3.7%	3.1%
Pacific	2.4%	1.9%	5.3%	2.3%	2.3%
South Atlantic	3.2%	2.5%	5.8%	3.6%	2.9%
West North Central	3.1%	2.6%	4.7%	3.4%	2.7%
West South Central	3.3%	2.6%	5.8%	3.9%	3.0%
National	3.1%	2.4%	5.6%	3.4%	2.8%

A2.5. Regional upper-quartile energy burdens for income-based groups (25% of households in each group have a burden above the upper-quartile threshold)

Region	Low-income (≤200% FPL)	Low-income with older adults (65+)	Low-income with child under 6	Low-income with disability	Low-income multifamily	Non-low-income (>200% FPL)
East North Central	16.4%	17.6%	14.2%	15.9%	10.6%	3.9%
East South Central	15.7%	15.7%	18.7%	17.2%	12.0%	4.2%
Middle Atlantic	17.6%	20.1%	15.6%	18.5%	12.9%	4.0%
Mountain	12.0%	15.3%	9.6%	13.6%	8.4%	3.3%
New England	19.3%	21.7%	15.4%	19.2%	10.8%	4.5%
Pacific	12.0%	13.7%	10.2%	12.0%	9.2%	2.8%
South Atlantic	14.7%	15.9%	12.4%	15.7%	10.0%	3.6%
West North Central	14.1%	14.5%	13.7%	14.6%	8.7%	3.6%
West South Central	12.9%	17.5%	10.1%	16.5%	10.2%	3.5%
National	14.4%	16.3%	12.0%	15.6%	10.1%	3.6%

A2.6. Regional upper-quartile energy burdens based on race/ethnicity, age, and tenure status (25% of households in each group have a burden above the upper-quartile threshold)

Region	White (non-Hispanic)	Black	Hispanic	Older adults (65+ years)	Renter	Owner
East North Central	6.4%	10.0%	6.1%	8.4%	8.4%	6.1%
East South Central	7.4%	12.3%	9.2%	10.3%	10.9%	7.2%
Middle Atlantic	6.2%	9.8%	8.6%	9.3%	8.0%	6.1%
Mountain	4.8%	6.3%	6.2%	7.0%	5.7%	4.9%
New England	6.3%	8.1%	9.3%	9.5%	7.8%	6.0%
Pacific	4.1%	6.5%	5.6%	6.4%	5.1%	4.1%
South Atlantic	5.5%	8.0%	6.2%	8.4%	7.4%	5.5%
West North Central	5.5%	9.3%	6.1%	7.3%	7.8%	5.2%
West South Central	5.1%	7.6%	7.1%	8.6%	7.3%	5.4%
National	5.5%	8.4%	6.5%	8.1%	7.1%	5.4%

A2.7. Regional upper-quartile energy burdens based on building type (25% of households in each group have a burden above the upper-quartile threshold)

Region	Single family	Multifamily (5+ units)	Low-income multifamily ($\leq 200\%$ FPL, 5+ units)	Built before 1980	Built after 1980
East North Central	6.6%	6.5%	10.6%	7.4%	5.7%
East South Central	7.8%	8.2%	12.0%	9.6%	7.5%
Middle Atlantic	6.7%	6.5%	12.9%	7.0%	5.9%
Mountain	5.0%	4.7%	8.4%	5.9%	4.8%
New England	6.4%	6.1%	10.8%	7.2%	5.6%
Pacific	4.4%	4.3%	9.2%	4.7%	4.3%
South Atlantic	6.0%	5.3%	10.0%	7.2%	5.5%
West North Central	5.7%	5.5%	8.7%	6.4%	5.1%
West South Central	5.9%	5.4%	10.2%	7.4%	5.2%
National	5.8%	5.3%	10.1%	6.7%	5.3%

Appendix A.3–Metro-Level Energy Burden Data

A3.1. Metro-level energy burdens, including sample sizes for each city, median energy burdens, median monthly energy bill, and percentage with high burden and severe burden

Metro area	Sample size	Median energy burden	Median annual income	Median annual energy expenditures	Upper-quartile energy burden	High burden percentage (>6%)	Severe burden percentage (>10%)
Atlanta	1,957	3.5%	\$60,000	\$2,280	6.5%	28%	14%
Baltimore	1,741	3.0%	\$75,100	\$2,280	5.5%	23%	11%
Birmingham	1,755	4.2%	\$53,300	\$2,280	7.4%	34%	18%
Boston	1,728	3.1%	\$81,925	\$2,640	5.8%	24%	12%
Chicago	1,788	2.7%	\$65,350	\$1,800	4.8%	20%	10%
Dallas	2,472	2.9%	\$60,000	\$1,920	4.9%	19%	8%
Detroit	1,917	3.8%	\$57,000	\$2,160	6.9%	30%	16%
Houston	2,164	3.0%	\$60,000	\$1,800	5.3%	21%	11%
Las Vegas	1,968	2.8%	\$54,700	\$1,560	4.8%	18%	10%
Los Angeles	2,351	2.2%	\$61,900	\$1,440	4.4%	17%	9%
Miami	1,978	3.0%	\$48,050	\$1,440	5.5%	23%	12%
Minneapolis	1,943	2.2%	\$81,000	\$1,920	3.6%	12%	5%
New York City	1,510	2.9%	\$67,500	\$1,920	6.0%	25%	15%
Oklahoma City	2,111	3.3%	\$52,000	\$1,800	5.8%	24%	11%
Philadelphia	1,852	3.2%	\$66,500	\$2,160	6.3%	26%	14%
Phoenix	2,000	3.0%	\$60,000	\$1,800	5.2%	21%	10%
Richmond	1,933	2.6%	\$69,000	\$1,920	4.7%	17%	9%
Riverside	2,070	3.6%	\$58,750	\$2,160	6.7%	29%	15%
Rochester	1,807	3.8%	\$56,000	\$2,160	6.7%	29%	15%
San Antonio	2,014	3.0%	\$55,000	\$1,800	5.4%	22%	11%
San Francisco	1,950	1.4%	\$100,000	\$1,440	2.9%	10%	6%
San Jose	2,043	1.5%	\$109,000	\$1,560	2.9%	11%	6%
Seattle	2,162	1.8%	\$79,800	\$1,440	3.3%	11%	6%
Tampa	1,701	2.8%	\$52,000	\$1,560	5.3%	21%	11%
Washington, DC	2,214	2.0%	\$100,000	\$2,160	3.9%	14%	7%
National	53,539	3.1%	\$58,000	\$1,800	6.0%	25%	13%

A3.2. Metro-level median energy burdens for income-based groups

Metro area	Low-income (≤200% FPL)	Low-income with older adults (65+)	Low-income with child under 6	Low-income with disability	Low-income multifamily (5+ units, ≤200% FPL)	Non-low-income (>200% FPL)
Atlanta	9.7%	12.6%	8.1%	10.4%	6.6%	2.7%
Baltimore	10.5%	11.4%	7.8%	10.0%	7.5%	2.6%
Birmingham	10.9%	12.9%	9.3%	10.7%	6.8%	3.0%
Boston	10.1%	11.8%	9.5%	10.4%	6.6%	2.6%
Chicago	8.0%	9.5%	5.9%	8.0%	6.4%	2.1%
Dallas	6.7%	10.0%	6.0%	8.1%	5.0%	2.4%
Detroit	10.2%	12.0%	8.6%	10.7%	6.0%	2.8%
Houston	7.1%	9.9%	5.8%	9.6%	5.8%	2.2%
Las Vegas	6.5%	8.3%	5.0%	6.5%	5.3%	2.2%
Los Angeles	6.0%	6.4%	4.9%	6.1%	4.8%	1.6%
Miami	6.9%	8.0%	5.0%	7.6%	5.5%	2.1%
Minneapolis	6.6%	8.7%	4.7%	7.0%	4.3%	2.0%
New York City	9.3%	11.4%	7.5%	11.0%	8.0%	2.1%
Oklahoma City	7.8%	9.5%	6.1%	8.7%	6.5%	2.6%
Philadelphia	9.5%	10.4%	8.1%	10.1%	6.5%	2.4%
Phoenix	7.0%	8.3%	5.6%	7.3%	4.6%	2.4%
Richmond	8.2%	10.3%	6.9%	8.4%	5.0%	2.3%
Riverside	8.7%	10.6%	6.7%	9.6%	6.1%	2.7%
Rochester	9.5%	10.1%	7.9%	9.4%	6.0%	2.9%
San Antonio	7.4%	9.5%	6.0%	8.6%	4.8%	2.4%
San Francisco	6.1%	7.0%	4.7%	6.6%	4.9%	1.2%
San Jose	6.5%	8.1%	4.4%	7.6%	4.7%	1.2%
Seattle	6.0%	6.8%	4.4%	6.0%	4.1%	1.6%
Tampa	7.2%	8.0%	5.6%	8.0%	4.9%	2.1%
Washington, DC	7.5%	9.3%	5.9%	8.3%	5.2%	1.8%
National	8.1%	9.3%	7.1%	8.7%	5.6%	2.3%

A3.3. Metro-level median energy burdens based on race/ethnicity, age, and tenure status

Metro area	White (non-Hispanic)	Black	Hispanic	Older adults (65+)	Renter	Owner
Atlanta	3.1%	4.1%	4.7%	5.1%	3.7%	3.4%
Baltimore	2.8%	3.8%	3.3%	4.1%	3.2%	2.9%
Birmingham	3.8%	5.6%	4.8%	5.8%	5.2%	3.9%
Boston	3.0%	3.7%	3.6%	4.4%	3.2%	3.0%
Chicago	2.4%	4.1%	3.0%	3.7%	3.1%	2.5%
Dallas	2.6%	3.3%	3.8%	3.8%	2.9%	3.0%
Detroit	3.5%	5.3%	4.5%	5.2%	4.6%	3.6%
Houston	2.5%	3.5%	3.4%	4.1%	3.3%	2.7%
Las Vegas	2.7%	3.2%	3.0%	3.4%	3.0%	2.7%
Los Angeles	1.8%	3.6%	2.6%	3.2%	2.4%	2.1%
Miami	2.5%	3.4%	3.1%	4.2%	3.1%	2.8%
Minneapolis	2.2%	2.6%	2.7%	3.0%	2.3%	2.2%
New York City	2.6%	3.6%	3.8%	4.2%	3.3%	2.7%
Oklahoma City	3.1%	3.9%	4.2%	4.0%	3.9%	3.1%
Philadelphia	2.9%	4.4%	5.2%	4.4%	3.9%	3.0%
Phoenix	2.8%	3.2%	3.6%	4.0%	2.8%	3.1%
Richmond	2.4%	3.4%	2.9%	3.5%	2.9%	2.6%
Riverside	3.4%	3.9%	3.7%	5.1%	4.0%	3.4%
Rochester	3.6%	5.1%	5.4%	4.8%	4.3%	3.6%
San Antonio	2.7%	3.1%	3.4%	4.1%	3.1%	3.0%
San Francisco	1.2%	2.4%	1.2%	2.4%	1.4%	1.4%
San Jose	1.4%	1.8%	1.9%	2.4%	1.5%	1.5%
Seattle	1.8%	2.3%	2.0%	2.4%	1.8%	1.8%
Tampa	2.6%	3.6%	3.5%	3.8%	2.8%	2.9%
Washington, DC	1.7%	2.9%	2.7%	2.9%	2.0%	2.0%
National	2.9%	4.2%	3.5%	4.2%	3.4%	3.0%

A3.4. Metro-level median energy burdens based on building type

Metro area	Single family	Multifamily (5+ units)	Low-income multifamily (5+ units, ≤200% FPL)	Built before 1980	Built after 1980
Atlanta	3.7%	2.5%	6.6%	4.5%	3.3%
Baltimore	3.2%	2.5%	7.5%	3.6%	2.4%
Birmingham	4.1%	3.5%	6.8%	5.1%	3.6%
Boston	3.1%	2.2%	6.6%	3.2%	2.6%
Chicago	2.6%	2.7%	6.4%	2.9%	2.2%
Dallas	3.1%	2.2%	5.0%	3.5%	2.7%
Detroit	3.8%	2.5%	6.0%	4.3%	3.0%
Houston	3.0%	2.5%	5.8%	3.4%	2.7%
Las Vegas	2.8%	2.4%	5.3%	3.6%	2.7%
Los Angeles	2.3%	2.1%	4.8%	2.3%	2.1%
Miami	2.9%	2.9%	5.5%	3.3%	2.6%
Minneapolis	2.3%	1.8%	4.3%	2.5%	2.0%
New York City	3.0%	2.4%	8.0%	3.0%	2.4%
Oklahoma City	3.2%	3.3%	6.5%	3.8%	2.9%
Philadelphia	3.3%	2.7%	6.5%	3.6%	2.5%
Phoenix	3.1%	2.1%	4.6%	3.6%	2.8%
Richmond	2.6%	2.1%	5.0%	3.1%	2.3%
Riverside	3.5%	3.9%	6.1%	4.3%	3.3%
Rochester	3.7%	3.2%	6.0%	4.0%	3.4%
San Antonio	3.0%	2.6%	4.8%	3.9%	2.7%
San Francisco	1.5%	1.3%	4.9%	1.4%	1.4%
San Jose	1.6%	1.2%	4.7%	1.6%	1.3%
Seattle	1.9%	1.5%	4.1%	2.0%	1.7%
Tampa	2.8%	2.2%	4.9%	3.3%	2.5%
Washington, DC	2.2%	1.4%	5.2%	2.3%	1.9%
National	3.1%	2.4%	5.6%	3.4%	2.8%

A3.5. Metro-level upper-quartile energy burdens for income-based groups (25% of households in each group have a burden above the upper-quartile threshold)

Metro area	Low-income (≤200% FPL)	Low-income with older adults (65+)	Low-income with child under 6	Low-income with disability	Low-income multifamily	Non-low-income (>200% FPL)
Atlanta	16.2%	19.1%	12.8%	17.9%	11.7%	4.1%
Baltimore	21.7%	34.0%	10.9%	27.1%	5.5%	3.8%
Birmingham	18.3%	20.0%	17.1%	17.7%	13.9%	4.6%
Boston	18.6%	21.8%	16.0%	21.4%	11.7%	4.2%
Chicago	15.1%	17.5%	11.2%	13.2%	12.7%	3.1%
Dallas	11.4%	17.1%	8.5%	15.4%	7.9%	3.6%
Detroit	18.8%	21.2%	13.6%	19.8%	9.6%	4.3%
Houston	12.2%	20.2%	9.0%	22.0%	9.8%	3.2%
Las Vegas	13.8%	21.8%	8.0%	13.7%	10.9%	3.2%
Los Angeles	10.4%	11.4%	8.4%	11.2%	8.7%	2.6%
Miami	11.2%	13.3%	10.0%	13.0%	10.0%	3.0%
Minneapolis	12.2%	14.8%	6.9%	12.6%	7.7%	2.9%
New York City	16.8%	21.8%	14.1%	18.6%	15.0%	3.4%
Oklahoma City	12.5%	14.0%	9.9%	12.4%	10.2%	3.7%
Philadelphia	19.1%	24.9%	14.7%	20.0%	12.1%	3.8%
Phoenix	11.9%	15.3%	9.2%	12.7%	7.3%	3.5%
Richmond	15.6%	22.0%	10.4%	19.2%	8.8%	3.3%
Riverside	15.0%	16.6%	10.7%	16.5%	9.9%	3.9%
Rochester	15.9%	20.0%	14.0%	14.7%	9.9%	4.3%
San Antonio	13.3%	16.6%	9.2%	16.2%	9.2%	3.5%
San Francisco	14.3%	14.3%	8.5%	14.4%	11.0%	2.0%
San Jose	12.5%	14.9%	7.6%	14.9%	8.9%	2.0%
Seattle	10.9%	12.0%	9.2%	9.9%	6.8%	2.4%
Tampa	12.1%	12.1%	10.7%	12.7%	9.2%	3.2%
Washington, DC	13.5%	17.6%	8.9%	15.0%	9.1%	2.9%
National	14.4%	16.3%	12.0%	15.6%	10.1%	3.6%

A3.6. Metro-level upper-quartile energy burdens based on race/ethnicity, age, and tenure status (25% of households in each group have a burden above the upper-quartile threshold)

Metro area	White (non-Hispanic)	Black	Hispanic	Older adults (65+)	Renter	Owner
Atlanta	5.4%	8.1%	7.4%	9.8%	7.2%	6.2%
Baltimore	5.0%	8.3%	4.9%	8.0%	6.7%	5.1%
Birmingham	6.7%	11.8%	8.7%	10.7%	10.4%	6.8%
Boston	5.6%	8.1%	7.7%	9.0%	6.8%	5.6%
Chicago	4.2%	8.5%	4.9%	7.5%	6.0%	4.4%
Dallas	4.3%	5.8%	6.0%	7.0%	5.1%	4.8%
Detroit	6.3%	9.4%	7.2%	9.0%	8.9%	6.3%
Houston	4.4%	6.6%	6.1%	8.0%	6.2%	4.8%
Las Vegas	4.6%	6.1%	5.0%	6.1%	5.3%	4.3%
Los Angeles	3.6%	6.5%	5.0%	6.1%	5.1%	3.8%
Miami	4.4%	6.9%	5.8%	8.3%	6.4%	5.0%
Minneapolis	3.5%	4.4%	4.5%	5.4%	4.2%	3.5%
New York City	5.4%	8.2%	7.9%	10.1%	7.2%	5.3%
Oklahoma City	5.4%	7.4%	6.6%	7.7%	6.8%	5.2%
Philadelphia	5.2%	10.2%	9.2%	8.4%	7.9%	5.5%
Phoenix	4.8%	6.2%	6.0%	7.0%	5.2%	5.2%
Richmond	4.1%	7.0%	5.8%	6.8%	5.5%	4.4%
Riverside	6.7%	7.3%	6.9%	9.2%	7.2%	6.4%
Rochester	6.2%	11.6%	11.4%	9.0%	8.1%	6.1%
San Antonio	4.6%	5.2%	6.4%	7.9%	5.5%	5.3%
San Francisco	2.5%	5.3%	3.6%	4.7%	3.0%	2.8%
San Jose	2.8%	3.7%	3.4%	5.0%	3.1%	2.8%
Seattle	3.2%	4.5%	4.1%	5.1%	3.6%	3.2%
Tampa	5.0%	7.1%	6.3%	6.5%	5.6%	5.2%
Washington, DC	3.0%	5.1%	5.1%	6.0%	4.4%	3.6%
National	5.5%	8.4%	6.5%	8.1%	7.1%	5.4%

A3.7. Metro-level upper-quartile energy burdens based on building type (25% of households in each group have a burden above the upper-quartile threshold)

Metro area	Single family	Multifamily (5+ units)	Low-income multifamily ($\leq 200\%$ FPL, 5+ units)	Built before 1980	Built after 1980
Atlanta	6.6%	5.3%	11.7%	8.1%	5.8%
Baltimore	5.5%	5.5%	5.5%	6.9%	4.0%
Birmingham	7.3%	6.5%	13.9%	9.7%	6.3%
Boston	5.6%	5.6%	11.7%	6.2%	4.9%
Chicago	4.5%	5.3%	12.7%	5.5%	4.0%
Dallas	5.1%	4.2%	7.9%	6.0%	4.6%
Detroit	6.8%	6.0%	9.6%	7.5%	5.7%
Houston	5.1%	5.1%	9.8%	6.1%	4.8%
Las Vegas	4.7%	4.7%	10.9%	6.7%	4.4%
Los Angeles	4.4%	4.4%	8.7%	4.5%	4.1%
Miami	5.2%	5.5%	10.0%	6.2%	4.8%
Minneapolis	3.6%	3.3%	7.7%	3.9%	3.3%
New York City	6.3%	6.6%	15.0%	5.9%	6.4%
Oklahoma City	5.5%	6.8%	10.2%	6.9%	4.7%
Philadelphia	6.2%	5.8%	12.1%	7.0%	4.9%
Phoenix	5.1%	4.2%	7.3%	6.0%	4.6%
Richmond	4.7%	4.0%	8.8%	6.0%	3.9%
Riverside	6.5%	6.9%	9.9%	7.8%	5.8%
Rochester	6.5%	6.3%	9.9%	7.1%	5.9%
San Antonio	5.5%	4.3%	9.2%	7.5%	4.5%
San Francisco	3.0%	2.6%	11.0%	2.9%	2.8%
San Jose	3.0%	2.6%	8.9%	3.1%	2.5%
Seattle	3.2%	3.2%	6.8%	3.6%	3.1%
Tampa	5.2%	4.4%	9.2%	6.5%	4.5%
Washington, DC	4.0%	3.2%	9.1%	4.5%	3.2%
National	5.8%	5.3%	10.1%	6.7%	5.3%

APPENDIX B.

High and Severe Energy Burdens

This section includes 2017 population data from the American Housing Survey (AHS) Table Creator for both national and metropolitan statistical area samples. www.census.gov/programs-surveys/ahs/data/interactive/ahstablecreator.html.

Appendix B.1–National High and Severe Energy Burdens

B1.1. Total national households in each subgroup, and each subgroup’s total households with a high energy burden ($\geq 6\%$) and total households with severe energy burden ($\geq 10\%$)

Category	Subgroup	Total households	Percentage highly burdened ($\geq 6\%$)	Total highly burdened households ($\geq 6\%$)	Percentage severely burdened ($\geq 10\%$)	Total severely burdened households ($\geq 10\%$)
Income	All households	121,560,000	25%	30,585,830	13%	15,861,674
	Low-income ($\leq 200\%$ FPL)	38,551,000	67%	25,776,144	40%	15,383,432
	Non-low-income ($>200\%$ FPL)	83,009,000	6%	5,214,246	1%	738,779
Race/ ethnicity	Black	16,552,000	36%	5,995,213	21%	3,469,788
	Native American	1,483,000	36%	541,155	19%	283,884
	Hispanic	16,496,000	28%	4,572,335	14%	2,250,966
	White (non-Hispanic)	80,550,000	23%	21,924,520	11%	10,485,640
Age	Older adults (65+)	34,929,000	36%	12,487,949	19%	6,701,933
Tenure	Renters	43,993,000	30%	13,218,332	17%	7,290,945
	Owners	77,567,000	22%	17,174,847	11%	8,431,501
Housing type	Low-income multifamily (5+ units) and low-income ($\leq 200\%$ FPL)	9,345,000	47%	4,413,429	26%	2,408,442
	Small multifamily (2-4 units)	8,363,000	47%	3,949,653	26%	2,155,356
	Manufactured homes	6,727,000	45%	2,999,580	25%	1,709,320
	Built before 1980	55,723,000	29%	15,911,480	15%	8,392,366
	Single family	85,791,000	24%	20,831,649	12%	10,476,575
	Multifamily (5+ units)	20,605,000	22%	4,572,668	12%	2,449,125
	Built after 1980	65,838,000	21%	14,114,223	11%	7,137,071

Appendix B.2—Regional High and Severe Energy Burdens

B2.1. Total households in each region, and each region's total households with a high energy burden ($\geq 6\%$) and total households with severe energy burden ($\geq 10\%$)

Region	Total households in region	Percentage highly burdened ($\geq 6\%$)	Total highly burdened households ($\geq 6\%$)	Percentage severely burdened ($\geq 10\%$)	Total severely burdened households ($\geq 10\%$)
East North Central	18,522,000	29%	5,371,380	15%	2,778,300
East South Central	7,417,000	38%	2,818,460	21%	1,557,570
Middle Atlantic	16,019,000	29%	4,645,510	16%	2,563,040
Mountain	8,916,000	21%	1,872,360	11%	980,760
New England	5,809,000	29%	1,684,610	15%	871,350
Pacific	18,305,000	18%	3,294,900	9%	1,647,450
South Atlantic	23,974,000	26%	6,233,240	14%	3,356,360
West North Central	8,527,000	25%	2,131,750	12%	1,023,240
West South Central	14,070,000	25%	3,517,500	13%	1,829,100
National	121,560,000	25%	30,585,830	13%	15,861,674

B2.2. Total low-income households in each region, and each region's total low-income households with a high energy burden ($\geq 6\%$) and total low-income households with severe energy burden ($\geq 10\%$)

Region	Total low-income households in region	Percentage highly burdened ($\geq 6\%$)	Total highly burdened low-income households ($\geq 6\%$)	Percentage severely burdened ($\geq 10\%$)	Total severely burdened low-income households ($\geq 10\%$)
East North Central	5,979,000	74%	4,424,460	45%	2,690,550
East South Central	2,976,000	74%	2,202,240	46%	1,368,960
Middle Atlantic	4,827,000	72%	3,475,440	48%	2,316,960
Mountain	2,719,000	58%	1,577,020	33%	897,270
New England	1,621,000	75%	1,215,750	52%	842,920
Pacific	5,064,000	57%	2,886,480	33%	1,671,120
South Atlantic	8,042,000	69%	5,548,980	41%	3,297,220
West North Central	2,297,000	66%	1,516,020	39%	895,830
West South Central	5,026,000	66%	3,317,160	36%	1,809,360
National	38,551,000	67%	25,776,144	40%	15,383,432

B2.3. Total Black households in each region, and each region's total Black households with a high energy burden ($\geq 6\%$) and total Black households with severe energy burden ($\geq 10\%$)

Region	Total Black households in region	Percentage highly burdened ($\geq 6\%$)	Total highly burdened Black households ($\geq 6\%$)	Percentage severely burdened ($\geq 10\%$)	Total severely burdened Black households ($\geq 10\%$)
East North Central	2,336,000	43%	1,004,480	25%	584,000
East South Central	1,595,000	51%	813,450	31%	494,450
Middle Atlantic	2,437,000	38%	926,060	25%	609,250
Mountain	359,000	27%	96,930	13%	46,670
New England	401,000	33%	132,330	17%	68,170
Pacific	1,077,000	26%	280,020	15%	161,550
South Atlantic	5,485,000	35%	1,919,750	20%	1,097,000
West North Central	585,000	40%	234,000	24%	140,400
West South Central	2,277,000	34%	774,180	19%	432,630
National	16,552,000	36%	5,995,213	21%	3,469,788

B2.4. Total Hispanic households in each region, and each region's total Hispanic households with a high energy burden ($\geq 6\%$) and total Hispanic households with severe energy burden ($\geq 10\%$)

Region	Total Hispanic households in region	Percentage highly burdened ($\geq 6\%$)	Total highly burdened Hispanic households ($\geq 6\%$)	Percentage severely burdened ($\geq 10\%$)	Total severely burdened Hispanic households ($\geq 10\%$)
East North Central	1,083,000	26%	281,580	12%	129,960
East South Central	197,000	38%	74,860	23%	45,310
Middle Atlantic	2,052,000	38%	779,760	22%	451,440
Mountain	1,721,000	27%	464,670	13%	223,730
New England	563,000	40%	225,200	23%	129,490
Pacific	4,466,000	23%	1,027,180	11%	491,260
South Atlantic	2,695,000	26%	700,700	12%	323,400
West North Central	360,000	26%	93,600	15%	54,000
West South Central	3,359,000	31%	1,041,290	15%	503,850
National	16,496,000	28%	4,572,335	14%	2,250,966

B2.5. Total older adult (65+) households in each region, and each region's total older adult (65+) households with a high energy burden ($\geq 6\%$) and total older adult (65+) households with severe energy burden ($\geq 10\%$)

Region	Total older adult (65+) households in MSA	Percentage highly burdened ($\geq 6\%$)	Total highly burdened older adult households ($\geq 6\%$)	Percentage severely burdened ($\geq 10\%$)	Total severely burdened older adult households ($\geq 10\%$)
East North Central	4,711,000	39%	1,837,290	20%	942,200
East South Central	1,902,000	49%	931,980	26%	494,520
Middle Atlantic	4,228,000	41%	1,733,480	23%	972,440
Mountain	2,258,000	30%	677,400	15%	338,700
New England	1,578,000	41%	646,980	24%	378,720
Pacific	4,328,000	27%	1,168,560	14%	605,920
South Atlantic	6,402,000	37%	2,368,740	21%	1,344,420
West North Central	2,202,000	32%	704,640	17%	374,340
West South Central	3,058,000	37%	1,131,460	21%	642,180
National	34,929,000	36%	12,487,949	19%	6,701,933

B2.6. Total renting households in each region, and each region's total renting households with a high energy burden ($\geq 6\%$) and total renting households with severe energy burden ($\geq 10\%$)

Region	Total renting households in region	Percentage highly burdened ($\geq 6\%$)	Total highly burdened renting households ($\geq 6\%$)	Percentage severely burdened ($\geq 10\%$)	Total severely burdened renting households ($\geq 10\%$)
East North Central	5,945,000	37%	2,199,650	21%	1,248,450
East South Central	2,458,000	46%	1,130,680	28%	688,240
Middle Atlantic	6,279,000	34%	2,134,860	21%	1,318,590
Mountain	3,091,000	24%	741,840	12%	370,920
New England	2,092,000	34%	711,280	19%	397,480
Pacific	7,910,000	21%	1,661,100	11%	870,100
South Atlantic	8,395,000	31%	2,602,450	17%	1,427,150
West North Central	2,616,000	34%	889,440	19%	497,040
West South Central	5,207,000	31%	1,614,170	17%	885,190
National	43,993,000	30%	13,218,332	17%	7,290,945

Appendix B.3–Metro Area High and Severe Energy Burdens

B3.1. Total households in each MSA, and each MSA's total households with a high energy burden ($\geq 6\%$) and total households with severe energy burden ($\geq 10\%$)

Metro area	Total households in MSA	Percentage highly burdened ($\geq 6\%$)	Total highly burdened households ($\geq 6\%$)	Percentage severely burdened ($\geq 10\%$)	Total severely burdened households ($\geq 10\%$)
Atlanta	2,108,800	28%	589,430	14%	287,711
Baltimore	1,047,600	23%	237,681	11%	120,345
Birmingham	447,000	34%	153,330	18%	80,995
Boston	1,853,800	24%	447,358	12%	230,652
Chicago	3,526,500	20%	704,117	10%	362,906
Dallas	2,564,700	19%	483,475	8%	216,838
Detroit	1,723,300	30%	518,698	16%	269,687
Houston	2,329,000	21%	499,379	11%	249,689
Las Vegas	798,600	18%	145,680	10%	80,347
Los Angeles	4,395,700	17%	768,453	9%	390,770
Miami	2,090,600	23%	476,674	12%	249,435
Minneapolis	1,379,600	12%	159,048	5%	71,714
New York City	7,428,000	25%	1,859,460	15%	1,111,740
Oklahoma City	515,900	24%	124,637	11%	57,920
Philadelphia	2,308,400	26%	609,507	14%	332,798
Phoenix	1,685,600	21%	351,448	10%	165,189
Richmond	489,500	17%	85,086	9%	46,342
Riverside	1,314,500	29%	382,285	15%	197,493
Rochester	439,700	29%	127,262	15%	64,726
San Antonio	805,700	22%	176,022	11%	88,011
San Francisco	1,706,200	10%	170,620	6%	100,622
San Jose	657,700	11%	71,468	6%	38,953
Seattle	1,485,700	11%	170,423	6%	83,837
Tampa	1,182,800	21%	248,937	11%	127,945
Washington, DC	2,178,800	14%	299,167	7%	149,583
National	120,062,818	25%	30,585,830	13%	15,861,674

B3.2. Total low-income households in each MSA, and each MSA's total low-income households with a high energy burden ($\geq 6\%$) and total low-income households with severe energy burden ($\geq 10\%$)

Metro area	Total low-income households in MSA	Percentage highly burdened ($\geq 6\%$)	Total highly burdened low-income households ($\geq 6\%$)	Percentage severely burdened ($\geq 10\%$)	Total severely burdened low-income households ($\geq 10\%$)
Atlanta	589,900	79%	466,021	48%	283,152
Baltimore	241,200	77%	185,724	52%	125,424
Birmingham	156,000	82%	127,920	54%	84,240
Boston	412,700	74%	305,398	51%	210,477
Chicago	1,025,400	68%	697,272	39%	399,906
Dallas	692,500	49%	339,325	31%	214,675
Detroit	551,700	80%	441,360	51%	281,367
Houston	731,100	61%	445,971	34%	248,574
Las Vegas	253,700	55%	139,535	33%	83,721
Los Angeles	1,371,300	50%	685,650	27%	370,251
Miami	820,900	57%	467,913	31%	254,479
Minneapolis	256,900	57%	146,433	32%	82,208
New York City	2,248,400	70%	1,573,880	48%	1,079,232
Oklahoma City	155,400	68%	105,672	37%	57,498
Philadelphia	652,300	74%	482,702	48%	313,104
Phoenix	507,800	59%	299,602	32%	162,496
Richmond	122,100	64%	78,144	40%	48,840
Riverside	453,700	71%	322,127	44%	199,628
Rochester	137,400	73%	100,302	46%	63,204
San Antonio	260,800	62%	161,696	35%	91,280
San Francisco	326,600	51%	166,566	32%	104,512
San Jose	121,500	54%	65,610	32%	38,880
Seattle	290,000	50%	145,000	28%	81,200
Tampa	377,900	61%	230,519	36%	136,044
Washington, DC	399,200	60%	239,520	36%	143,712
National	38,551,000	67%	25,776,144	40%	15,383,432

B3.3. Total Black households in each MSA, and each MSA's total Black households with a high energy burden ($\geq 6\%$) and total Black households with severe energy burden ($\geq 10\%$)

Metro area	Total Black households in MSA	Percentage highly burdened ($\geq 6\%$)	Total highly burdened Black households ($\geq 6\%$)	Percentage severely burdened ($\geq 10\%$)	Total severely burdened Black households ($\geq 10\%$)
Atlanta	789,500	36%	284,220	21%	165,795
Baltimore	324,100	34%	110,194	20%	64,820
Birmingham	137,000	47%	64,390	30%	41,100
Boston	157,900	32%	50,528	16%	25,264
Chicago	682,800	37%	252,636	21%	143,388
Dallas	466,000	25%	116,500	14%	65,240
Detroit	427,900	43%	183,997	23%	98,417
Houston	482,400	29%	139,896	15%	72,360
Las Vegas	112,600	26%	29,276	18%	20,268
Los Angeles	372,200	27%	100,494	15%	55,830
Miami	459,500	29%	133,255	18%	82,710
Minneapolis	113,000	15%	16,950	7%	7,910
New York City	1,459,600	32%	467,072	21%	306,516
Oklahoma City	61,000	32%	19,520	17%	10,370
Philadelphia	542,900	39%	211,731	25%	135,725
Phoenix	107,200	26%	27,872	15%	16,080
Richmond	153,500	28%	42,980	15%	23,025
Riverside	129,300	30%	38,790	17%	21,981
Rochester	48,000	44%	21,120	29%	13,920
San Antonio	61,500	20%	12,300	11%	6,765
San Francisco	157,900	24%	37,896	15%	23,685
San Jose	20,600	14%	2,884	11%	2,266
Seattle	94,100	14%	13,174	6%	5,646
Tampa	144,500	28%	40,460	18%	26,010
Washington, DC	631,200	21%	132,552	10%	63,120
National	16,552,000	36%	5,995,213	21%	3,469,788

B3.4. Total Hispanic households in each MSA, and each MSA's total Hispanic households with a high energy burden ($\geq 6\%$) and total Hispanic households with severe energy burden ($\geq 10\%$)

Metro area	Total Hispanic households in MSA	Percentage highly burdened ($\geq 6\%$)	Total highly burdened Hispanic households ($\geq 6\%$)	Percentage severely burdened ($\geq 10\%$)	Total severely burdened Hispanic households ($\geq 10\%$)
Atlanta	168,100	35%	58,835	14%	23,534
Baltimore	42,800	21%	8,988	8%	3,424
Birmingham	14,400	40%	5,760	18%	2,592
Boston	184,900	30%	55,470	17%	31,433
Chicago	561,600	19%	106,704	9%	50,544
Dallas	592,600	25%	148,150	10%	59,260
Detroit	55,200	38%	20,976	15%	8,280
Houston	706,000	25%	176,500	11%	77,660
Las Vegas	186,600	18%	33,588	10%	18,660
Los Angeles	1,589,200	20%	317,840	10%	158,920
Miami	884,800	24%	212,352	12%	106,176
Minneapolis	60,500	16%	9,680	10%	6,050
New York City	1,544,500	33%	509,685	19%	293,455
Oklahoma City	52,300	29%	15,167	16%	8,368
Philadelphia	154,100	45%	69,345	24%	36,984
Phoenix	378,300	25%	94,575	11%	41,613
Richmond	25,100	24%	6,024	11%	2,761
Riverside	579,000	31%	179,490	15%	86,850
Rochester	25,500	44%	11,220	26%	6,630
San Antonio	400,900	27%	108,243	14%	56,126
San Francisco	284,300	12%	34,116	8%	22,744
San Jose	139,200	13%	18,096	7%	9,744
Seattle	109,600	15%	16,440	7%	7,672
Tampa	188,300	27%	50,841	16%	30,128
Washington, DC	252,700	19%	48,013	6%	15,162
National	16,496,000	28%	4,572,335	14%	2,250,966

B3.5. Total older adult (65+) households in each MSA, and each MSA's total older adult (65+) households with a high energy burden ($\geq 6\%$) and total older adult (65+) households with severe energy burden ($\geq 10\%$)

Metro area	Total older adult (65+) households in MSA	Percentage highly burdened ($\geq 6\%$)	Total highly burdened older adult households ($\geq 6\%$)	Percentage severely burdened ($\geq 10\%$)	Total severely burdened older adult households ($\geq 10\%$)
Atlanta	490,700	44%	215,908	24%	117,768
Baltimore	107,700	34%	36,618	18%	19,386
Birmingham	127,800	48%	61,344	27%	34,506
Boston	516,400	38%	196,232	22%	113,608
Chicago	976,800	31%	302,808	16%	156,288
Dallas	540,500	29%	156,745	17%	91,885
Detroit	493,400	41%	202,294	22%	108,548
Houston	503,200	34%	171,088	20%	100,640
Las Vegas	204,400	26%	53,144	15%	30,660
Los Angeles	1,184,600	26%	307,996	14%	165,844
Miami	712,800	35%	249,480	20%	142,560
Minneapolis	339,300	22%	74,646	10%	33,930
New York City	2,162,800	39%	843,492	26%	562,328
Oklahoma City	123,800	35%	43,330	17%	21,046
Philadelphia	674,400	37%	249,528	21%	141,624
Phoenix	502,700	30%	150,810	14%	70,378
Richmond	131,100	29%	38,019	15%	19,665
Riverside	368,300	42%	154,686	24%	88,392
Rochester	133,600	39%	52,104	20%	26,720
San Antonio	188,100	35%	65,835	18%	33,858
San Francisco	498,900	18%	89,802	10%	49,890
San Jose	171,000	20%	34,200	11%	18,810
Seattle	361,100	19%	68,609	9%	32,499
Tampa	402,500	30%	120,750	14%	56,350
Washington, DC	546,800	25%	136,700	14%	76,552
National	34,929,000	36%	12,487,949	19%	6,701,933

B3.6. Total renting households in each MSA, and each MSA's total renting households with a high energy burden ($\geq 6\%$) and total renting households with severe energy burden ($\geq 10\%$)

Metro area	Total renting households in MSA	Percentage highly burdened ($\geq 6\%$)	Total highly burdened renting households ($\geq 6\%$)	Percentage severely burdened ($\geq 10\%$)	Total severely burdened renting households ($\geq 10\%$)
Atlanta	794,400	31%	246,264	16%	127,104
Baltimore	369,100	30%	110,730	16%	59,056
Birmingham	141,700	47%	66,599	28%	39,676
Boston	715,000	28%	200,200	15%	107,250
Chicago	1,238,200	26%	321,932	14%	173,348
Dallas	1,060,200	20%	212,040	10%	106,020
Detroit	527,300	40%	210,920	21%	110,733
Houston	896,000	27%	241,920	14%	125,440
Las Vegas	400,900	21%	84,189	12%	48,108
Los Angeles	2,280,900	21%	478,989	11%	250,899
Miami	853,900	27%	230,553	15%	128,085
Minneapolis	407,700	14%	57,078	7%	28,539
New York City	3,643,800	29%	1,056,702	19%	692,322
Oklahoma City	169,200	30%	50,760	15%	25,380
Philadelphia	614,800	35%	215,180	19%	116,812
Phoenix	593,300	21%	124,593	10%	59,330
Richmond	174,500	23%	40,135	13%	22,685
Riverside	479,300	33%	158,169	16%	76,688
Rochester	144,300	36%	51,948	20%	28,860
San Antonio	305,300	22%	67,166	11%	33,583
San Francisco	375,100	13%	48,763	8%	30,008
San Jose	272,200	12%	32,664	7%	19,054
Seattle	613,600	13%	79,768	7%	42,952
Tampa	418,000	23%	96,140	13%	54,340
Washington, DC	801,800	17%	136,306	8%	64,144
National	43,993,000	30%	13,218,332	17%	7,290,945

APPENDIX C.

City- and State-Led Actions to Address High Energy Burdens

C1. City-led actions to reduce high energy burdens

Metro area	Strategy/action	Year enacted	Description	Data source
Atlanta	Plan with energy burden strategy	2017	The Clean Energy plan includes energy burden as a key strategy for achieving the city's clean energy future.	City of Atlanta 2019
	Plan with energy burden goal	2017	The Resilience Strategy includes action to lift energy burden on 10% of Atlanta households.	City of Atlanta 2017
Cincinnati	Plan with energy burden goal	2018	The Green Cincinnati Plan set a goal to reduce household energy burdened by 10% compared to current levels.	City of Cincinnati 2018
	City-led program to reduce energy burdens	2020	The city partnered with Duke Energy Ohio to address the high energy burdens by launching a low-income multifamily energy efficiency pilot program called Warm Up Cincy.	City of Cincinnati 2020
Houston	Plan with energy burden strategy	2018	The Climate Action Plan includes a goal to promote weatherization programs to reduce residential energy consumption and focus on reducing energy burdens of low-income populations.	City of Houston 2020
Minneapolis	Plan with energy burden goal	2013	The Climate Action Plan states that the city will prioritize neighborhoods with high energy burdens for strategy implementation.	City of Minneapolis 2013
	Equity indicator	2013	Climate Action Plan reporting should also include equity indicators to measure whether energy burden reductions are equitable.	
New Orleans	Plan with energy burden goal	2017	The Climate Action Plan includes two strategies to reduce the high energy burdens of the city's residents.	City of New Orleans 2017
Oakland	Equity indicator	2018	Oakland includes energy cost burden as a metric in its 2018 Equity Indicators report.	City of Oakland 2018
Philadelphia	Plan with energy burden goal	2018	The Clean Energy Vision Plan set a goal to eliminate the energy burden for 33% of Philadelphians.	City of Philadelphia 2018
Pittsburgh	City-led program to reduce energy burdens	2019	As part of the Bloomberg Mayor's Challenge, the city created Switch PGH to address high burdens through a civic engagement tool.	City of Pittsburgh 2019
Saint Paul	Plan with energy burden goal	2017	The city set a goal to reduce resident energy burden within 10 years so that no household spends more than 4% of its income on energy bills.	City of Saint Paul 2017

See Appendix for data sources

C2. State-led actions to reduce high energy burden

State	Strategy/action	Year enacted	Description	Data source
Colorado	Demonstration project/pilot program	2018	The Energy Office awarded GRID Alternatives a \$1.2 million grant to launch a project to reduce the energy burden of 300 low-income households through renewable energy and energy efficiency investments.	Cook and Shah 2018
New Jersey	State legislation	2020	The NJ Clean Energy Equity Act (S. 2484) aims to use solar, storage, and energy efficiency to bring low-income households and environmental justice communities within or below the state's average energy burden.	New Jersey Legislature 2020
New York	Governor-led executive order	2016	Governor Andrew M. Cuomo issued the Energy Affordability policy to work toward a goal of no New Yorker spending more than 6% of their household income on energy.	New York 2016
Oregon	Governor-led executive order	2018	In response to Governor Kate Brown's Executive Order 17-20, the Oregon Department of Energy, the Oregon Public Utility Commission, and the Oregon Housing and Community Services Department conducted an assessment and created a 10-year plan to reduce energy burdens in Oregon affordable housing.	OR DOE, OR PUC, and OHCS 2018
Pennsylvania	Public Utility Commission study	2019	The Pennsylvania PUC released a report that assessed home energy affordability for low-income customers in the state.	Pennsylvania Public Utility Commission 2019
	Public Utility Commission policy	2020	The Pennsylvania PUC set a new policy to direct utilities to ensure that low-income customers spend no more than 10% (6% for lowest-income customers) of their income on energy bills.	Pennsylvania Public Utility Commission 2019
Washington	Governor-led executive order	2019	As part of Governor Jay Inslee's Clean Energy Transformation Act, the Washington Department of Commerce assessed the energy burdens for low-income households and the energy assistance offered by electric utilities.	Washington State Department of Commerce 2020

APPENDIX D.

Low-Income Energy Efficiency Program Best Practices

This section contains short descriptions of some best practices for low-income energy efficiency programs: coordination, collaboration, and segmentation; funding and financing; effective measures and targeting; evaluation and quality control; and coordination of energy efficiency and renewable energy investments.

Coordination, collaboration, and segmentation

Community engagement and participatory planning

can ensure that programs are designed to meet community needs and build trust. By involving the community in the planning process, energy efficiency programs create outcomes that best meet community needs, leverage community networks to achieve higher program participation, and improve visibility and support within the community for program implementers (e.g., a utility or local government). Participatory planning requires effort from program planners, who can follow a set of best practices for optimal success.²¹ For example, Professor Tony Reames conducted a community engagement study of Kansas City, Missouri, to understand barriers that low-income households face in participating in weatherization. This stakeholder engagement led to the development of innovative strategies to overcome barriers, such as hiring an all-African American staff to help build trust within the local community.²²

Statewide coordination models enable consistent low-income program delivery across utilities, WAP implementers, and local jurisdictions. Some states have one implementer for the state's low-income programs who ensures that similar program offerings are available to all customers in the state. States such as California, New Jersey, New York, Colorado, and Massachusetts offer statewide low-income program models that aim to coordinate resources from multiple sources through a single program. For example, California's Energy Saving Assistance Program is offered by all regulated investor-owned utilities across the state. Massachusetts is served by the Low-Income Energy Affordability Network (LEAN), which includes community action agencies, public and private housing owners, government organizations, and public utilities that all work together to provide low-income efficiency solutions in the state.

One-stop-shop program models minimize barriers and allow low-income households to access all available resources in one place. The models provide a single point of contact, universal intake applications, comprehensive technical assistance, and streamlined access to program resources.²³ One-stop-shop models should be replicated in various locations and combine each location's available offerings. Through its Energize Delaware program model, for example, the nonprofit Delaware Sustainable Energy Utility (DESEU) offers a one-stop-shop resource that focuses on a whole-building approach and consolidates available resources directed at both low-income customers and owners of affordable multifamily buildings.

Market segmentation designs programs to meet the specific needs of subsets of highly burdened households, such as people living in affordable multifamily buildings or manufactured housing. Low-income customers are a diverse segment with diverse energy needs. By segmenting customers by key demographic categories, program designers can then work to identify a specific customer segment's energy usage characteristics and program needs. This can lead to more impactful outreach, relationship building, program design, and results. For instance, Eversource partnered with Oracle Utilities-Opower to develop a first-of-kind approach to digitally characterizing and targeting customers that require assistance. This analytical approach can guide utilities in creating programs that are specific to a resident subset or area.²⁴

Fuel-neutral programs allow energy efficiency measures to be completed simultaneously in a home regardless of the electric and/or natural gas utilities that service it. This is critical for addressing the high costs associated with delivered fuels (oil, propane) and for coordinating across electric and natural gas utilities. For example, New York's Clean Energy Fund, designed to deliver on the state's Reforming the Energy Vision (REV) commitments, implements energy efficiency initiatives on a fuel-neutral basis. By taking a fuel-neutral approach, New York State can increase energy efficiency at the lowest cost, enable greater greenhouse gas reductions, and stimulate local economic development.²⁵

²¹ Calvert, K., I. McVey, and A. Kantamneni. 2017. "Placing the 'Community' in Community Energy Planning. Prepared for *Guelph's Community Energy Initiative Task Force* by the Community Energy Knowledge-Action Partnership. DOI: 10.13140/RG.2.2.22817.30562. www.researchgate.net/publication/319141113_Placing_the_'Community'_in_Community_Energy_Planning.

²² Reames, T. 2016. "A Community-Based Approach to Low-Income Residential Energy Efficiency Participation Barriers." *The International Journal of Justice and Sustainability* Vol 21. www.tandfonline.com/doi/abs/10.1080/13549839.2015.1136995.

²³ Energy Efficiency for All, *One-Stop Shops for the Multifamily Sector*. assets.ctfassets.net/ntcn17ss1ow9/30B8LUDt8GTegjPE8claf/8c5e68405c9692afb9f11fe898b8653e/EEFA_OneStopShop_Fact_Sheet_2.pdf.

²⁴ Lin, J., K.M. Rodgers, S. Kabaca, M. Frades, and D. Ware. 2020. "Energy Affordability in Practice: Oracle Utilities Opower's Business Intelligence to Meet Low and Moderate Income Need at Eversource." *The Electricity Journal*. 33 (9): 1-11. doi.org/10.1016/j.tej.2019.106687.

²⁵ NYSERDA. Reforming the Energy Vision: Clean Energy Fund, Frequently Asked Questions. www.nyserda.ny.gov/-/media/Files/About/Clean-Energy-Fund/clean-energy-fund-qa.pdf.

Funding and financing

Leveraging diverse funding sources allows programs to address health and safety issues and include greater investment and available measures. Funding for low-income energy efficiency programs often comes from electric and natural gas utility ratepayer dollars, federal WAP and LIHEAP funds, state and local funds, nonprofit resources, and other private funding sources. Leveraging funding from various sources can give program implementers greater flexibility, as some federal and utility funding sources limit the types of measures they fund. Leveraging diverse funding sources can lead to a more comprehensive program outcome that has the flexibility to address health and safety issues and incorporate more complex sets of energy efficiency investments.

Inclusive financing models, such as no-interest loans, loan guarantees, and the elimination of credit requirements, are designed to help low-income households overcome up-front cost barriers to accessing traditional private financing options. Inclusive financing options include Pay As You Save (PAYS) programs and on-bill tariff models, which allow low-income households to install energy efficiency investments that are paid off over time on the customer's bill.²⁶ In the low-income multifamily sector, limiting or eliminating up-front costs to building owners can help them undertake more substantial energy efficiency projects and overcome barriers related to the competition for scarce funding for capital projects. Low-interest financing and on-bill repayment can help owners spread out their energy efficiency project costs over time.

Align utility and housing finance programs to encourage energy efficiency upgrades in low-income multifamily buildings. Incorporating utility-customer funding in the current climate of affordable housing refinance and redevelopment can yield deeper, more comprehensive energy efficiency improvements. These extensive renovations may involve replacing outdated building systems, and utility-customer funds can be used to help cover the incremental cost of installing more-efficient equipment than would otherwise be required. For example, the Connecticut Green Bank coordinates closely with the state's energy efficiency initiatives led by the state agencies and local utilities to align incentives for affordable financing for both energy efficiency upgrades and rooftop solar installations. The Connecticut Green Bank's financing opportunities complement the available funding for energy efficiency upgrades from

the Connecticut Housing Finance Authority and the Connecticut Department of Housing.²⁷

Effective measures, messaging, and targeting

Include health and safety measures and healthier building materials to reduce deferral rates and improve indoor air quality, comfort, and long-term health outcomes for program participants. Programs often address health and safety concerns through leveraged funds. However, rather than disqualifying households due to building health and safety issues such as structural problems, mold, or asbestos, utilities and program implementers can combine funding streams to provide health and safety services. For example, the Bronx Healthy Buildings Program aims to reduce asthma-related hospital visits and address the social determinants of health through education, organizing, workforce development, and building upgrades. Energy audits, building inspections, and tenant organizing aim to identify needed repairs and opportunities for energy efficiency improvements.²⁸

Prioritize deep energy-saving measures through a single program and/or engagement to achieve high levels of energy savings. Using trusted contractor networks to deliver programs that include savings-based incentives lets contractors focus on deep savings rather than limiting projects to simple direct-install measures. For example, Oncor's Targeted Weatherization Low-Income program first prioritizes deep energy-saving measures such as building-shell weatherization and air sealing, and then focuses on additional measures such as air-conditioning, refrigeration, and lighting.²⁹

Integrate direct-installation and rebate programs to encourage more extensive improvements. For low-income single and multifamily projects, direct-installation programs that offer no-cost energy efficiency measures can provide an opportunity to connect with building owners, complete an on-site energy assessment, and encourage owners to take advantage of rebates for more extensive improvements such as HVAC upgrades, weatherization, common-area lighting retrofits, and other building-shell improvements.

Targeting high energy users and vulnerable households to generate the greatest energy savings and impact. By using utility data to identify households with the highest energy use, energy efficiency providers can achieve the greatest energy savings. Even so, energy use should be looked at in combination with other factors

²⁶ For more information on inclusive financing options, see SEE Action, 2017. *Energy Efficiency Financing for Low- and Moderate Income Households: Current State of the Market, Issues, and Opportunities*. [eml.bl.gov/sites/default/files/news/lmi-final0811.pdf](http://bl.gov/sites/default/files/news/lmi-final0811.pdf).

²⁷ See ACEEE's 2018 report, *Our Powers Combined: Energy Efficiency and Solar in Affordable Multifamily Buildings*. [aceee.org/research-report/u1804-buildhealthchallenge.org/communities/awardee-bronx-nyc/](https://www.aceee.org/research-report/u1804-buildhealthchallenge.org/communities/awardee-bronx-nyc/).

²⁹ Gillo, A., S. Nowak, and A. Dreihobl. 2017. *Making a Difference: Strategies for Successful Low-Income Energy Efficiency Programs*. Washington, DC: ACEEE. [aceee.org/sites/default/files/publications/researchreports/u1713.pdf](https://www.aceee.org/sites/default/files/publications/researchreports/u1713.pdf).

that lead to household energy vulnerability. Although high energy use can lead to high savings, households with lower energy use can still experience high energy burdens. Efficiency Vermont, for example, changed its program qualification to focus on low-income households with high energy burden rather than low-income households with high energy use. This let the program qualify more customers and target needs to the most vulnerable households.³⁰

Incorporate new and emerging technologies in low-income programs. Expanding the technology scope of low-income energy efficiency programs to technologies they do not traditionally incorporate—such as solar PV, smart meters, energy storage, and electric vehicles—can significantly improve energy affordability and equitable access to these technologies for low-income households.³¹ Unless we ensure that new technologies are available to low-income and underinvested communities, inequities in access to these technologies will continue to grow. Programs that incorporate these emerging technologies can address access barriers for low-income communities and ensure more equitable distribution of their benefits.

Effectively message programs in ways that provide clear value and actionable guidance. Effective messaging helps achieve high program participation and builds trust and understanding of program benefits. Investing in energy efficiency often takes time and resources for both single and multifamily building owners. Although programs typically focus on energy savings and energy cost reductions benefits, programs must also market the many nonenergy benefits that result from energy efficiency improvements. Further, they should include actionable guidance—that is, clear steps that residents and building owners can take to learn more about program services and enroll in the program.

Evaluation and quality control

Collect and share metrics on program outcomes, equity impacts, and other tracked data to hold implementers accountable to program requirements and goals. These metrics can include factors such as race and/or ethnicity, income status, property ownership, energy burden, and energy vulnerability. Often, program implementers publish demand-side management reports that include metrics on low-income program savings, spending, and customers served. Implementers can report additional equity factors such as energy burden data, demographic

data, and participation distribution. For example, VEIC published the *State of Equity Measurement: A Review of Practices in the Clean Energy Industry*, a guide that offers an overview of energy industry metrics for measuring program equity.³² These include metrics to define target populations, determine disparate impacts, and include representative voices in program design, implementation, evaluation, and oversight.

Conduct robust research and evaluation to assess achieved reductions in energy usage. Such evaluations help document and clarify program performance. Impact evaluations measure the direct and indirect benefits from programs, while process evaluations provide systematic assessments of how programs operate. By completing robust evaluations, program planners can determine how to best improve their programs for greater impact and efficiency, and better meet the needs of the target community.

Include quality control as a core element of the services to ensure that energy efficiency services are effective, and homes are left in a safe condition. Many program implementers incorporate ongoing training for contractors and quality control professionals, viewing this as critical to program success and devoting project funding to regular trainings. Some program administrators also include strict quality control requirements for all projects rather than for a sample, which helps incentivize contractors to perform high-quality work. For example, Ouachita Electric Cooperative's HELP PAY program, a tariff-based residential energy efficiency financing program, evaluates every project after completion and facilitates trainings for its contractors in quality control techniques to ensure that all contractors understand the assessment methodologies.³³

Incorporate nonenergy benefits into testing. Without monetizing nonenergy benefits, utility-operated low-income energy efficiency programs cost more to implement per household—and are less cost effective by traditional measures—than utility-operated energy efficiency programs serving higher income groups. However, low-income energy programs deliver benefits beyond energy savings to low-income households that are not typically incorporated into traditional cost-effectiveness testing methods. The *National Standard Practice Manual* discusses how low-income program benefits can be considered at the societal level.³⁴ States can decide to adjust cost-effectiveness tests for

³⁰ Efficiency Vermont. 2020. *Targeted Communities Program Update*. www.energycvermont.com/trade-partners/targeted-communities-program-update.

³¹ Brown, M., A. Soni, M. Lapsa, and K. Southworth. 2020. *Low-Income Energy Affordability: Conclusions from a Literature Review*. ORNL/TM-2019/1150. info.ornl.gov/sites/publications/Files/Pub124723.pdf.

³² Levin, E., E. Palchak, and R. Stephenson. 2019. *The State of Equity Measurement: A Review of Practices in the Clean Energy Industry*. Winooski, VT: VEIC. www.veic.org/Media/default/documents/resources/reports/equity_measurement_clean_energy_industry.pdf.

³³ Gilleo, A., S. Nowak, and A. Drehobl. 2017. *Making a Difference: Strategies for Successful Low-Income Energy Efficiency Programs*. Washington, DC: ACEEE. aceee.org/sites/default/files/publications/researchreports/u1713.pdf.

³⁴ National Efficiency Screening Project. 2017. *National Standard Practice Manual*. nationalefficiencyscreening.org/wp-content/uploads/2017/05/NSPM_May-2017_final.pdf. Page 58: Societal Low-Income Impacts.

low-income programs to incorporate these additional benefits. For example, Vermont uses the societal cost test as its primary test and incorporates a 15% adder for nonenergy benefits for low-income customers in its cost-effectiveness screening tool. Similarly, Colorado uses the total resource cost test and includes a 50% adder to account for the benefits from low-income programs.

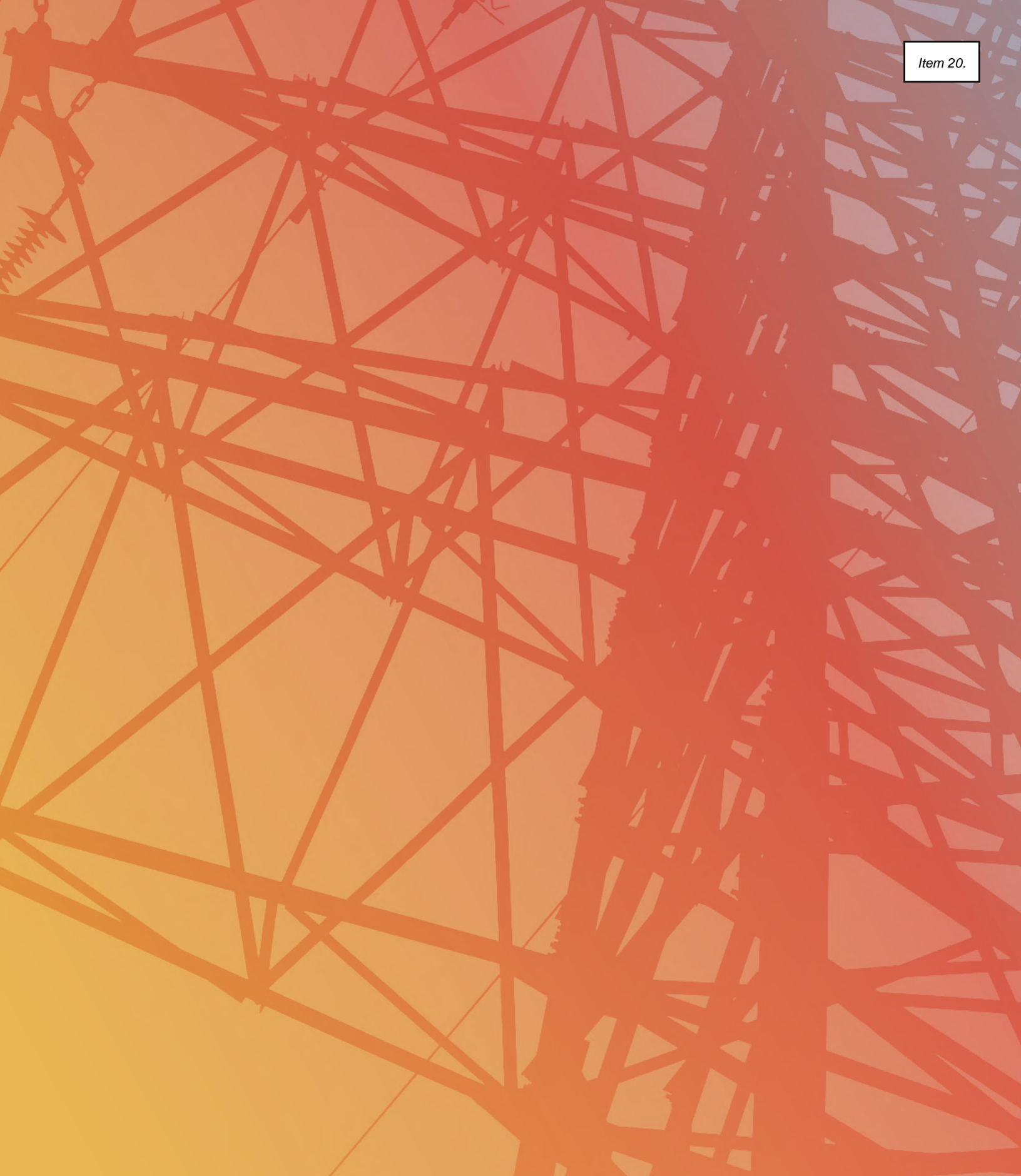
Renewables and workforce

Integrate energy efficiency and solar program offerings to maximize participant benefits. To do this, combined renewable and energy efficiency programs should first invest in energy efficiency to reduce the home's overall energy needs, and then invest in renewable energy so that individual households can install the right size solar system or many households can access community solar options. For example, the Connecticut Green Bank collaborates with PosiGen, a private company, to deliver both solar and energy efficiency to low-income customers. The Green Bank helps PosiGen generate capital to provide 20-year solar leases combined with energy

efficiency upgrades to program participants, leading to the most cost-effective investment.³⁵

Support the development of a diverse and strong energy efficiency workforce that represents the local community. Ensure that training opportunities are linked to high-quality, well-paid, and stable careers in the energy efficiency and clean energy workforce sector. States and local governments, utilities, and other program implementers can focus on diversifying suppliers, increasing the worker pipeline by offering training for both contracting firms and students, and partnering with skills-training providers and state agencies—all while working to overcome barriers faced by historically excluded community members. Implementers can also co-deliver training for energy efficiency and renewable energy technologies. For example, the Chicago-based nonprofit Elevate Energy coordinates a Clean Energy Jobs Accelerator that trains individuals from economically excluded communities for careers in solar and energy efficiency.

³⁵ EDF (Environmental Defense Fund) and APPRISE (Applied Public Policy Research Institute for Study and Evaluation). 2018. Low-Income Energy Efficiency. New York. www.edf.org/sites/default/files/documents/liee_national_summary.pdf.





To: Brian Tholl, City of Fort Collins Utilities
From: Noah Lieb, Jon Koliner, Christina Carlson Apex Analytics
Subject: Updated assessment of the Income Qualified Assistance Program
Date: September 2, 2022

This memo details the research and findings from an update to a statistical billing analysis for the City of Fort Collins Income Qualified Assistance program (IQAP).

Background

When Fort Collins Utilities launched its time of day (TOD) rates in October 2018, it also introduced an Income Qualified Assistance Program (IQAP) to ensure its rate structure remained equitable. The IQAP provides a 23 percent reduction on electric and water bills for Utilities customers who qualify for Colorado’s Low-income Energy Assistance Program (LEAP) through Energy Outreach Colorado. The IQAP program was originally (starting in 2019) offered to Fort Collins utility customers who have received LEAP during the previous or current season, with offers for customers to opt-in to the reduced rate. Starting in the fall 2020 enrollment period, Fort Collins redesigned the delivery of the IQAP rate offering program to be exclusively opt-out, ensuring any income-qualified customer was automatically enrolled in the reduced rate.

As part of the eligibility for receiving the IQAP rates, Utilities has an educational and engagement requirement for customers to participate in conservation activities.¹ The potential for increased engagement with qualified customers, who have traditionally been underrepresented in efficiency programs, and the resulting opportunity to reduce energy use and achieve non-energy benefits was an important motivator for Utilities to offer the rate discount.

To help support ongoing program efforts and document potential energy impacts of the IQAP program, Utilities had engaged (in 2019) Apex to conduct a statistical analysis of bill impacts to IQAP participants. Apex found IQAP participants had increased their household electricity usage after receiving the reduced IQAP rates. With the change to program design and several years since the original IQAP participants received their reduced rates, Utilities sought to revisit the billing analysis with two primary objectives:

- › **Opt-out versus opt-in:** Determine whether new opt-out income qualified households have realized electric energy consumption changes as a result of their IQAP participation, and if there was any statistically significant difference in energy consumption changes resulting from the opt-out relative to the original opt-in group.
- › **Impact Persistence:** Determine the persistence in energy consumption changes attributable to the original opt-in cohort included in the previous billing analysis.

¹ IQAP participants receive “Utilities Insights”, a monthly newsletter with tips to save energy and water to lower utility bills and are occasionally contacted directly regarding efficiency programs. There is no requirement for IQAP participants to attend workshops or participate in other conservation programs.

Methodology

Apex conducted a statistical billing analysis to assess electric energy consumption changes as a result of IQAP participation but ran two separate models for each group (original opt-in and new opt-out group). To explain differences in monthly consumption, we modeled monthly energy consumption as a function of participation status (participant versus non-participant comparison households), time period (whether the period was pre- or post-IQAP rate introduction) and weather (monthly heating and cooling degree days). Apex developed two energy estimates: one for the actual year and one weather normalized to account for longer-range climate conditions.

Utilities provided data on households participating in IQAP. The analysis included 538 homes that received the IQAP rates as original IQAP opt-in program participants between October and December 2018 and remained as active status in the IQAP dataset.² The second group included 450 IQAP participants that were part of the new IQAP opt-out group, and all received the new IQAP rate in September 2021. Apex matched the original opt-in IQAP participant households to LEAP-qualified homes that did not participate in IQAP using a ranked comparison of households based on the pre-installation period consumption (usage between October 2017 and September 2018) to create a comparison group.³ For the new opt-out group, Apex matched the IQAP participants using the same logic but opened to the entire residential customer database (exclusive of former IQAP participants). Statistical testing showed that both comparison groups' pre-participation energy consumption closely matched – and was therefore roughly equivalent – to each of the participant groups usage.⁴

Key Findings

This section addresses findings related to each of the primary research questions.

- › **Post IQAP rate impacts to opt-out group:** Determine whether new auto-enroll opt-out income qualified households have realized electric energy consumption changes as a result of their IQAP participation and whether there was any statistically significant difference in energy consumption changes resulting from the opt-out relative to the original opt-in group.

The updated opt-out analysis group had a similar number of total available households as the original opt-in group but had lower attrition from data merging and outlier analysis, losing only 12% of premises relative to the original 18% of premises. The updated opt-out group also had marginally higher annual mean load, at 7,548, relative to the opt-in use of

² There were an additional 167 participants that were inactive, having received the rate for a short duration of time and were removed from the program due to closing of accounts among other reasons.

³ Specifically, Apex identified the most equivalent non-participant comparison household match based on Euclidean distance (i.e., the lowest absolute difference in monthly usage compared to the participants).

⁴ Apex modeled a period to quantify the “drift” of each comparison group relative to the participant homes electric usage. Using 2017 as a baseline matching period, we then examined the 2018 electric usage before IQAP participation to quantify the “drift” of the average comparison group versus participant group usage. The LEAP comparison group showed the lowest “drift”, with electric usage remaining almost perfectly aligned with the participant homes between January and September 2018.

7,408. A summary of the original opt-in and opt-out groups analysis are compared in **Table 1** below.

Table 1. Active IQAP Participant Data Summary

Analysis Group	Group	IQAP Start Date	Household Count Basis	Household Count Final	Analysis Attrition	Mean Annual Load
Opt-in	Participant	10/1/2018	538	442	18%	7,408 kWh
	Comparison	N/A	538	442		
Opt-out	Participant	9/1/2021	450	396	12%	7,548 kWh
	Comparison	N/A	450	396		

Like the original opt-in group, the opt-out analysis group's energy consumption increased after they received the IQAP rate reduction, but to a lesser degree. The new opt-out group experienced a 2.9% increase in annual use versus 5.1% from the original opt-in group. Both analyses were, individually, statistically significant with strong explanatory power. However, with overlapping confidence intervals, we cannot reject the hypothesis that the values are the same. The analysis would require approximately double the participation rates in order to narrow the confidence intervals sufficiently to validate the difference between the two group point estimates.

Table 2. Mean Annual IQAP Billing Analysis Results

Model	Change in Mean Study Period Household Usage	Weather Normal Household Usage Change	Mean Annual Load	Change as % of Annual Load	Explanatory Power (R ²)	90 % Confidence Interval	Statistically Significant
Opt-in	+363 kWh	+380 kWh	7,408 kWh	+5.1%	0.76	+/- 155 kWh	Yes
Opt-out	+220 kWh	+220 kWh	7,548 kWh	+2.9%	0.75	+/- 145 kWh	Yes

- › **Persistence in post-IQAP Rate changes to consumption:** Determine the persistence in energy consumption changes attributable to the original opt-in cohort included in the previous billing analysis.

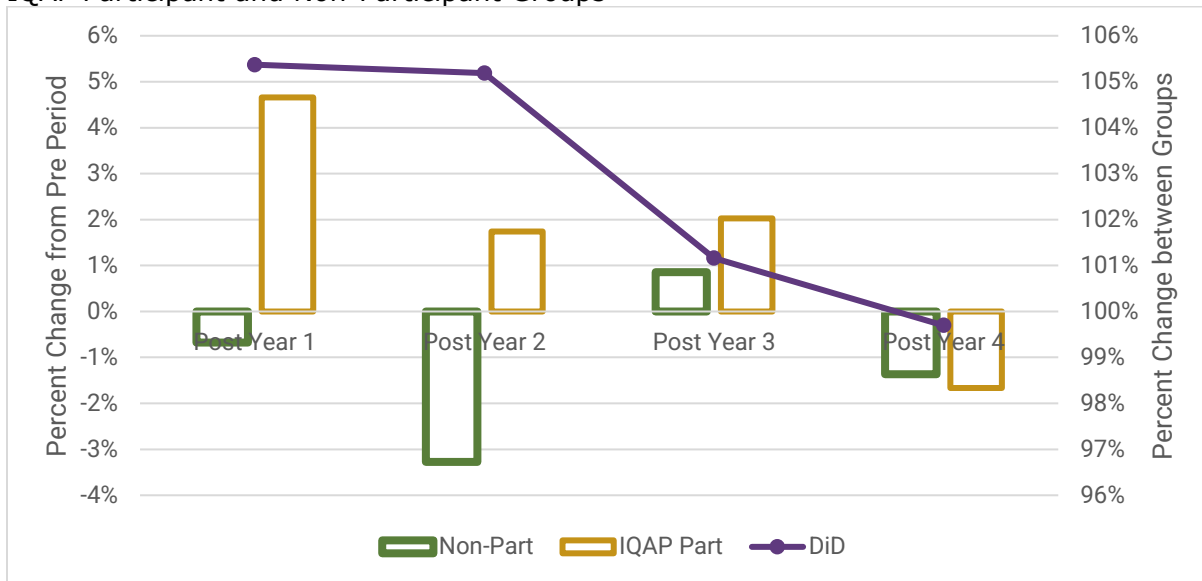
The original opt-in IQAP participants showed sustained increased usage during the first two years after receiving the reduced IQAP rate. Yet, over the following two-year period the opt-in participants use eventually reverted back to "normal" and was not statistically different than the non-participant comparison group. A summary of the annual difference in use between pre-and-post IQAP rate between the participant and non-participant comparison group is shown in Table 3 below.

Table 3. Original opt-in IQAP Persistence in Use

Post Year	Percent Increase in Use	Annual Pre-IQAP rate kWh	IQAP Participant Increased Use	Statistically Significant Difference
1	5.4%	6,759	363	Yes
2	5.2%	6,759	351	Yes
3	1.2%	6,759	78	No
4	-0.3%	6,759	-21	No

Viewing the same data but graphically demonstrates the year over year changes to usage relative to the pre-IQAP rate and the resulting percent change between groups (displayed as the purple difference-in-difference⁵ – “DiD” in Figure 1 below). The most notable shift after the initial post year use (“post year 1”) occurs between year two and year three – coincident with COVID. We see there is a shift in use for the non-participant group from negative 3% to positive 1% - and this explains the majority of decrease in the DiD. Stated more succinctly, non-participant increased use in year three was primarily responsible for drop in the IQAP impacts (displayed as the purple DiD line).

Figure 1. Annual Percent Change from Pre-IQAP Rate offering and percent change between IQAP Participant and Non-Participant Groups

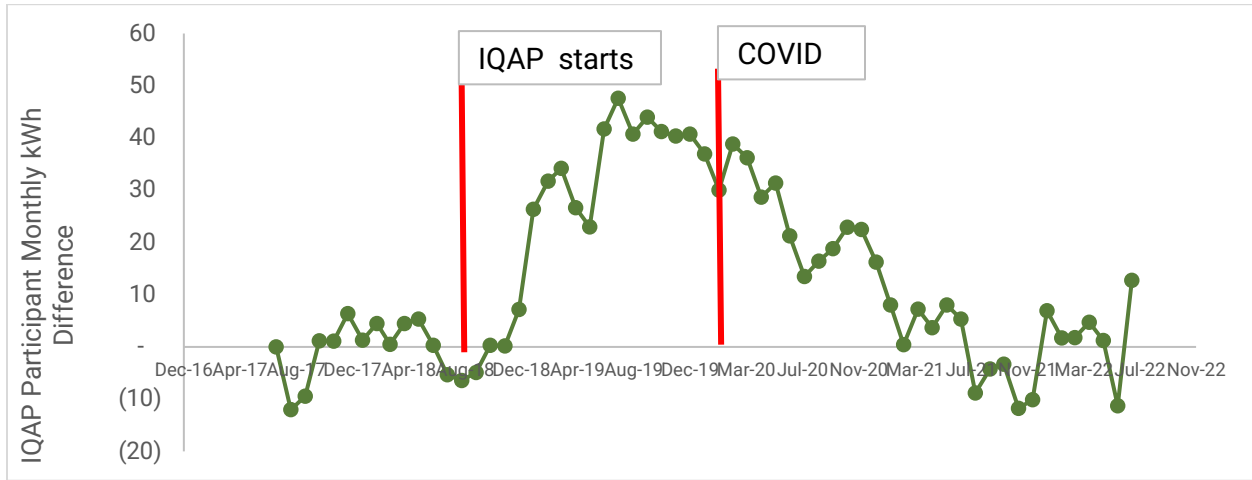


An examination of the monthly difference in use between the IQAP participants and non-participant comparison group demonstrates the evolution of impacts over time (Figure 2). IQAP participants displayed a steadily increasing average usage relative to non-participants immediately following the new reduced rates. Unfortunately, the timing of COVID appears to have confounded the influence of the drop in the IQAP participant usage where a statistical model could not distinguish between natural reversion to equivalent use and COVID-induced

⁵ The DiD curve reflects the difference in percent change in use between the IQAP participant and non-participant, e.g., in post year 1, the +4.7% increase for IQAP parts plus the negative 0.7% decrease to non-parts equals the 5.4% DiD result.

changes. It is likely, though not certain, that COVID magnified the degradation of IQAP rate impacts.

Figure 2. Average Monthly kWh Difference between IQAP Participants and Non-Participants



Conclusions

The new opt-out design of the IQAP rate program showed that households still tend to increase their energy consumption after receiving the discounted rate, yet at a lower degree than the original opt-in group. Though point estimates were almost 50% different between the original opt-in and new opt-out group, the analysis would require almost double the participants in order to conclude that the change in use were statistically different between groups. Consistent with the prior analysis, our findings suggest that this increase in energy consumption reflects households that are no longer as concerned about paying their energy bills choosing to keep their homes at a more comfortable temperature. Yet, with the new opt-out design, IQAP participants may not be as aware, conscious about the rate change, or might be less sensitive to their bills as the prior opt-in group. Additional customer feedback research would be required to help support these theories.

The analysis of the persistence of IQAP-based changes to consumption showed IQAP participants usage matched non-participant group usage by the third year, with no discernable difference in use by year four. Unfortunately, COVID’s impacts on both groups usage in the post period prevents us from concluding the reversion in usage was influenced more by COVID or if IQAP participants were no longer increasing their use with lower bills. Evidence suggests the change may have been influenced more by the non-participant groups increased usage, though we don’t know what drove this other than suspecting COVID.

Businessweek
+ Equality

A 'Tsunami of Shutoffs': 20 Million US Homes Are Behind on Energy Bills

Surging electricity prices spur worst-ever crisis in late utility payments.



About 1 in 6 American households are behind on their utility bills, the highest number on record, according to the National Energy Assistance Directors Association. *Photographer: Michael Nagle/Bloomberg*

By Will Wade and Mark Chediak

August 23, 2022 at 4:30 PM MDT *Updated on August 23, 2022 at 6:05 PM MDT*

Adrienne Nice woke up early on the morning of July 25 to news she'd been dreading. The power company, Xcel Energy Inc., had shut off the electricity to the small Minneapolis apartment she shares teenage son, just as a heat wave was bearing down on the city.

Nice had been struggling financially ever since the pandemic hit, racking up more than \$3,000 due utility bills. The warnings she'd gotten on her monthly statement—"FINAL NOTICE" scrawled in big, bold letters—had prepared her to some degree, but it was still jarring to find the fridge dark and the air conditioner silent. With temperatures set to reach 95F (35C) in the coming days, she needed the power back on, and fast. Item 20.

The Nice household is one of some 20 million across the country—about 1 in 6 American homes—that have fallen behind on their utility bills. It is, according to the National Energy Assistance Directors Association (Neada), the worst crisis the group has ever documented. Underpinning those numbers is a blistering surge in electricity prices, propelled by the soaring cost of natural gas.

Total US Overdue Utility Balance

Source: National Energy Assistance Directors Association

The power bill crisis is even more acute in Europe, where the spike in natural gas prices has been far greater in the wake of Russia's invasion of Ukraine. Policymakers there have sprung into action, throwing billions of euros in aid at struggling families to help them pay bills. There's been no meaningful talk of doing anything on a similar scale in the US, where the hand-wringing has been dedicated, as always, to the gyrations of gasoline prices at the pump.

Utility shutoffs can have deadly consequences, though, a risk that's becoming more palpable as summer heat shatters records. Already gut-punched by soaring prices for just about everything, more and more people are facing a choice among food, housing, and keeping the power on. "I expect a tsunami of shutoffs," says Jean Su, a senior attorney at the Center for Biological Diversity, which tracks utility disconnections across the US.



Germany put a levy of \$296 on households to pay for natural gas and asked citizens, municipalities, and industrial consumers to save energy. *Photographer: Krisztian Bocsi/Bloomberg*

Nice, 45, is a housecleaner. Her work dried up almost overnight when Covid-19 swept through Minnesota in early 2020. Things are picking up again, but inflation is eating into the money she makes. Just filling up her old Saturn sedan to drive from house to house now costs about \$50 a week.

She found it impossible to set aside enough money for utilities, especially as her power bill effectively doubled over the past year. A friend who used to live in the apartment along with her two kids moved out in mid-2021. But though Nice's household is using less electricity, she's still getting charged about the same amount per month—\$244, on average. “I just don't understand how electricity can be so high,” she says.

Household Electricity Prices

Year-over-year change

Source: Consumer price index data compiled by official statistics agencies

California's PG&E Corp. has seen a more than 40% jump since February 2020 in the number of residential customers behind on payments. For New Jersey's Public Service Enterprise Group, the total is up more than 30% for customers at least 90 days late—and that's just since March.

The average price consumers pay for electricity surged 15% in July from a year earlier, the biggest 12-month increase since 2006. Regulation of electricity rates makes it hard for providers to immediately pass on higher fuel costs, so the recent hikes may be just the start.

The US is waking up to a problem that's plagued other parts of the world since last year. In Germany, the government slapped a levy of \$296 on households to pay for natural gas as Russia squeezes energy flows to Europe after the invasion of Ukraine. In the UK, government support for energy bills doubled, to \$482 for every household starting in October, but prices are rising so fast that the support might not be enough. More than 100,000 people have signed a pledge from campaign group Don't Pay UK to cancel their direct-debit energy payments beginning in October.



Demonstrators gathered outside the Glasgow headquarters of ScottishPower in August to protest the rise in energy prices and the cost of living. *Photographer: Jeremy Sutton-Hibbert/Alamy*

In Japan and Thailand, electricity bills are surging as the countries grapple with expensive fuel costs that have been made worse by their slumping currencies. Pakistan and Bangladesh, falling short in the global competition for costly fuel, have suffered from rolling blackouts and increasing power bills.

In the earlier days of the pandemic, some states and utilities halted power disconnections, shielding customers like Nice who'd fallen on hard times. But those measures wound down just as inflation gathered steam. US households owe about \$16 billion in late energy bills, double the pre-pandemic total, according to Neada. The average balance owed has climbed 97% since 2019, to \$792. "The bills just aren't affordable," says Mark Wolfe, Neada's executive director. "People on the bottom, they can't pay this."

For investor-owned US utilities, the financial repercussions of accumulating debt from unpaid customer bills are typically limited. That's because state regulators often allow utilities to recover their losses by adding a charge for customers who are paying their bills, or taxpayers help pick up the tab.

One story you'll want to talk about. One story you'll want to talk about. One story you'll want to talk about.

Item 20.

Get The Big Take in your inbox, every day. Get The Big Take in your inbox, every day. Get The Big Take in your inbox, every day.

Enter your email

Please enter a valid email address

By submitting my information, I agree to the [Privacy Policy](#) and [Terms of Service](#) and to receive offers and promotions from Bloomberg.

In Nice's case, her power was out for only three days; the nonprofit Citizens Utility Board of Minnesota helped her negotiate a payment plan with Xcel. Her experience is common: Utilities shut off customers only as a last resort, according to Xcel. About 80% of US utility customers who experience a shutoff will have service restored in a few days, Wolfe says. The remaining 20%, though, may be close to eviction or on the verge of homelessness.



A nonprofit helped Adrienne Nice negotiate a payment plan with Xcel Energy, so her power was shut off for only three days. *Photographer: Ken Wolter/Alamy*

Item 20.

While the US government's Low Income Home Energy Assistance Program, or Liheap, helps low-income households pay energy bills, it doesn't come close to the scale of subsidies offered by some countries in Europe and Asia.

Calls for states and the federal government to offer more assistance are starting to grow. A bipartisan group of almost 60 US representatives and senators asked in early August for additional emergency funding beyond the \$4 billion set aside for Liheap for fiscal year 2023. California just passed a budget that will offer \$1.4 billion to help residents pay past-due utility bills.

[Entergy Corp.](#) agreed in July to a moratorium on shutoffs in New Orleans through October, after the City Council asked the company to voluntarily halt disconnections during the summer heat. But moratoriums are just a stopgap measure, says Wolfe, who anticipates a surge in disconnections across the US. "Inflation is hitting people pretty hard," he says. "Utilities are not set up to deal with the number of people who can't pay their bills."

US Heat-Related Fatalities

Source: Centers for Disease Control and Prevention

Hotter summers are heightening the risk that, for some people, losing power will prove fatal. According to Indiana University's Energy Justice Lab, 41 states have some sort of protection against

utility shutoffs during the winter, whereas only 19 have laws or regulations preventing disconnection in sweltering weather. On average there were 188 heat-related deaths a year in the US from 2017 through 2021, up from an average of 81 in the five years before that.

Historically, states and regulators have focused on protecting customers during the cold winter months, but that will need to be reexamined with climate change expected to create longer and more persistent heat waves, says David Konisky, co-director of the Energy Justice Lab. Rising temperatures are already boosting demand for electricity and raising utility bills.

Shutoffs after people fall behind on bills “will likely become worse in the coming years and decades,” he says. “It’s higher prices. It’s heat waves and increasing needs for energy.” –*With Ben Holland, Shoko Oda, Stephen Stapczynski, and Rachel Morison*

Read next: [Wall Street Says a Recession Is Coming. Consumers Say It's Already Here](#)

(Adds context for electricity-price data in ninth paragraph)

Terms of Service Do Not Sell My Info (California) Trademarks Privacy Policy
©2022 Bloomberg L.P. All Rights Reserved
Careers Made in NYC Advertise Ad Choices Help

Soaring electricity bills are the latest inflation flashpoint

Updated September 13, 2022 8:41 AM ET

Heard on Morning Edition



SCOTT HORSLEY

4-Minute Listen

PLAYLIST Download

Transcript



Vehicles drive past a sign on the 110 Freeway warning of extreme heat and urging energy conservation during a heat wave in downtown Los Angeles on Sept. 2. Soaring electricity bills are pinching many household budgets across the country even as gasoline prices have come down.

Patrick T. Fallon/AFP via Getty Images

Inflation cooled a bit last month, thanks in part to falling gasoline prices, but for many families, there's another major strain on their household budget: soaring electricity bills.

Take Bernice Brown, a retiree in Tuscaloosa, Ala.. In both July and August, her power bill topped a jaw-dropping \$400.

"It's been damaging to be honest," she says.

But there's little she can do about it.

"The heat here is horrible," she says, noting her neighborhood near the University of Alabama campus doesn't have many shade trees. "The houses are just sitting, baking."



ENERGY

California could see blackouts as heat wave taxes the power grid

A report from the Labor Department Tuesday shows the country's annual inflation rate dipped to 8.3% in August, from 8.5% in July. But many families are still struggling with the rising cost of groceries, rent, and other essentials like electricity.

Electricity prices have jumped 15.8% in the last year, largely as a result of high-priced natural gas, which is used to generate nearly 40% of the nation's power.

The rising price of power has been compounded by soaring temperatures, which have kept air conditioners working overtime.

"It was one heat wave after another," said Mark Wolfe, executive director of the National Energy Assistance Directors Association. "Families need to use air conditioning to stay safe."

NEADA estimates the average family's cooling costs rose from \$450 last summer to about \$600 this year.

Dale Cooper's power bills in Phoenix are even higher.

"We have six months of summer with over 100-degree heat," says Cooper, who earns \$13.50 an hour as a restaurant cashier. "If I didn't have roommates, I wouldn't be able to make it on the salary that I have."

While Cooper, who's 59, will likely get a break on utility costs during the mild Phoenix winter, people in colder parts of the country are likely to face significantly higher heating bills.



An aircraft takes off from Los Angeles International Airport (LAX), with electric power lines visible at sunset as the California Independent System Operator announced a statewide electricity Flex Alert urging conservation to avoid blackouts in El Segundo, Calif., on Aug. 31.

Patrick T. Fallon/AFP via Getty Images

NEADA predicts the average family will pay \$1,202 to heat their home this winter — 17% more than last year. For the six in 10 families whose heat comes from

natural gas, the increase in heating costs could be 34%.

Item 20.

Sponsor Message

"There's no sign these prices are coming down," Wolfe says. "All the signs point to more expensive costs of home heating, and they could spike if it's cold."

NEADA says more than 20 million families have fallen behind on their utility bills and the average amount they owe has grown to \$792 — nearly double what it was before the pandemic.

"It's not a question of are families heating and cooling their homes responsibly," Wolfe says. "Families do this. They turn the heat down as low as they can. They use air conditioning sparingly. It's just that the cost of home heating and home cooling has gone up so much that low-income families are struggling to pay these bills."

Other costs still sting

Heating and cooling bills come on top of rising costs for other essentials such as shelter and food. Housing costs rose 6.2% for the twelve months ending in August, while grocery prices jumped 13.5%.

"To get decent, healthy food, the prices are extremely high," said Brown, in Tuscaloosa.

That's keeping the Federal Reserve on guard, even as overall inflation was tempered last month by the steep drop in gasoline prices. Gas prices tumbled nearly 40 cents a gallon during August to \$3.84, according to the American Automobile Association.

Gasoline prices are among the most visible in the country, and they often carry an outsize psychological impact. As pump prices have declined, Americans' worries about inflation have also eased a bit.

A new [NPR/PBS Newshour/Marist poll](#) finds that inflation is the number one concern for 30% of adults this fall, down from 37% in July.



ECONOMY

Inflation is crushing rural America and may even drive people to the cities

Despite the drop in gasoline prices, officials at the Fed say they are still not satisfied that overall inflation is moving back towards their target of 2%.

"I got burned last year," Fed governor Christopher Waller said in a speech last week.

He noted that inflation appeared to be falling last summer only to have prices take off again in the fall.

"We're very cautious about getting burned again," Waller said. "So it's got to be a real, permanent longer-term decline than like what happened last year."

The Fed is expected to raise interest rates by another 0.75 percentage points next week, and keep borrowing costs elevated until officials are confident that prices — including for essentials like electricity — are under control.

utility bills gasoline prices consumer price index inflation
federal reserve electricity



Low-Income Household Energy Burden Varies Among States — Efficiency Can Help In All of Them

Nationally, low-income households¹ spend a larger portion of their income on home energy costs (e.g., electricity, natural gas, and other home heating fuels) than other households spend. This measure is often referred to as a household’s “energy burden.” One recent study found that low-income households face an energy burden three times higher than other households.² High energy burdens can threaten a household’s ability to pay for energy, and force tough choices between paying energy bills and buying food, medicine, or other essentials.

But national averages do not tell the full story. While families facing a high energy burden live in every state, there is also significant regional variation in the energy burdens that low-income households face. As seen in the map to the left below, low-income households (those making less than 80% of the Area Median Income) in many Southeast states face energy burdens of 10% or higher. Many factors contribute to high energy burdens, including a home’s heating fuel and local weather. Another key factor is high consumption of electricity.

In the five states with the highest low-income energy burden—Mississippi, South Carolina, Alabama, Georgia, and Arkansas—low-income households use 36% more electricity than the low-income national average. In these states, electricity is the dominant heating fuel and high air conditioning demand also contributes to high consumption. These factors contribute to the relatively high total energy burden, despite households paying lower prices per kilowatt of electricity, as shown in the map on the right. While weather, home age, and home size can also have an impact on energy consumption, low-income households in this region generally consume more energy and more electricity

than most other regions, even controlling for these factors.

Item 20.

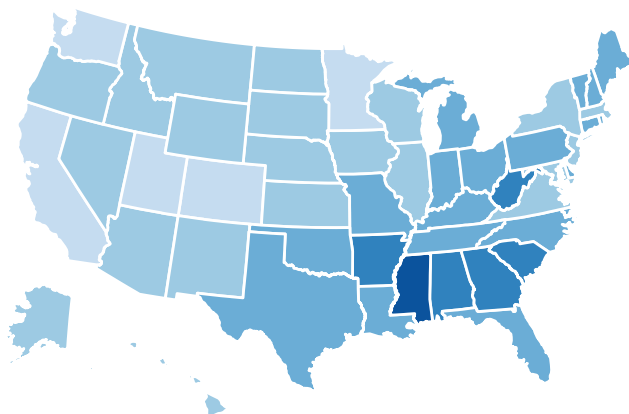
One way to address high energy burdens is by implementing cost-effective energy efficiency measures to help reduce consumption of electricity and other fuels. Efficiency is a low-cost resource across the country and can reduce household energy costs regardless of climate, heating fuel, or energy price factors in a state. The map on page 2 presents analysis from a new study which found cost-effective efficiency improvements, such as insulation and more efficient lighting and appliances, in low-income households can reduce electricity consumption by 13% to 31%. These measures reduce a household’s energy costs, freeing up money for other vital budget items.

In addition to reducing energy costs, household energy efficiency improvements result in multiple benefits for families.³ For example, properly insulating a home reduces heating and cooling costs, but also improves indoor air quality. This results in healthier environments and can decrease sick days and hospital visits for families.^{4,5}

There are unique barriers to achieving energy savings in low-income households,⁶ which means efficiency

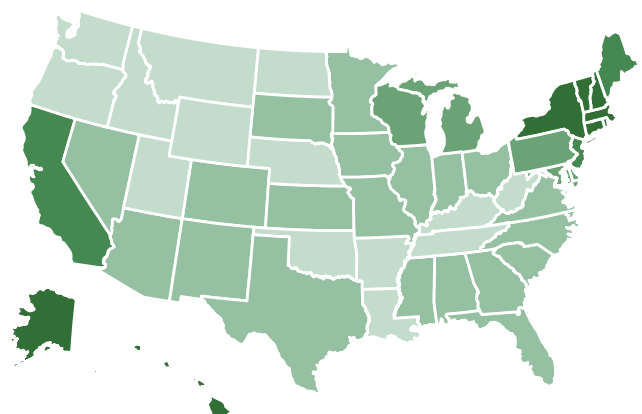
Low-Income Energy Burden (% of Income)

4%–6% 6%–8% 8%–10% 10%–12% 12%–14%



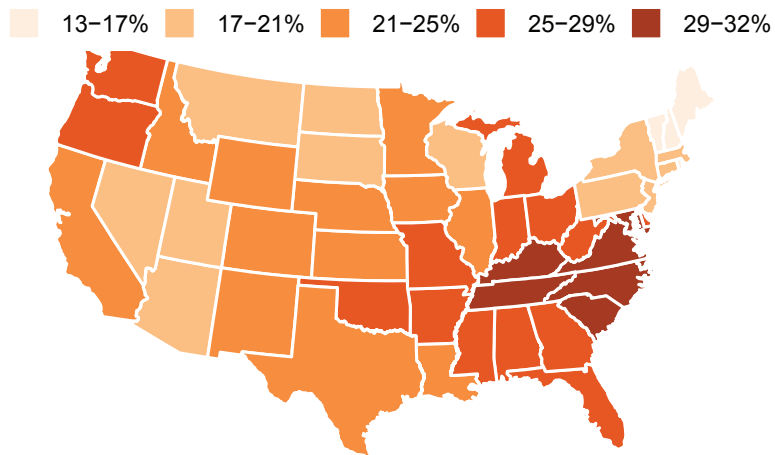
Average Electricity Price, 2015 (in cents/kWh)

9–11 11–13 13–15 15–17 17–29



Electricity prices are just one factor that contributes to a household’s total energy cost. States with the highest electricity prices do not have the highest total energy burden.

Potential Electricity Savings in Low-Income Households



Recent analysis of cost effective energy efficiency potential among households below 80% of Area Median income (AMI) showed potential household electricity savings between 13% and 31% for each of the contiguous 48 states. Source: <https://resstock.nrel.gov/page/publications>

programs serving low-income customers must be thoughtfully designed and implemented. The U.S. Department of Energy (DOE)'s **Weatherization Assistance Program** has partnered with states and community agencies for over 40 years to achieve energy and cost savings in low-income homes. DOE's Clean Energy for Low Income Communities Accelerator (CELICA) partnered with state and local leaders that committed \$335 million to help 155,000 low-income households access renewable energy and efficiency to save up to 30% or more on energy

bills. CELICA also developed the Low-income Energy Affordability Data (LEAD) Tool, which provides state, city, and county data on energy burden. In addition to energy burden, there are a number of other factors that could make it difficult for low-income households to afford their energy bills, some of which can be explored through the Home Energy Affordability Tool. More resources and tools to inform low-income program development are available at DOE's **State and Local Solution Center**: energy.gov/eere/slsc. ■

¹There are a variety of methods for defining low-income households. Unless otherwise specified, the DOE analysis presented in this document defined low-income households as below 80 percent of the Area Median Income, as defined by the U.S. Department of Housing and Urban Development.

²For more information, see <https://www.energy.gov/eere/slsc/low-income-community-energy-solutions>

³DOE's Weatherization Assistance Program found an estimated \$2.78 in non-energy benefits for every \$1.00 invested in weatherizing homes. More info is available at https://www.energy.gov/sites/prod/files/2017/05/f34/wap_factsheet_08.2017.pdf

⁴Tonn, Bruce et al. "Health and Household-Related Benefits Attributable to the Weatherization Assistance Program. Oak Ridge National Laboratory, 2014. https://weatherization.ornl.gov/wp-content/uploads/pdf/WAPRetroEvalFinalReports/ORNLTM-2014_345.pdf

⁵Wilson, Jonathan et al. "Home Rx: The Health Benefits of Home Performance." DOE, December 2016. <https://betterbuildingsolutioncenter.energy.gov/sites/default/files/attachments/Home%20Rx%20The%20Health%20Benefits%20of%20Home%20Performance%20-%20A%20Review%20of%20the%20Current%20Evidence.pdf>

⁶More information on these barriers, and resources for addressing them, is available at <https://www.energy.gov/eere/slsc/low-income-community-energy-solutions>

DOE is grateful for support from Ian Hoffman at LBNL for his contributions to the concept and framing of this document.

Data Sources

Low-income Energy Affordability Data (LEAD) Tool <https://openei.org/doe-opendata/dataset/celica-data>.

2009 EIA Residential Energy Consumption Survey (RECS) <https://www.eia.gov/consumption/residential/>

NREL ResStock Low Income EE Estimates (forthcoming) <https://resstock.nrel.gov/>

Additional Resources

Clean Energy Low-Income Accelerator (CELICA): <https://betterbuildingsinitiative.energy.gov/accelerators/clean-energy-low-income-communities>

Low-income Energy Affordability Data (LEAD) Tool: <https://openei.org/doe-opendata/dataset/celica-data>

Solar for All, Home Energy Affordability Tool layer: <https://maps.nrel.gov/solar-for-all>

State and Local Solution Center: <https://energy.gov/eere/slsc>

Weatherization Assistance Program: <https://energy.gov/eere/wipo/weatherization-assistance-program>

U.S. DEPARTMENT OF
ENERGY

Office of
**ENERGY EFFICIENCY &
RENEWABLE ENERGY**

For more information, visit:
energy.gov/eere/wipo

DOE/GO-102018-5122 · December 2018



PERFORMANCE & PROGRAM EVALUATION



CITY REBATES / REDUCED-FEE PROGRAMS EVALUATION REPORT

February 2020

TABLE OF CONTENTS

Table of Contents.....	2	Customer and Community Satisfaction	45
EVALUATION SUMMARY	2	Program-Specific Recommendations	46
ACRONYMS AND TERMINOLOGY	4	FINANCE REBATES: PROVIDING TAX RELIEF	48
TERMINOLOGY	5	History.....	48
REPORT OVERVIEW	6	Program Budget, Objectives, Outreach and Operation	49
City Motivation	6	Participation Patterns & Customer Satisfaction	51
Evaluation Scope & Included Programs	7	Program-Specific Recommendations	54
Poverty In Fort Collins.....	8	RECREATION REDUCED-FEE PROGRAM: IMPROVING QUALITY OF LIFE	57
EXECUTIVE SUMMARY PART 1: INDIVIDUAL REBATE/REDUCED-FEE PROGRAMS.....	12	History.....	57
Utilities Affordability Portfolio: Findings and Recommendations	12	Current Program	60
Finance Service Area Rebates: Findings and Recommendations	14	Program Budget, Objectives, Outreach and Operation	62
Recreation Reduced-Fee Program: Findings and Recommendations	16	Participation Patterns & Customer Satisfaction	63
EXECUTIVE SUMMARY PART 2: CROSS-CITY FINDINGS AND RECOMMENDATIONS	19	Program-Specific Recommendations	64
Key Findings	19	PART 2	
Recommendations	22	CITY-WIDE FINDINGS AND RECOMMENDATIONS	68
BACKGROUND	26	Only Half of Low-income People Participate in a City Rebate/Reduced-fee Program	68
The Price Of Being Poor	26	Variable Community Awareness and Under-Utilization of Community Partners	70
Economic Growth Alone Hasn't Reduced Poverty	27	City-wide, Low-Income Programming is Inefficient and Less Impactful	71
KEY POVERTY CONCEPTS.....	29	Low-Income Residents Are Not Viewed as a Unique Consumer of City-services	74
Poverty Drains the Very Resources Necessary For Overcoming Poverty	29	Summarized Findings	75
Poverty Influences Decision-Making.....	30	CROSS-CITY REBATE PROGRAM RECOMMENDATIONS	77
Low-Income People are Unique Users of Government Services	31	Strategy: City-wide Goal Setting.....	77
POVERTY IN FORT COLLINS	32	Structure: Centralization	78
How Many People Are Poor In Fort Collins?	33	Systems: Design For Low-income People As A Unique Customer Segment.....	79
What Characterizes The Poor In Fort Collins?	35	APPENDICES	81
Why is Understanding and Addressing Poverty Important for the City?	36	A. Nonprofit/community partner Questionnaire	81
PART 1		B. Spatial map of IQAP Participation.....	84
UTILITIES AFFORDABILITY PORTFOLIO: REDUCING ENERGY/WATER COSTS	40	C. UAP Process Map for IQAP	85
History	40	D. UAP Application: IQAP	86
Program Budget, Coordination, Outreach and Operations	41	E. UAP Application: MAP	88
Participation Patterns	45	F. FSA Rebate Application	90

G. Spatial Map of FSA Rebate Participation92
H. FSA Rebate Process Map.....93
I. Reduced-fee Program Process Map94
J. Spatial Map of Recreation Reduced-fee Participation95
K. Recreation Reduced-fee Program Application96
INTERNAL STAKEHOLDER COMMENTS97
Service Area Comments97

Project Team Comments 98
STAKEHOLDERS, INTERVIEWS AND REVIEWERS 101
Internal Interviews, Stakeholders 101
External Interviews, Focus Groups, Survey Respondents..... 101
City of Fort Collins FC Lean Facilitators ... 102
Received Draft Report..... 102
Received Final Report..... 102



EVALUATION SUMMARY

Report Title: Evaluation of City Rebates and Reduced-Fee Programs for Low-Income Residents

Date: February 2020

Report Requested By: City Executive Leadership Team

Evaluation Conducted By: Katie Ricketts, Jo Cech

P&PE PROGRAM DESCRIPTION:

The Performance and Program Evaluation (P&PE) program was established by the City in 2017 as a new element in its continuous improvement strategy. P&PE provides an analysis of City programs/initiatives to assess if stated objectives have been met, and to suggest improvements to create more efficient and effective program and service delivery. The P&PE evaluators bring both private and public-sector evaluation experience to the City's P&PE program. Each evaluation conducted by the P&PE team (also known as the Evaluation Team) is structured to identify program improvements to provide the organization with recommendations to learn, develop and implement more efficient and productive programs.

SCOPE OF EVALUATION:

At the request of the Executive Leadership Team, the P&PE Evaluation Team pursues evaluations of specific programs, projects and policies in order to assess impact, gather learnings and facilitate opportunities for continuous improvement. As the City looks to strengthen its approach to serving low-income residents in the community, it was considered an appropriate time to review the objectives of current income-qualified programs, document the history and identify areas of opportunity and challenge within specific programs and policies.

The City Executive Leadership Team asked the Evaluation Team to:

- Provide a profile of the population(s) we reach currently.
 - Key questions: How are we reaching low-income populations through our City Rebates programs? How diverse (or similar) are the participants we reach across programs? Do the programs access the same pool of eligible residents? What are the learnings we should share across programs?
- Provide important information about the current state of programming and service provision.
 - Key questions: What does our current suite of programs accomplish? Do those outcomes meet City goals and objectives? What options may leadership want to consider and what are the related costs and benefits?
- Assess city-wide impact, opportunities and challenges
 - What are the opportunities for greater city-wide coordination of these programs? What are the tradeoffs for departments and residents?

The subset of low-income rebates and reduced-fee programming includes the following:

- **Finance Rebates** (grocery tax, utility sales tax, city-specific property tax (or rent tax reimbursement)).
- **Utilities Low-income Portfolio** (medical assistance program, income-qualified rate program, payment assistance fund for emergency assistance).
- **Recreation Reduced-Fee Program** (reduced-fee program for recreation courses and learning opportunities as well as facility use).

Evaluation Goal: Determine if the City's rebate/reduced-fee programs for low-income residents achieve City and community objectives, if they are efficient, and if they meet residents' needs.

APPROACH AND METHODS

A mixed method approach (process evaluation plus outcome evaluation) was selected by the Evaluation Team.

P&PE uses the McKinsey 7S model of organizational effectiveness in its evaluation process. The model, called the Seven S (7S), has seven components that explain how organizations or programs/projects perform their work. The seven components also help to identify strengths and weaknesses of organizations/programs/projects. When the seven components are aligned and effective it creates organizational congruency, which leads to desired organizational or program/project outcomes.

P&PE organizes its program evaluation findings and recommendations using the 7S model to ensure consistency and comparability across all program evaluations. The model's seven components are:

- **Shared Values:** the core values that are evidenced in the organization's culture, the norms and standards of the organization.
- **Strategy:** the plan to maintain and build world-class customer service and innovation.
- **Structure:** how the organization/program is structured, who reports to whom, who is accountable.
- **Systems:** the daily activities, procedures, tools and infrastructure used by staff to get the job done.
- **Style:** the leadership style adopted.
- **Staff:** the employee base and their general capabilities.
- **Skills:** the skills and competencies of the employees, their ability to do the work.

ACRONYMS AND TERMINOLOGY

ACRONYMS

ACS	American Community Survey
AMI	Area Median Income
BEA	Bureau of Economic Analysis
BIT	Behavioral Insights Team, a public policy consulting group
CFCU	City of Fort Collins Utilities
CoFC	City of Fort Collins
CRM	Customer Relationship Management software system
CSRs	Fort Collins Utilities Customer Service Representatives
CSU	Colorado State University
EOC	Energy Outreach Colorado, a state-wide energy assistance program
Evaluation Team	City of Fort Collins Performance and Program Evaluation Team
FPL	Federal Poverty Level
FSA	Financial Services Area
FTE	Full-time Employee Equivalent
GDP	Gross Domestic Product
GTR	Grocery Tax Rebate
HCD	Human Centered Design
HUD	United States Department of Housing and Urban Development
ID	Identification
IQAP	Utilities Income-Qualified Assistance Program
IQR	Utilities Income Qualified Rate
LEAP	Colorado State Low-income Energy Assistance Program
MAP	Utilities Medical Assistance Program
PAF	Utilities Payment Assistance Fund
P&PE	Performance and Program Evaluation program within the City of Fort Collins
PSD	Poudre School District
PTR	Property Tax Rebate
SUT	Financial Services, Sales and Use Tax Office
ToD	Utilities Time of Day pricing
UAP	Utility Assistance Program
UC Health	A Northern Colorado hospital system
UTR	Utility Tax Rebate

TERMINOLOGY

Great Recession: The Great Recession marks a period of general economic decline (recession) during the late 2000s and early 2010s. It was driven primarily by the collapse of the U.S. real-estate market and negatively affected global trade and fueled economic inequality in the U.S. and throughout the world.

Human Centered Design: Human Centered Design (HCD) is a process and approach for solving complex, social, environmental and economic problems by involving the human perspective in all steps of the problem-solving process. The process aims to make systems usable and useful by focusing first and foremost on the *users*, including their needs and requirements. Initial stages of HCD usually revolve around immersion, observation, and contextual framing whereby innovators immerse themselves with the problem as well as the affected community. Consequent stages focus on community brainstorming, modeling and prototyping and implementation in community spaces.

Income-qualified programs: Municipal (in this case) programs that are offered to residents based on their income level. Residents who apply must show proof of income and have income below the income threshold to participate in these programs.

Prime earning years: Prime earning years are generally thought to occur between one's late 30s to late 50s. Prime earning years differ for women versus men, whereby women's earnings start diverging sharply from men after age 34.

Rebates and reduced-fee programs: Throughout the report the terms 'rebate' and 'reduced-fees' are used generally and interchangeably. This includes referencing the UAP program, which does not technically issue a 'rebate' but assigns a new rate (IQAP, MAP), or a one-time payment (PAF) for qualifying utilities customers.

Customers: this report uses this term broadly to discuss the residents and businesses who are served by the City of Fort Collins government. In this report, this term is often used in context with low-income people who, as the report suggests, are unique consumers of government services.

REPORT OVERVIEW

Municipally managed income-qualified programs typically include workforce-related investments, public benefits like housing vouchers or funding for human services, and rebates and reduced-fees that reduce the cost of city living for economically vulnerable segments of the population. This evaluation has a narrow focus: evaluating the efficiency and effectiveness by assessing the structure, strategy and systematic functioning of City rebates and reduced-fee programs for the City of Fort Collins.

In contrast to other reports generated by the City's Evaluation Team, which have covered a single program, this evaluation covers seven individual rebate programs within three City

service areas. Part 1 of this report evaluates individual programs within specific departments. Part 2 evaluates how individual programs work together as a portfolio of low-income programs across the city organization.

The report is broken up into two parts: Part 1, Individual Program findings and; Part 2, City-wide findings.

The Evaluation Team holds that the recommendations and findings in Part 2 are the highest priority.

These two parts, however, are not exactly equal. Within this evaluation, the Evaluation Team holds that the recommendations and findings in Part 2 are the highest priority. The

Evaluation Team agrees that a centralized, city-wide approach could align individual programs, articulate larger, city-wide goals, offer a single point of entry for participants, and ultimately deliver exceptional customer service for low-income individuals and families.

To the extent that Part 2 recommendations-- like city-wide centralization of income-qualified programs—will take time and resources, the Evaluation Team identifies in Part 1 where immediate department-level changes can be made in the interim.

CITY MOTIVATION

The City's vision is to provide world-class municipal service and its mission is to provide exceptional service for an exceptional community, which includes the services and policies targeting resident customers who are low-income.

This report reviews the demographics and characteristics of this unique customer segment. Low income people in Fort Collins, like elsewhere, typically have shared needs but do not represent a fully homogenous group. In Fort Collins, certain demographic groups are disproportionately low-income, requiring different outreach, marketing and strategic efforts. In Fort Collins, this includes women, especially senior and adult women, in addition to people of color.

The demographics of low-income people may or may not be unique when compared to other communities, but better knowledge of this population and the unique demographics they embody offers an important opportunity for the City to better target, assess impact, and specifically design policies and programs for these users of government services.

City Vision: *To provide world-class municipal services through operational excellence and a culture of innovation.*

City Mission: *Exceptional service for an exceptional community.*

EVALUATION SCOPE & INCLUDED PROGRAMS

The City of Fort Collins provides a variety of rebates and reduced-fee programs to help residents meet their basic needs in energy, transportation and tax relief, and to promote access to a high quality of life through recreation, arts and culture.

A subset of the City's rebate/reduced-fee programs were included in this evaluation of the City's income-qualified programs. Though arts, culture and transportation programs were not included in this evaluation, the Evaluation Team believes the findings around how the evaluated programs are or are not working together to generate synergies, reduce transaction costs and improve community impact are generalizable and applicable city-wide.

The subset of low-income rebates and reduced-fee programs evaluated include the following:

- **Utilities Affordability Portfolio (UAP).** Includes the Medical Assistance Program (MAP), Income-Qualified Assistance Program (IQAP), and the Payment Assistance Fund (PAF) for emergency utility assistance.
- **Finance Rebates.** Includes the Grocery Tax Rebate (GTR), utility-related Sales Tax Rebate (STR), City-specific Property Tax (or rent-tax) Rebate (PTR).
- **Recreation Reduced-Fee Program.** Reduced-fee program for recreation courses and facility use.

Rebate and reduced-fee programs are policy tools local governments use to lower the high cost of city living for low-income people.

This report evaluates a selection of City reduced-fee and rebate programs to determine if these programs are positioned to achieve the intended objectives.

Key areas of inquiry in this report include the profile of the populations in need and the current reach of the City's various programs in terms of size, demographic characterization and low-income customer satisfaction with the provided services. The history, goals and objectives and operations of the rebate and reduced-fee programs evaluated have each been documented along with key recommendations for individual program improvement. The final chapter of this report concludes with findings for better cross-program integration.

In Figure 1, how the evaluated programs (rightmost, red boxes) fit into a larger picture of income-eligible City programs is illustrated:

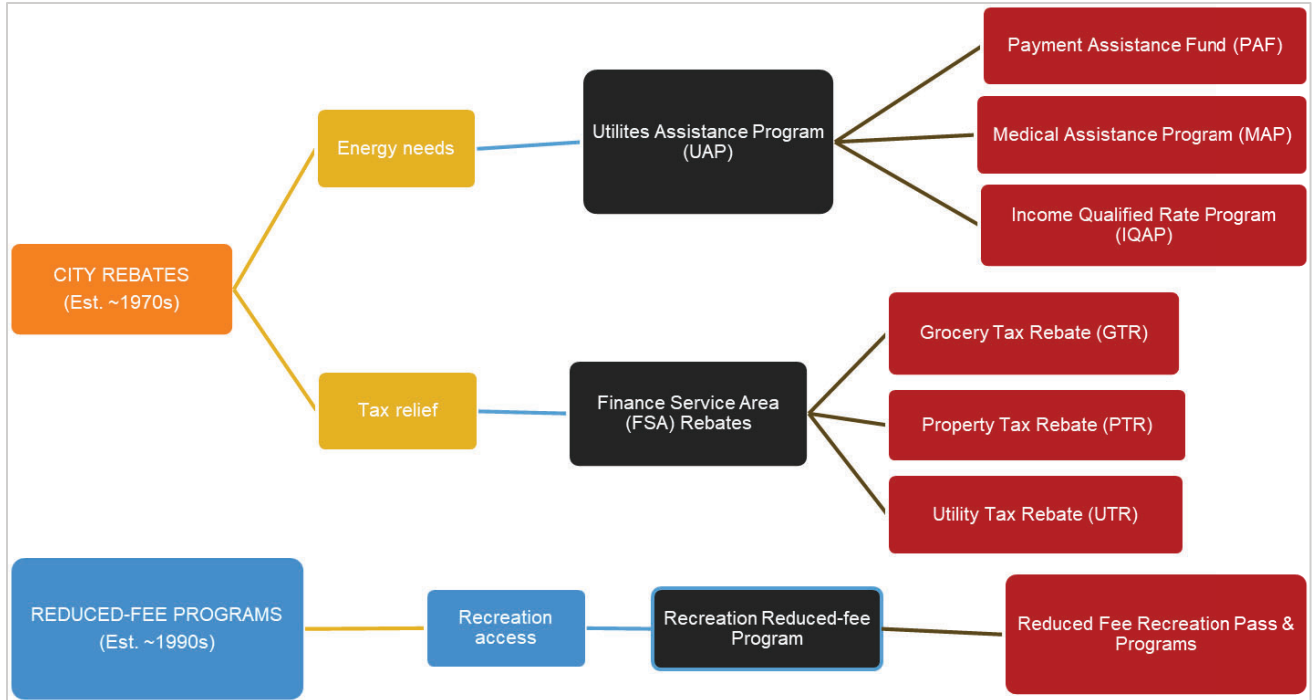


Figure 1: List of income-qualified programming evaluated by the P&PE Team

POVERTY IN FORT COLLINS LOOKS LIKE TODAY

Economic statistics, including those focused on identifying low-income or impoverished groups, are gathered at different dimensions. These dimensions include individuals, families (2+ people who are related, living together and presumably sharing finances) and households (people who live together but may or may not be related, and may or may not be sharing finances).

Across all subsets of the population, the individual poverty rate in Fort Collins, according to the American Community Survey (ACS) administered by the Census Bureau, is 17%. When controlling for a high local student population¹, **this report finds an average overall poverty rate of 12.2% of individuals.**

While some characteristics of individuals and families facing high poverty levels are well-known, others remain hidden and are specific to particular regions and unique economic realities. Like

What characteristics make someone more likely to be poor in Fort Collins? Being Black, Hispanic/Latinx, and female. Women are 10% more likely than men to experience poverty.

How many people in Fort Collins are poor?

- **~2,000 families** are poor. Families are household units of 2+ people, related by blood or marriage.
 - **~7,000-10,000 households** are poor. Households are home units made of people who may be related or not.
 - **~25,000 individuals** are poor. This number is based on a total population of 171,100 people.
-

¹ “Controlling” for students means accounting for the fact that our local student population has an outsized effect on the outcome of interest, in this case, poverty. Many students are stepping out of the economy and forgoing current wages in lieu of investing in their education in the hopes of future, higher earnings. By identifying and then isolating—as much as possible—students from the underlying population, we can see what poverty looks like in addition to, or outside of, students.

elsewhere in the country, race in Fort Collins plays an important role in elevating an individual's or family's risk of poverty. In Northern Colorado, **Native Americans, Blacks and Hispanic/Latinx people have lower incomes, higher poverty rates**, fewer assets, lower educational attainment levels, lower homeownership rates and poorer health outcomes than the majority white population². In Fort Collins, the median household income for non-white racial groups is approximately \$42,333 lower than white households' median income³.

Age and gender also both play important roles in increasing poverty risk. At first glance, a high population of students indicates that the majority of the poor in Fort Collins (around 30% of the poverty population) are students between the ages of 18-24. When you control for the student population, however, a different picture of poverty emerges in Fort Collins. **Women ages 35-54 and those 55+ are disproportionately poor:** over the last five years and compared to their male counterparts, these women are 10% more likely to face poverty.

Key Facts About Poverty in Fort Collins (ACS Census Data, 5-year 2013-2017 estimates):

- **One in eight** (12.2%, 20,948) individuals out of a total population of 171,100 is considered low-income.
 - **One in sixteen** (6.4%, 2,146) families are low-income, out of a family population of 33,531. Families are distinct from households (61,532) in that the families are a distinct type of household unit of more than one individual, living together and related by marriage, birth or adoption.
 - **Poverty in Fort Collins is characterized by gender.** Women are 10% more likely—at any age—to be impoverished than men. 26% of households headed by females are low-income.
 - **Poverty in Fort Collins is characterized by race.** Latinx, Black and Native American people experience an elevated poverty risks.
 - ACS data supports, and community nonprofits agree, that **a higher proportion of the poor in Fort Collins today are 'working poor,'** earning insufficient wages to keep them and their families out of poverty.
-

² Bell Policy Center, (2018). Guide to Economic Mobility in Colorado. <https://www.bellpolicy.org/wp-content/uploads/2018/01/Guide-to-Economic-Mobility-FINAL.pdf>

³ City Plan Fort Collins, 2019. <https://ourcity.fcgov.com/cityplan/documents> (p.22-23).



EXECUTIVE SUMMARY (PARTS 1 & 2)

*This evaluation is broken up into two parts, each with distinct findings. These include: **Part 1: Department-level findings and recommendations** relevant for specific, individual programs operating within the city. **Part 2: Cross-city findings and recommendations** for the combined portfolio of low-income programs enacted here at the City of Fort Collins.*

EXECUTIVE SUMMARY PART 1: INDIVIDUAL REBATE/REDUCED-FEE PROGRAMS

UTILITIES AFFORDABILITY PORTFOLIO (UAP): FINDINGS AND RECOMMENDATIONS

UAP KEY FINDINGS

Utilities has gained significant outreach and operational synergies by aligning with the state-wide Low-income Energy Assistance Program (LEAP).

- In its first year, the City of Fort Collins Utility (CFCU) Income-Qualified Assistance Program (IQAP) has enrolled close to 60% of the qualified LEAP participants who obtain CFCU services and live in Fort Collins.
- For each low-income subset, including the chronically poor, the temporarily or suddenly poor, and individuals and families managing disabilities or medical issues, there is a uniquely suited UAP program.
- UAP tracks outreach efforts and collaborates closely with community and regional partners. Out of City's three rebate and reduced-fee programs evaluated, the UAP program is most well-known among non-profit partners.
- Operational and strategic goals are lacking.
- The program enjoys strong support and community awareness, and program staff are highly respected among stakeholders.

SUMMARY & RECOMMENDATIONS

As the pilot year of IQAP ends, an upcoming review with a year's worth of data will tell a lot about how the program is functioning, who is benefitting, and where improvements may be made. Even without a complete dataset, several recommendations are outlined in this report (see the adjacent table). The recommendations include structural changes, like the elimination of the MAP program, strategic changes like the identification of goals and objectives beyond simply administering the program, and systematic improvements like an improved customer feedback survey. Assessing how many MAP customers would not qualify for IQAP should be undertaken before elimination of the MAP program. However, even if 50% didn't qualify (~80 current MAP participants), the pool is small enough for CFCU to consider 'grandfathering' any unqualified individuals into the IQAP program.

Importantly, the program management staff running the UAP program enjoy strong community collaboration and are very much admired and respected for their hard work in the community. While they may improve by standardizing and strengthening a customer feedback survey, the UAP team benefits from a department-wide system (CFCU Customer Connections) to track outreach efforts. This department infrastructure enables the team to use historical data to identify what they have done (benchmarking) and what they can do to improve (goalsetting). A 2020 outreach action plan is currently being developed. A summary of recommendations can be found in the adjacent table.

Component ⁴	Recommendation	Recommendation rationale
Structure	(1) Merge MAP with IQAP and remove duplication.	MAP is a small program that requires significant staff management. Alongside the IQAP, MAP is redundant as most users of MAP may be rolled into the IQAP.
Strategy	(2) Develop a strategic plan to include the remaining ~30-40% who participate in LEAP but not IQAP. (3) Identify and document operational and strategic goals and objectives.	Continuing to support LEAP participation (and thus IQAP participation) with non-profit partners, events, etc. Beyond simply administering a program, identify long and short-term goals, create milestones and further develop a framework for assessing impact.
Systems	(4) Reduce re-work and redundancies in developing an IQAP master-list with LEAP. (5) Standardize a user survey to track customer satisfaction.	Work with local LEAP program officers to eliminate redundancies in identifying eligible participants. E.g., eliminate construction of three different lists between LEAP and the City for identifying potential program participants. Survey used to assess participant satisfaction may be improved to provide greater insights with better questions, survey participation incentives and improved survey design, for identifying what customers perceive as the value of IQAP.

⁴ The P&PE Team uses the McKinsey 7S framework for program evaluation. This includes assessments around Strategy, Structure, Shared Values and Systems, in addition to Style, Staff, and Skills. www.mckinsey.com

FINANCE SERVICE AREA (FSA) REBATES: FINDINGS AND RECOMMENDATIONS

FSA REBATE PROGRAM KEY FINDINGS

- The FSA Rebates program, including the utility-tax rebate (UTR), grocery tax rebate (GTR), and property-tax rebate (PTR) have not been evaluated since their origination almost 40 years ago.
- The administration of rebates in Financial Services Area (FSA) has never been fully and permanently resourced. This has had ramifications for Finance staff, who are temporarily diverted from their primary jobs, and the program itself, i.e., there is a lack of capacity for program improvement, strategic marketing efforts and community engagement.
- Starting in 2015, a seasonal, part-time full-time employee equivalent (FTE) was hired to manage applications during the three-month enrollment window.
- A seasonal FTE has little time to conduct outreach, develop community relationships, or work on long-term program development.
- In 2019, FSA was able to hire a new Sales Tax technician that will devote a proportion (33%) of time to year-round management of the FSA Rebate program.
- Compared to other evaluated City rebate programs, the Finance Rebates are relatively unknown to many community non-profit partners.
- A narrow focus on program administration and execution exists, absent a strategic plan.
- Declining program participation has occurred simultaneously with a growing pool of income-eligible households in Fort Collins.
- Compared to other City rebate programs, participants typically skew much older (mid 60s) and applicants come from smaller household sizes with extremely low-income levels. GTR applicants are an exception, with a median age of ~40, and 3+ in a household.
- Age-related eligibility requirements limit equitable access to the UTR and PTR. Evidence suggests there are a number of non-senior, impoverished families who may benefit from the rebates but do not meet the age requirements, i.e., are not age 65+.
- UTR and IQAP are duplicative. UTR was established pre-IQAP and is an artifact of an era where energy poverty was not addressed within Utilities. Verification of CFCU customer status for the UTR is time-consuming and burdensome for Finance staff to manage.

SUMMARY & RECOMMENDATIONS

The UTR, GTR and STR, which together make up the FSA Rebates program, have never been reviewed or evaluated—though various improvements to the original ordinances have occurred (e.g., the 1980s inclusion of ‘disabled individuals’ identified in the target group). With a new, partially dedicated FTE, the FSA Rebates program is likely to benefit from improved service continuity, better nonprofit relationship management, and possible strategic objective development. However, the ability for this new resource to reasonably manage any program growth—in addition to necessary (and growing) Sales and Use Tax duties—is unlikely. Strategic planning and clear goal definition will help deduce what is required for FSA Rebate program success in terms of staff time, roles and responsibilities.

Resourcing constraints:

The FSA took an important step towards better program management by addressing the service continuity and relationship management issues inherent with a seasonal employee.

Reducing age-specific criteria for the PTR could expand eligibility for the families already accessing the GTR, but unqualified for the PTR. The combination of the PTR + GTR may financially incentivize low-income residents to apply for the FSA Rebates, despite the work and coordination required (e.g., arranging

childcare, transportation, etc.) for these households to submit applications in-person to the City.

Combining the PTR with the GTR also achieves the following:

- **Reduces staff burden and operational costs.** Managing and monitoring divergent participation criteria for different Finance rebates is a 'heavy lift' for an already under-resourced program.
- **Ensures equity, targets the neediest.** When age-criteria were adopted for the PTR/UTR in the 1970s/1980s, it is probable seniors were a population with a high—perhaps the highest—likelihood of poverty. Today however, the most impoverished people in Fort Collins are women, including adult women between ages 35-54 and senior women over age 55 (see discussion on pages 14-17). Though seniors still represent a vulnerable population, Fort Collins today clearly has a high proportion of working families and adults in poverty. With stagnating usage of the PTR, extending PTR to the currently impoverished population makes sense to fully address the need of a changing low-income population.
- **More money into the hands of low-income people, especially families.** A female-headed household is more than 25% more likely to experience poverty with significant lifelong impacts for children. Research shows incremental household funds typically go to benefit children, and that interventions that benefit children have long-term positive effects on economies and societies.⁵

Eliminating the UTR has positive benefits for the City, the FSA, the IQAP program and low-income customers. Verifying CFCU customer status between CFCU and FSA is a lengthy and burdensome process for staff. Directing interested customers to the IQAP/LEAP program instead, could better utilize an existing City service and strengthen a state-wide program (i.e., LEAP). For low-income customers, attaining a long-term solution—a permanently lower utility rate—is almost certainly preferable to an annual cash rebate.

Eliminating the UTR could also reduce a portion of the administrative burden of the FSA Rebates program and free up time and resources for the important—but currently not completed—marketing and relationship-building work that needs to be undertaken for the GTR/PTR rebates.

FSA Rebate program staff should also consider how to identify and obtain resources for improving the online application system. Knowing that low-income families are constrained by transportation, childcare and other costs, an online application means that low-income people working multiple jobs and managing the high costs of city living are able to submit applications in a time and manner convenient for them. Additional recommendations are summarized in the adjacent table.

⁵ UNICEF (2019). https://www.unicef.org/socialpolicy/index_53294.html Accompanying report: https://www.unicef.org/socialpolicy/files/Investing_in_Children_19June2012_e-version_FINAL.pdf

RECREATION REDUCED-FEE PROGRAM: FINDINGS AND RECOMMENDATIONS

Component	Improvement & recommendation	Recommendation rationale
Structure	<ul style="list-style-type: none"> (1) Ensure adequate FTE coverage of the FSA rebate program. (2) Merge GTR and PTR into a single rebate by removing age-specific criteria of PTR. (3) Eliminate UTR in lieu of pushing participants towards CFCU IQAP program. 	<p>With a new 2019 FTE spending 33% of their time on the FSA Rebates program, FSA has made a solid step towards service continuity. However, should Council prioritize program growth, appropriate resourcing should be reconsidered.</p> <p>Merging the GTR and PTR streamlines and creates value in the following ways:</p> <ul style="list-style-type: none"> a. Reduces staff burden and operational costs. b. Ensures equity, targets the neediest. c. Puts more money into the hands of low-income families.
Strategy	<ul style="list-style-type: none"> (4) Identify and document goals and objectives of FSA Rebate program. (5) Standardize customer service feedback opportunities. (6) Increase marketing efforts via increased budget and/or staff time allocated to outreach. 	<p>Beyond simply administering a program, identify long and short-term goals, create milestones and further develop a framework for assessing impact.</p> <p>Adequate customer feedback is not currently obtained for assessing satisfaction and opportunities for design and process improvement.</p>
Systems	<ul style="list-style-type: none"> (7) Make application period year-round. (8) Provide resources to improve online application option. (9) Consider ways to eliminate income verification. 	<p>In contrast to other city rebate/reduced-fee programs, the FSA Rebate program still operates as a seasonal program, which is challenging for staff who work on a compressed schedule, as well as applicants who must juggle yet another benefit timeline.</p> <p>The current online application option has not been designed-for, nor tested by, actual users. It is difficult to use, challenging to upload the correct documents, and usually requires more work for staff to track down missing application components.</p> <p>Income verification is an extremely burdensome step for City staff. Staff time could be better spent on targeted marketing and customer engagement/support⁶.</p>

⁶ The UAP program eliminated income verification by accepting LEAP enrollment in lieu of UAP-specific program income verification.

RECREATION PROGRAM KEY FINDINGS

- Among the City Rebate programs evaluated in this report, the Recreation reduced-fee program has by far the most users (more than 5,000 annually). These are mostly families and most primary applicants who submit applications on behalf of a household, are female.
- In contrast to other departments, the Recreation reduced-fee program uses a unique poverty measurement threshold of 185% of the federal poverty threshold. This is in-line with Poudre School district, a key community partner for the program, but out of alignment with the other City Rebate programs.
- Following a year of community and municipal partner outreach, Recreation's Reduced-fee Program underwent a major overhaul in 2017. The changes in 2017 simplified the discounts given and prioritized access to introductory sports, group activities and classes.
- Changes are occurring in the user base: adults ages 19-59 are shrinking as a user base (down by more than 10% over the last 5 years), while a proportionally smaller senior segment (ages 60+) is growing.
- The income verification step has a significant privacy risk for applicants, is complicated, and is burdensome for staff, especially Recreation office front desk staff. The process for moving, copying and validating sensitive tax and identification documents within the Recreation department is not formalized or secure, providing opportunities for sensitive applicant information to be lost or misused.
- The program maintains a strong focus on operational improvement and operational goals. It lacks a focus on long-term strategy and strategic goals.

SUMMARY & RECOMMENDATIONS

The Recreation reduced-fee program has been successfully integrated into all Recreation department functions and there is significant program support and familiarity within the community and among community partners. Compared to other evaluated City rebate programs, the reduced-fee program serves many low-income people—especially families-- each year. The program has taken significant steps to improve the application process and offers access to recreation opportunities for a range of individuals and families that live in Fort Collins.

Importantly, the application itself has just benefitted from a FC Lean intervention, which reduced the application from five pages to one. The application now is simpler to understand, completion is expedited, and design factors that are known to be of great importance for low-income customers are incorporated.

Broadly, the Recreation Department's program would benefit from balancing a strong focus on operational improvement with a focus on long-term strategic impact. In other words, what does Recreation seek to accomplish in the long term with the reduced-fee program? Are short-term operational changes working in tandem with a larger vision and articulated long-term strategic goals? As of now, long-term strategy to guide operational action is missing.

Part of the imbalance between strategic and operational goals is the fact that the reduced-fee program is not thought of as a traditional Recreation program, with a dedicated program manager, a specific communications plan, etc. Rather, the reduced-fee program is 'everyone's' job, which means targeted communications and explicit responsibilities for this program's success lie with everybody in Recreation, but also with no one in particular. High-level questions about program effectiveness often don't land squarely with any staff member or specific workgroup. Clear ownership and milestones around who is responsible for program growth and

development may lead to programmatic improvements. Additional recommendations are found in the table below:

Component	Recommendation	Recommendation rationale
Strategy	<ul style="list-style-type: none"> (1) Balance an operational focus by articulating a long-term, strategic plan. (2) Design and execute a communications plan, include outreach goals and key partners. 	<p>Beyond goals around program administration and operations, there are no clearly articulated strategic goals. What's the long-term objective of the program? What is the program trying to accomplish? How are operational goals in service to long-term strategic goal(s)?</p> <p>Let data insights guide goals and inform long-term and short-term targets. For example, consider a short-term goal of increasing adult usage (people between 19-59), given that this user group has been recently shrinking.</p> <p>Complete work of establishing and executing a marketing/communications plan.</p>
Staff & Structure	<ul style="list-style-type: none"> (3) Identify ownership of program tasks, program boundaries 	<p>Specific operational tasks are absorbed by multiple staff, making accountability and leadership difficult. Who is responsible for managing the program? Clarify which staff are charged with various tasks, including marketing/relationship management within the community.</p>
Systems	<ul style="list-style-type: none"> (4) Strengthen the system for handling sensitive application materials. (5) Provide an online application option. (6) Align eligibility criteria with other City Rebates programs by using AMI instead of FPL. 	<p>A single, City-wide income-eligibility application could eliminate the burden of income verification for Recreation. Among other things, the current inter-office transfer of copies of sensitive documents among staff poses risks for residents' privacy.</p> <p>Complete work to provide an online application option.</p> <p>Measure poverty using a locally appropriate measure (% of AMI) consistent with other City rebate programs.</p>

EXECUTIVE SUMMARY PART 2: CROSS-CITY FINDINGS AND RECOMMENDATIONS

This evaluation is broken up into two parts, each with distinct findings. They include:

- 1) **Department-level recommendations** and findings relevant for specific, individual programs operating within the city.
- 2) **Cross-city recommendations and findings** for the *combined portfolio* of low-income programs enacted here at the City of Fort Collins;

These two parts and accompanying sets of recommendations, however, are not exactly equal. Within this evaluation, the Evaluation Team prioritizes a centralized, city-wide approach on the basis that cross-city programming could align individual programs, offer a single point of entry for participants, and ultimately deliver the exceptional customer service that the City sets out to deliver for low-income people, which represent a unique set of customers accessing government services.

To the extent that centralization and establishment of city-wide goals will take time and resources, more immediate changes can be made in the interim via department level recommendations.

KEY FINDINGS

Beyond individual rebate and reduced-fee program recommendations, this evaluation highlights several opportunities for an improved, city-wide approach to rebates and reduced-fees for low-income populations. This report estimates that less than half of eligible low-income individuals and families participate in one of the low-income City programs evaluated. Far fewer participate in more than one of these programs. **In fact, only 18% of the addresses used by an applicant are linked (by usage) to more than one of the rebate/reduced-fee programs evaluated in this study.** This means that significant progress may be made in the programs' overall reach (the absolute number of low-income individuals and families served) as well as participation depth (the proportion of participating families obtaining more of the City's opportunities).

Taken together, these individual rebate programs may function as a 'portfolio of options' that support and reinforce larger City goals around economic inclusion and poverty reduction. Right now, however, there is little strategic alignment between these programs. This includes the absence of an articulated set of shared, city-wide goals.

LESS THAN HALF OF LOW-INCOME PEOPLE PARTICIPATE IN ONE CITY REBATE/REDUCED-FEE PROGRAM

Estimating the number of low-income individuals in Fort Collins is a complicated undertaking. A suite of federal, regional and local poverty measures describe poverty according to household type (i.e., a family versus a household versus an individual), income level, and household size (e.g., a single individual versus multiple family/household members). As a result, each poverty measure sets different income thresholds for determining the local low-income population size.

Also, the existence of a large student population here in Fort Collins attending Colorado State University (CSU) or other higher-education institutes within in the city further complicates the

picture. Further explanation of how the authors estimated the poverty population may be found in the body of the report (see Section entitled Background & Key Concepts)⁷.

Using application data from each of the three Service Areas/departments (Utilities, Finance and Recreation) and attempting to control for estimated overlaps between programs, the Recreation Reduced-Fee program reaches the highest proportion of the City’s low-income population, followed by the FSA Rebates, followed by the UAP. Note that the population of the biggest component of the UAP, the IQAP program, is bounded by eligibility for state-wide LEAP. **Most importantly, more than half of all estimated City low-income households are currently not reached by any of the City of Fort Collins’s reduced-fee/rebate programs evaluated herein.**

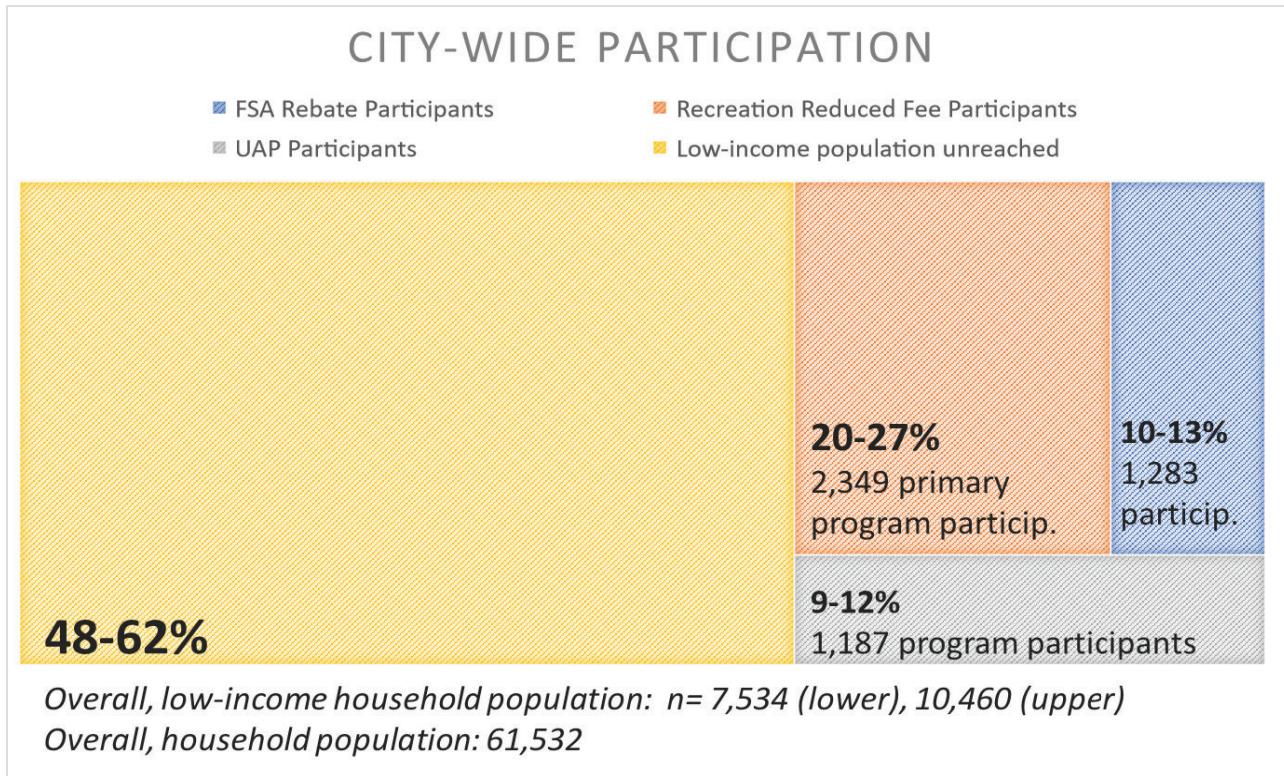


Figure 2: City-wide participation

LOW-INCOME PEOPLE ARE NOT CONSIDERED A UNIQUE CONSUMER OF CITY SERVICES

Perhaps as important as the information on the low participation in these City programs, the City’s low-income residents are not seen as unique users of the City’s services, unlike, for example, how the business community is viewed by the City. By defining low-income people as a unique customer, it follows that departments will see value in crafting specific communications and designing programs with that unique user in mind. Without a common understanding of the low-income resident as a unique customer, knitting these programs together will remain a challenge.

⁷ Fort Collins poverty estimates were calculated using 5-year estimates from the 2013-2017 American Census.

Explanations for why this population is unique include:

- **Geographic mobility.** These populations are managing temporary housing or moving frequently to find lower rent/housing costs.
- **Legal vulnerability.** Individuals and families might be dealing with legally challenging issues, including residency, immigration and criminal/civil problems.
- **Unique constraints.** When experiencing poverty, individuals and families juggle unique constraints that place different burdens on their time, decision-making and available resources (see discussion in Key Poverty Concepts). These conditions can include having multiple jobs, shift work, cognitive stress, family care, and transportation issues, among other things.

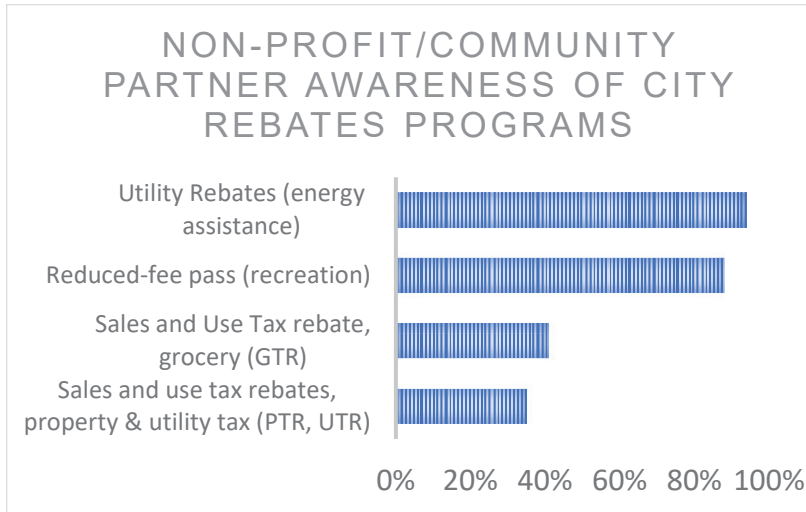
Recognizing low-income residents as a unique customer segment means:

- Developing a common language and poverty thresholds for this population.
- Adopting a set of strategic objectives and a strategic communications plan.
- Requiring standard user-specific design principles for programs and projects working with low-income populations.

VARIABLE COMMUNITY AWARENESS AND UNDER-UTILIZATION OF COMMUNITY PARTNERS

17 individuals from nine non-profit organizations serving Fort Collins and Larimer County residents were surveyed about their knowledge of, and collaboration with, City of Fort Collins reduced-fee/rebate programs. These partner community organizations included CSU Care Program, various UC Health/Poudre Valley programs, the Volunteer Income Tax Assistance Program, Project Self Sufficiency, Neighbor to Neighbor, Energy Outreach Colorado, and the Food Bank of Larimer County (See questionnaire in Appendix A). Close to 80% of non-profit partners surveyed indicated they work directly with low-income people in Fort Collins (Figure 3).

Between 80-90% of respondents were familiar with the City’s reduced-fee recreation pass and the Utilities IQAP program. On the contrary, less than half knew about the property tax and utility tax rebates managed in Financial Services (35%).



As a result of differing levels of awareness and intentional collaboration, non-profits in Fort Collins extend varying levels of support for City reduced-fee and rebate programs. Lack of full support means lost marketing and outreach opportunities as well as lost opportunities for direct assistance with programs’ application management, etc. Across the rebate/reduced-fee programs evaluated in this study, IQAP, followed by the reduced-fee recreation pass program, have the greatest

Figure 3: Cross-program rebate awareness of city stakeholders. Source: 2019 Survey data collected by Evaluation Team

familiarity in the community and the most direct non-profit support.

CITY-WIDE, LOW-INCOME PROGRAMMING IS INEFFICIENT

Crucially, low cross-program participation means a reduced return on City-sponsored social investments. Limited success in cross-program participation currently means a reduction in the potential combined impact of these programs—whereby the possible impact of the ‘portfolio of low-income services’ could be greater than the sum of independent department initiatives.

It also means that **each department charged with administering an income-eligible program pays the ‘full cost’ of its administration**, potentially re-processing the same applicant annually for multiple City services or expending the same time and energy trying to reach similar participants in the community.

Moreover, lack of centralization between these different programs has led departments to adopt different approaches, including different methods for leveraging community partners, variable eligibility thresholds affecting participation, and differing levels of staff/programmatic resources available for deployment. As a result, analysis performed for this report suggests that each department that manages a reduced-fee/rebate program has reached a slightly—or in some cases very different—low-income population.

ADDITIONAL CROSS-PROGRAM FINDINGS

- **Departments struggle with income verification and are misaligned around poverty thresholds.** Not only does each department pay the full cost of administration, but their targeting is not consistent, each reaching a slightly different segment of the impoverished population. Also, lack of standardization around management of applicants’ sensitive income verification documents is an underappreciated privacy and legal risk for the City.
- **Lack of standardized data and data tracking makes assessing resident engagement across City rebate/reduced-fee programs nearly impossible.** Better systems are needed to understand how low-income people fully interact with—or are isolated from—available City services.
- **Key community partners and non-profits are unaware of certain rebate/reduced-fee offerings at the City.** Without awareness, non-profits are unable to alert their low-income clients of City opportunities and help improve City programming.
- **Key community partners may know about some rebate programs, but partners could be better utilized.** Of the non-profits and community partners surveyed, no more than 50% actively support City rebate/reduced-fee programs either directly (by supporting low-income clients to fill out applications) or indirectly (via marketing like posters or flyers, or social media mentions).

RECOMMENDATIONS

STRATEGIC GOAL SETTING & CENTRALIZATION OF RESPONSIBILITY

Departments operate their programs in ‘silos’ with minimal resources and little city-wide strategic guidance. There is no set of city-wide goals, no central responsibility for ensuring that each program pursue unified goals nor a mechanism for aligning department-level actions.

Beyond a lack of shared, long-term city-wide strategic goals, differing department values and divergent department constraints (funds, staffing) further complicate the ability of these programs to coordinate optimally for low-income residents. Most departments accept the mandate to provide these services, but this means the provision of low-income programming is

in service to narrower department-level goals and not in service to broader city-wide goals for a unique customer segment.

Opportunities for bridging the responsibility gap:

1. **Establish a set of strategic City-wide goals** shared across departments and functions. For example, the Climate Action Plan (Our Climate Future), is a unified program that blankets the entire City; something similar for low-income programs would be catalytic for departments interacting with low-income residents. Those departments could then link resources and workplans to meet established cross-functional objectives.

The City-wide goals may emphasize:

- Promoting economic security with assistance in meeting basic needs (energy, tax relief) for the low-income population, and
 - Opportunities to access cultural events and recreation.
2. **Centralization of program administration.** Centralize administration of low-income services with dedicated FTE program manager(s) and cross-functional participation by relevant Service Area Directors.
 3. **Conduct annual portfolio performance reporting.** Annually assess how rebate/reduced-fee programs work together to achieve the aforementioned City-wide goals. Assess participation ‘depth’ and how/if program participants participate in more than one rebate program; determine if needed adjustments of program marketing occur based on estimates of new/emerging low-income demographics.

RECOGNIZE AND DESIGN FOR LOW- INCOME PEOPLE AS A UNIQUE CUSTOMER SEGMENT

Low-income residents within the city are not seen as unique users of the City’s services. This contrasts, for example, with a similarly unique identified customer segment like the business community⁸. By defining low-income people as unique customers and reporting on their experience with City services, departments will see value in crafting specific outreach and programs designed with that unique user in mind. Without a common understanding of the low-income resident as a unique customer, knitting these programs together will remain a challenge.

Opportunities to recognize and design for a unique low-income segment include:

1. Developing a common language and poverty thresholds to describe this population.
2. Adopting strategic goals and developing a strategic plan and communication plan specifically for this population.
3. Requiring departments to leverage user-specific, human centered design principles when developing, improving and managing programs that target low-income populations.

⁸ See the City’s Business Engagement and Action Plan (BEAP), co-managed by a cross-functional group from the Economic Health Office, Utilities Customer Engagement Team, the City Manager’s Office, etc.



BACKGROUND AND KEY CONCEPTS

The three sections in this chapter (Background, Key Poverty Concepts, Poverty in Fort Collins) explain the context for, the characteristics of and challenges faced by the City's low-income population. These sections provide an understanding of this unique customer segment, which is necessary to assess the impacts of the City's rebates/reduced-fee programs.

BACKGROUND

While certain populations are always at risk of being chronically poor, signals point to changing dynamics in Fort Collins and Northern Colorado. Many local community service providers are expressing increased concern that they are serving higher proportions of low-income people who work full-time (i.e., the ‘working poor’)⁹. This means that despite a low unemployment rate, which would otherwise signal a thriving workforce, the ability for working, low-income families to prosper in Fort Collins is questionable. This changing characteristic of low-income people in our community warrants a fresh look at the programs and policies that have been previously implemented.

THE PRICE OF BEING POOR

PAYING MORE FOR ENERGY, HOUSING AND FOOD

Compared to their middle-class or upper-class community members, low-income Americans who live in poverty pay more than moderate or high-income families for basic necessities—far more. As a percentage of income, poor families in the bottom 20% of income earners nationally, pay on average close to 10% of their annual income on energy costs. As a proportion of income, that’s almost seven times what the top 20% of income earners typically pay.

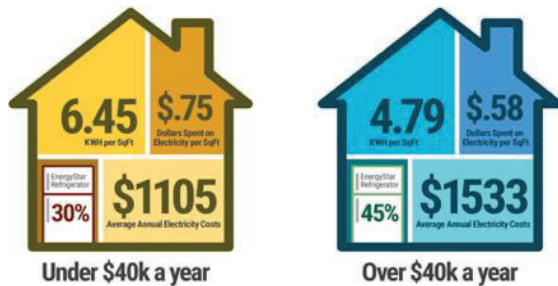


Figure 4: Low-income energy use

However, people who earn less aren’t just paying more for energy as a percentage of their income. For most low-income households, inefficient appliances and low-quality residential buildings means that additional energy is required per square foot to heat, cool and otherwise operate a residence (Figure 4)¹⁰. The result is higher energy costs per square foot compared to middle- or upper-income families and individuals. Given that low-income families are more likely to rent, these families bear the cost of utility bills but have no ability nor incentive to make capital investments around energy efficiency upgrades on a home they don’t own. Meanwhile, landlords have few economic incentives to make efficiency upgrades that would save their tenants money.

The point at which energy costs become burdensome enough to contribute to poverty is typically cited as a household devoting more than 6% of its income to energy-related costs¹¹.

⁹ Non-profit, County government and community partner interviews, 2019. Includes input from Larimer County Food Bank, Low-income Energy Assistance Program (LEAP), Human Services Department of Larimer County, Project Self Sufficiency, The Family Center (La Familia).

¹⁰ Goundswell (2016). <https://groundswell.org/study-finds-that-working-families-pay-the-most-for-electricity-despite-lower-price-trends-and-affordable-clean-energy-alternatives/>

¹¹ The Atlantic (2016). *Energy Poverty in Low-income Households* <https://www.theatlantic.com/business/archive/2016/06/energy-poverty-low-income-households/486197/>

Across Larimer County, a typical household below 50% of the federal poverty level spends more than 21% on energy-related costs; energy poverty is all too common across the Front Range¹².

HOUSEHOLDS ON THE BRINK

For many families, housing affordability is part of the broader problem of having a low income. If you don't make enough money, you have trouble affording anything—including housing in competitive markets like Fort Collins. Based on 2000-2014 data from the Bureau of Economic Analysis (BEA), analyzed in 2016 by Pew Charitable Trust, low-income households' housing costs grew by more than 50% over the last 19 years¹³. The strain that housing places on Fort Collins families is documented in the City's 2015 Affordable Housing Strategic plan and in the 2019 City Strategic plan. In 2017, Fort Collins homes appreciated at the highest rate in the state, at more than 11.8%¹⁴.

Using a measurement of 200% of the Federal Poverty Level (\$50,200 for a family of 4 in 2018), the Larimer County Food Bank today serves over 18,000 people with a Fort Collins address out of the nearly 50,000 individuals who would qualify to use the Food Bank

based on American Community Survey 2018 figures. In Larimer County the absolute number of Fort Collins residents within the Larimer County Food Bank database has grown by 15% over the last six years (2014-2019)¹⁵. While the Food Bank may have been able to reach more individuals in the last six years, the combination of high housing costs, rising healthcare costs and soaring childcare costs squeezes the budgets of low-income families to the point these households are now seeking food assistance.

... average weekly wages in Colorado have been flat since 2000

—Bell Policy Center, 2018

ECONOMIC GROWTH ALONE HASN'T REDUCED POVERTY

While job-training programs and economic development are an essential part of promoting economic opportunity, climbing out of poverty is only possible when household earnings rise faster than the cost of living. In the decade after the Great Recession, the economy has benefited from growing national gross domestic product (GDP), job expansion, falling unemployment and rising stock prices¹⁶.

Yet in Colorado and elsewhere in the U.S, generating a steady, sufficient income by **obtaining and holding a single job is unlikely to completely lift an individual or family out of poverty**. Escalating costs of living continue to outpace wage growth, even though more Americans and Coloradans are working today than ever before¹⁷.

¹² Accounting Insights developed this interactive map and associated statistics based on information from the Energy Information Administration and from the U.S Census Bureau. <http://insideenergy.org/2016/05/08/high-utility-costs-force-hard-decisions-for-the-poor/>

¹³ Bell Policy Center, 2018. Guide To Economic Mobility. <https://www.bellpolicy.org/wp-content/uploads/2018/01/Guide-to-Economic-Mobility-FINAL.pdf>

¹⁴ Bell Policy Center, 2018. Guide To Economic Mobility. <https://www.bellpolicy.org/wp-content/uploads/2018/01/Guide-to-Economic-Mobility-FINAL.pdf>

¹⁵ Larimer County Food Bank interview, August 2, 2019. Supplemental Food Bank information provided to the Evaluations Team on August 5, 2019.

¹⁶ Brookings Metro Monitor, 2019. <https://www.brookings.edu/research/metro-monitor-2019-inclusion-remains-elusive-amid-widespread-metro-growth-and-rising-prosperity/>

¹⁷ Bureau of Economic Analysis (2019): https://www.bls.gov/eag/eag.co_fortcollins_msa.htm

Why aren't wages keeping up with rising costs of living? In the past, during periods of low unemployment and strong economic growth, such as the late 1990s, wages went up faster than they have in recent years. Nationally, wages grew by about 4.8 percent annually in the late 1990s, compared to 3.4 percent today. The Bell Policy Center offers the following theories about why workers don't seem to be enjoying the same economic gains today as they have during other historic times of economic expansion¹⁸:

1. **Our low unemployment numbers aren't giving us the whole picture.** Throughout 2019, the local unemployment rate for Fort Collins hovered at a very low 2%. State economists agree that this number doesn't include discouraged or permanently unemployed workers who remain on sidelines—including those that fared the worst during the Great Recession.
2. **A growing imbalance between workers and employers.** A significant decline in unionization and an increase in the concentration of dominant employers in certain industries and areas has placed downward pressure on wage growth. Popular use of the contractor classification has also limited benefits for those workers and reduced payroll costs for employers.
3. **The workforce's changing composition makes wage growth appear lower than it really is.** Older, higher paid workers are leaving the workforce and being replaced by younger, lower paid workers. Also, new entrants into the workforce moving from part-time to full-time work are generally earning less than the typical full-time time worker.

Regardless of why wages aren't keeping up with costs of living, typically poor subsectors of the population, like seniors and persons with disabilities, are being joined by the 'working poor' which includes individuals and families, some of whom should be in their prime earning years. Even as labor participation (as indicated by declining unemployment rates) and U.S. GDP have grown, the rate of people in poverty across the country has continued to rise (Figure 5).

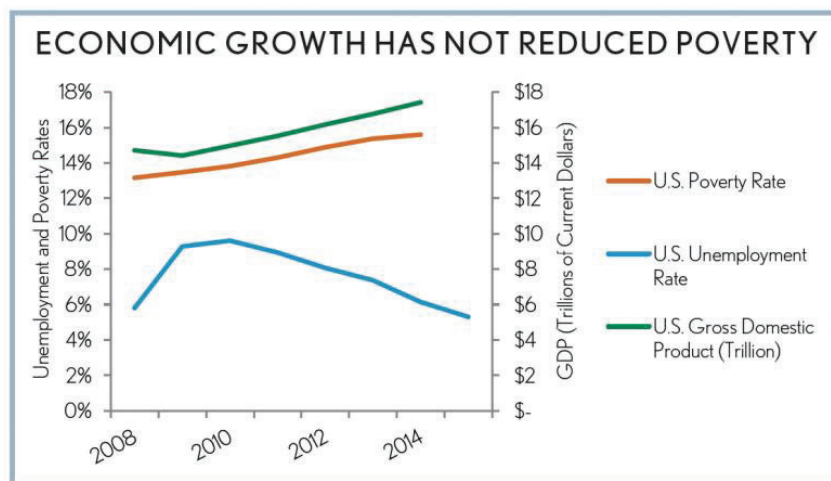


Figure 5: Source: Urban Opportunity Agenda, Center for Neighborhood Technology (CNT).

¹⁸ Bell Policy center (2018). <http://www.bellpolicy.org/2019/05/02/wages-inflation/>

KEY POVERTY CONCEPTS

Three behavioral science concepts have guided the findings and recommendations within this report:

- Recognition that poverty is multi-dimensional and much more than just a lack of money.
- Poverty imposes a significant cognitive burden on families and individuals. As a result, low-income people make very different decisions than their non-poor counterparts.
- Successful poverty alleviation programs/policies must address low-income people as unique users of government services and design for low-income users' behaviors and needs.

POVERTY DRAINS THE VERY RESOURCES NECESSARY FOR OVERCOMING POVERTY

Behavioral research has shown that human beings leverage more than just economic capital (or the lack thereof) when making decisions about meeting needs and securing their well-being (BIT 2016)¹⁹. Figure 6, below, describes the types of resources (capital) relevant to this discussion of well-being and poverty alleviation.

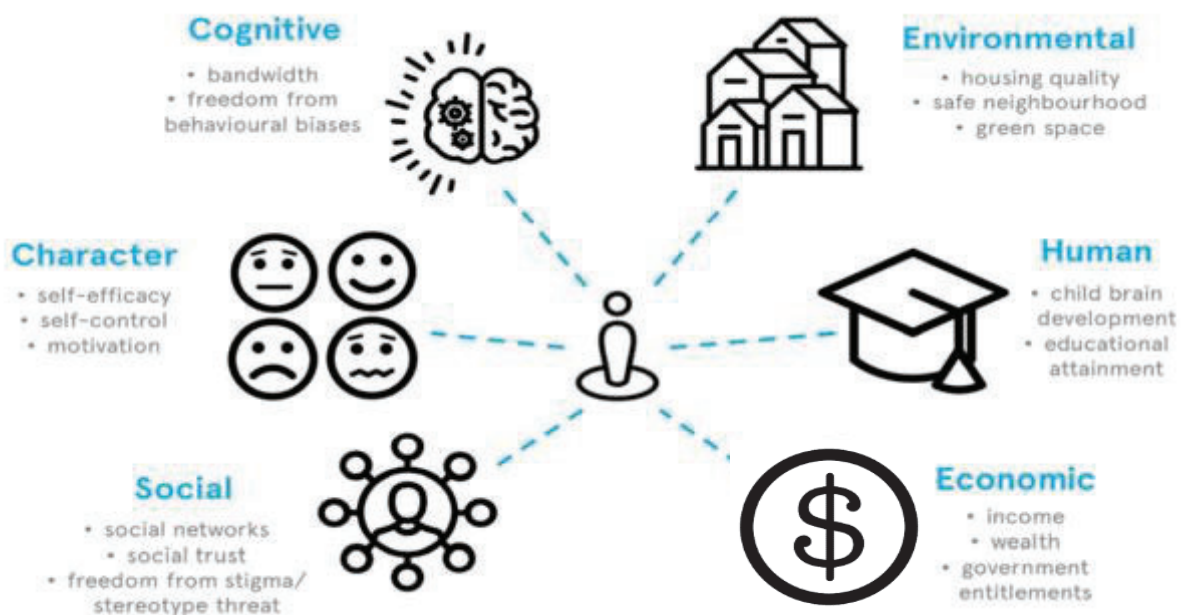


Figure 6: Behavioral research and capital types

An individual or family's ability to store or replenish stocks is necessary for building and sustaining overall well-being. This includes educational capital (educational attainment and technical qualifications), human cognitive capital (childhood brain development and decision-making capacity and mental bandwidth), environmental capital (e.g., housing quality, safety,

¹⁹ Behavioral Insights Ltd. (2016). Poverty and Decision-Making: How Behavioral Science Can Improve Opportunity in the UK. <https://www.bi.team/wp-content/uploads/2017/02/JRF-poverty-and-decision-making.pdf>

access to natural space), social capital (e.g., social networks, freedom from stigma) and character capital (e.g., self-control, motivation). When one or more capital stocks or assets are low, individuals and families pull from other assets or capital stocks to compensate or cope. This is true for all people, including low-income people. However, for low-income people the consequences of chronic drains on various capital stocks or the underinvestment in certain stocks have implications for obtaining a healthy, happy and productive life, i.e., for ensuring well-being and reducing the chances of falling into poverty. Each of these capital stocks have consequences when depleted or underinvested in: impacts can last a short time, or entrench an individual, family or even a generation, into a cycle of poverty.

For government agencies and public policy makers, understanding how these types of capital work together toward--or against--various aspects of well-being is important to building policies and programs that disrupt these cycles and meet low-income people where they're at currently.

POVERTY INFLUENCES DECISION-MAKING

Low income people are unique customers who apply for, access and benefit from municipal services. As noted above, poverty impacts the resources people draw upon to manage their lives and cope with the various economic, social or environmental shocks life might bring. Understanding the resource constraints low-income people typically manage and the way those constraints affect their decision-making may help the City and other public sector agencies better design programs specifically for low-income customer success. This section discusses how poverty affects cognitive capital and, ultimately, how many people experiencing poverty make decisions.

Recently, attention has focused on the cognitive burden that poverty imposes. In fact, recent neuroscientific research suggests that the condition of poverty imposes a mental burden akin to losing 13 IQ points (Mani et al. 2013)²⁰. This means that impoverished families are not only trying to optimize their decision-making with a limited, disadvantaged resource/capital set, but they are trying to optimize under conditions that limit mental bandwidth. As a 2016 Behavioral Insights Team study points out:

“...the context in which people on low-incomes live means that they have fewer opportunities to replenish or rest their cognitive resources compared to people on higher incomes. This includes the physical context in which they live, such as noisy urban environments without green space and with the emotional fatigue that comes from stifling negative feelings associated with job loss and stigma.

Poor families and individuals must also make many more critical decisions in a day compared to those who have financial and time-buffers, from complying with the conditions of welfare payments to coordinating irregular shift-work and managing childcare.” (BIT 2016, p. 13-14).

Poverty exists as both a cause and consequence of reduced mental bandwidth, or cognitive capital²¹. Successful poverty alleviation efforts recognize that seemingly sub-optimal decisions

²⁰ Mani et al. (2013). Poverty Impedes Cognitive Function. *Science*, Vol 341 (6149), pp.976-980.

<https://science.sciencemag.org/content/341/6149/976.abstract>

²¹ The Atlantic (2013). Your Brain on Poverty: Why Poor People Seem to Make Bad Decisions.

<https://www.theatlantic.com/business/archive/2013/11/your-brain-on-poverty-why-poor-people-seem-to-make-bad-decisions/281780/>

by low-income people may be made because those individuals exist in a very different environment and with a very different set of resources, than non-poor people.

LOW-INCOME PEOPLE ARE UNIQUE USERS OF GOVERNMENT SERVICES

Given that poor people may have different resources and different decision-making abilities than their non-poor counterparts, they represent a unique group accessing government services. On the flip side, when government policies and programs are designed without a deep understanding of the poverty context, i.e., how low-income people make decisions, what resources they do/don't have available, etc., poverty alleviation programs at the local level may fail to make an impact.

Throughout this evaluation on income-eligible reduced-fees and rebates, the following design aspects and questions are considered:

- **Low-income people are unique users of government services. People experiencing poverty do not make decisions like their non-poor counterparts.**
 - What evidence exists that the policy/program has designed for the 'poverty experience?'
 - From a low-income user's point of view, what is going right? What might be missing?
 - What, if any, kinds of Human Centered Design²² elements are incorporated?
- **Policymakers and program designers must minimize the time and mental costs of engaging with government or other locally available services.**
 - Where are we bundling application processes and eligibility requirements to streamline interactions?
 - How are policies and programs considering and/or alleviating the unique mental burdens associated with poverty?

This evaluation thus continues with a dual focus on evaluating the availability and efficiency of reduced-fee and rebate programs and the extent to which these policies/programs have a unique customer focus on low-income people.

²² Human Centered Design principles and toolkit can be found at: <https://www.designkit.org/human-centered-design>

POVERTY IN FORT COLLINS

Estimates of the number of households in poverty in Fort Collins are useful for determining how successful City Rebate programs have been in reaching low-income people. Are we reaching 5%, 25% or 90% of eligible households?

MEASURING POVERTY

Multiple measures of poverty exist for divergent and diverse reasons. In the United States, poverty is typically measured by three, non-interchangeable indicators. These include Census Bureau poverty thresholds, the Federal Poverty Level (FPL) and area median income (AMI) thresholds. Each measure is relative to household size.

- **U.S. Census Bureau poverty thresholds** are measured annually, specific to region and used to determine official poverty population statistics for the nation, states and localities across the country. With this poverty threshold, one may broadly estimate not only how many people are poor, but how poverty is distributed by age, race, ethnicity, region and family type.
- **Federal Poverty Level (FPL) guidelines.** FPL reflects income cutoff levels annually issued by the Department of Health and Human Services. FPL is used administratively to determine financial eligibility for federal programs. While these guidelines do account for variability in cost of living across regions, FPL is not typically used to estimate regional poverty.
- **Area Median Income (AMI) thresholds** refer to the income level that divides the population income distribution of an area in half, with half the population above that income amount, and half below. AMI is generally analogous to the Department of Housing and Urban Development's (HUDs) Median Family Income estimates, which are broken down into low (households earning 80% of AMI), very low (households earning 50% of AMI) and extremely low (households 30% or less of AMI). These figures consider local area costs of living.

Estimates of the number of households in, or adjacent to poverty in Fort Collins is useful for understanding how successful our City Rebate programs have been in enrolling low-income people.

Which poverty measure is most relevant for local government programming?

The Census Bureau's poverty thresholds are the same nationwide, no separate figures for different states or cities. The FPL guidelines are simplified versions of the Census poverty thresholds and they exist only to determine financial eligibility for certain federal programs.

AMI is typically the most meaningful measure of poverty for most local government purposes. *It accounts for local cost of living and is a good estimate of regional earnings.*

For estimating the larger pool of low-income individuals and families, this report uses the Census bureau poverty thresholds, given that the census is the most comprehensive dataset available that measures poverty locally and at different levels of age, household size and household composition. Generally, the Census poverty thresholds are slightly stricter, capturing more extreme poverty levels than, for example, the AMI estimates.

	Income limit for single individual	Income limit for family of 4	Current City Rebate/Reduced-Fee program using this measure...	How this report (2019 City Rebate Evaluation) uses this measure...
Census bureau poverty thresholds	<ul style="list-style-type: none"> • \$13,064 (under age 65) 	<ul style="list-style-type: none"> • \$25,465 (two adults, two children under 18) 	N/A	Estimating the pool of low-income individuals/households in Fort Collins.
FPL guidelines	200% FPL: <ul style="list-style-type: none"> • \$24,280 	200% FPL: <ul style="list-style-type: none"> • \$50,200 	Recreation: <ul style="list-style-type: none"> • 185% FPL 	N/A
AMI / HUD median family income estimates (separate estimates for county, state)	60% State AMI: <ul style="list-style-type: none"> • \$28,452 50% County AMI: <ul style="list-style-type: none"> • \$26,900 	60% State AMI: <ul style="list-style-type: none"> • \$54,732 50% County AMI: <ul style="list-style-type: none"> • \$38,400 	<ul style="list-style-type: none"> • LEAP/IQAP uses 60% of state AMI • FSA rebates uses 50% County AMI 	N/A

Lack of a comprehensive, localized poverty dataset for Fort Collins residents means that estimating the number of poor people in this community is a challenge.

Also, understanding the characteristics of these low-income households is important for evaluating the City's outreach effort and for assessing if any specific groups of people are not reached. For example, if female-headed households represent a significant proportion of our poor households, do we find a comparable proportion of them participating in our low-income programs?

If the absolute number of people participating in these programs is low or specific demographic characteristics are not represented in participant data, each has a bearing on the City Rebates programs' marketing effectiveness.

HOW MANY PEOPLE ARE POOR IN FORT COLLINS?

Poverty rates are specific to the family, household or individual units of interest. Without controlling for students²³, the individual poverty rate in Fort Collins according to the American Community Survey (ACS) administered by the Census Bureau, is 17%²⁴. However, when controlling for a high student population (i.e., removal of all individuals between 18-35 years), the poverty rate falls to just over 6%. Knowing that not all residents in that age bracket within Fort Collins are students and that some students are, indeed, permanent residents in need of low-income services from the City, this report uses an average between 17% (as the upper

²³ Controlling for students means accounting for the fact that our local student population has an outsized effect on the outcome of interest, in this case, poverty. Many students are stepping out of the economy and forgoing current wages in lieu of investing in their education in the hopes of future, higher earnings. By identifying and then isolating—as much as possible—students from the underlying population, we can see what poverty looks like in addition to, or outside of, students.

²⁴ 2017 American Community Survey 5-year Estimates 2013-2017. Note: all statistics use Fort Collins, City, not Metro Area.

bound) and 6% (as the lower bound) to arrive at a **city-wide poverty average of 12.2%**. With a population of 171,100 this means that over 20,000 individuals are low-income in this community.

The poverty rate for families, which, when compared to the total poverty rate of all individuals in the city, measures poverty within a much smaller pool that includes household units where 2+ people are related by blood or marriage (n= 33,531). The poverty rate for families is 6.4%. However, when the head of the family household is a sole female with no partner present, the rate is more than three times as high (20.8%).

Families are distinct from *households*, which include household units of one person or 2+ people that may or may not be related by blood or marriage (n= 61,532). Using the individual poverty rate of 17% as the upper bound and 12.2% (the poverty average that includes some students, but not all) as the lower bound, between 7,534-10,460 households are estimated to be poor within Fort Collins (Figure 7).

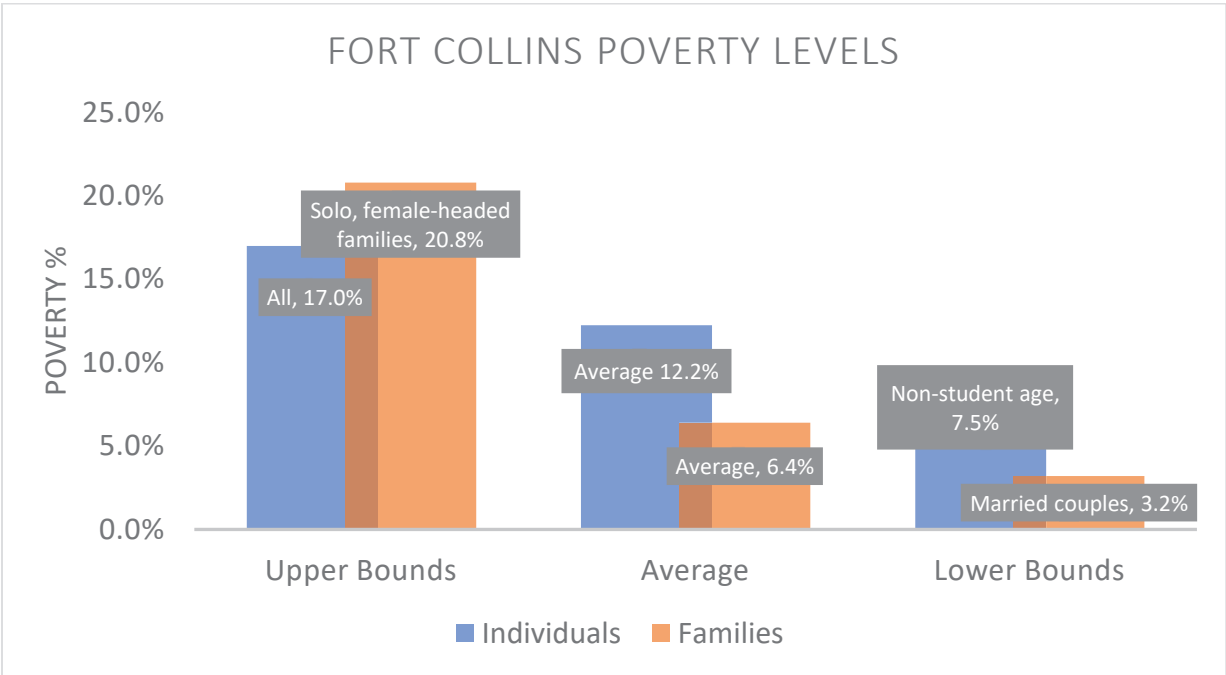


Figure 7: Fort Collins Poverty Levels

The difference between an adequate income, a sufficient income, and a low income is nuanced, and time bound. Being low-income means income insufficiency, i.e., not having enough income to cover basic expenses or living on 'the edge' of poverty. Adequate income means the general ability to recover from a life shock (an illness, a financial emergency). In Fort Collins, the Economic Policy Institute (EPI)²⁵ identifies an adequate income for 1 adult living in Fort Collins to be \$38,947. In contrast, the self-sufficiency standard for Larimer County is \$25,124, suggesting a significant gap between sufficiency and adequacy, in other words, between having or not having a financial cushion to survive a negative economic shock/event. In terms of income adequacy, a couple with two children would require an income of over \$89,000 for an 'adequate' life in Fort Collins (EPI 2019).

While measuring actual poverty rates in Fort Collins is important, knowing the number of people who are living on an income that puts them *at risk* of falling into poverty is also important. In our community, the latter is much greater than the former.

WHAT CHARACTERIZES THE POOR IN FORT COLLINS?

While some of the characteristics of individuals and families facing poverty are well-known, others remain hidden and are specific to particular regions and unique economic realities. Within Fort Collins and across Colorado, race plays an important role. Native Americans, Blacks and Hispanic/Latinx workers have lower incomes, higher poverty rates, fewer assets, lower educational attainment levels, lower homeownership rates and poorer health outcomes than the majority white population²⁶.

What characteristics make someone more likely to be poor in Fort Collins? Being Black, Hispanic/Latinx, and female. Women are 10% more likely than men to experience poverty.

What kinds of families are poor in Fort Collins? 26% of female-headed households (no partner present) experience poverty in this community.

and Hispanic/Latinx workers have lower incomes, higher poverty rates, fewer assets, lower educational attainment levels, lower homeownership rates and poorer health outcomes than the majority white population²⁶.

In Fort Collins, the median household income for non-white racial groups is approximately \$42,333 lower than for white households²⁷.

²⁵ The Economic Policy Institute (EPI) is a nonprofit, nonpartisan think tank created in 1986 to include the needs of low- and middle-income workers in economic policy discussions.

²⁶ Bell Policy Center, (2018). Guide to Economic Mobility in Colorado. <https://www.bellpolicy.org/wp-content/uploads/2018/01/Guide-to-Economic-Mobility-FINAL.pdf>

²⁷ City Plan Fort Collins, 2019. <https://ourcity.fcgov.com/cityplan/documents> (p.22-23).

While Latinx families have a higher probability of being poor when compared to their white counterparts, in terms of absolute poverty numbers, Latinx represent a smaller share of the poor

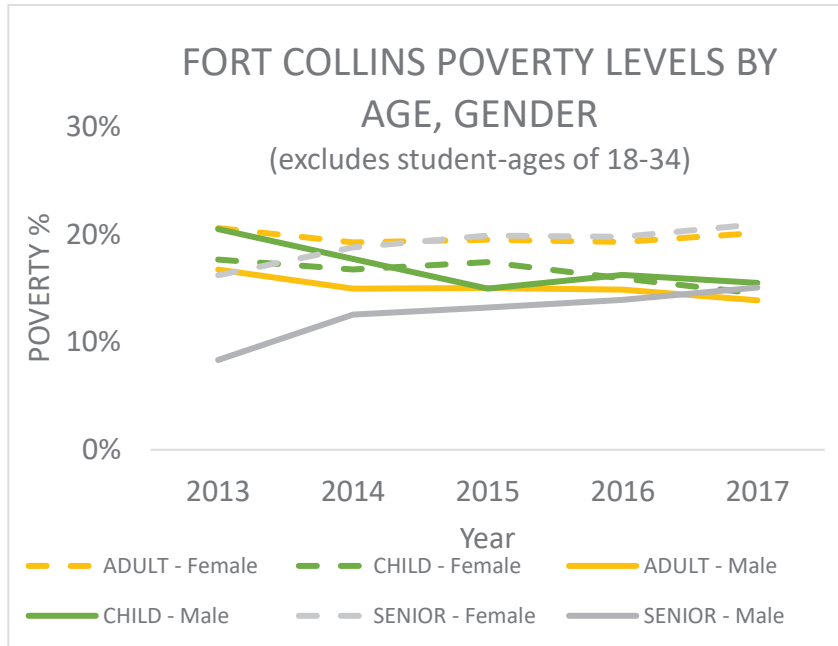


Figure 8: Poverty by age, gender

population at large. Nearly 3 out of 4 low-income individuals are classified as white.

Two other characteristics show up in the City’s poverty data: age and gender (Figure 8). Each plays an important role in determining poverty status. At first glance, the City’s high population of students indicates that the majority of the poor (around 30% of the local poverty population) are students between the ages of 18-24. However, controlling for a high the student population (i.e., removal of that age demographic), paints a different picture of what age

groups and genders are suffering poverty²⁸. Senior females (ages 60+) and, surprisingly, adult women characterize the most impoverished demographics. Adult men are least likely to be impoverished. Throughout the last five years, this data suggests that women have a higher poverty percentage by more than 10 percentage points, compared to males.

SUMMARY: WHY IS UNDERSTANDING AND ADDRESSING POVERTY NEEDS FOR FORT COLLINS IMPORTANT FOR THE CITY?

Understanding the characteristics of the city’s low-income households is important for evaluating the City’s outreach efforts and for assessing how and if specific low-income people are successfully participating in relevant City programs. **The City’s vision is to provide world-class municipal service and its mission is to provide exceptional service for an exceptional community; this includes the services and policies targeting resident customers who are low income.**

Low-income people in Fort Collins, like elsewhere, are not homogenous. In Fort Collins, certain demographic groups are disproportionately low-income, requiring different outreach, marketing and strategic efforts. In Fort Collins, this includes women, especially senior and adult women, in addition to people of color.

The demographics of low-income people may or may not be unique when compared to other

City Vision: To provide world-class municipal services through operational excellence and a culture of innovation.

City Mission: Exceptional service for an exceptional community.

²⁸ Importantly, the typical datasets available through the census –as used in this evaluation-- do not capture data on non-binary or gender fluid individuals. The authors recognize that this leaves an entire population of people out, and laments another example of institutionalized gendering.

communities, but better knowledge of this population and the unique demographics that they embody offers an important opportunity for the City to assess impact, better target, and specifically design policies and programs for these users of government services.



PART 1: INDIVIDUAL REBATE & REDUCED-FEE PROGRAMS

UTILITIES AFFORDABILITY PORTFOLIO: REDUCING ENERGY/WATER COSTS

As an umbrella program, the Utilities Affordability Portfolio (UAP) houses multiple programs for low-income and/or vulnerable populations seeking to obtain affordable electrical, water and wastewater utility services from the City of Fort Collins. The UAP includes:

1. **Medical Assistance Program (MAP).** This program provides financial assistance for income-qualified individuals who have a doctor-approved medical condition that requires medical equipment that uses additional energy (e.g., a ventilator or air conditioning).
2. **Income Qualified Assistance Program (IQAP).** This program allows eligible low-income individuals to be charged a lower rate for their energy, water and wastewater service.
3. **Payment Assistance Fund (PAF).** This program provides one-time assistance for individuals who experience a sudden economic shock and are unable to pay for utility service temporarily.

To find the best program or programs for a customer, the City of Fort Collins Utility (CFCU) Customer Service Representatives (CSRs) or the UAP program manager work together to identify the best fit for a customer's unique needs.

HISTORY

Energy prices are uniquely stable in Fort Collins and across Colorado, given the energy sources for heating and cooling available in the state. Throughout the span of the CFCU, various programs have existed within Utilities to support low-income customers, including some dating back to the 1980s²⁹. In 2005, the CFCU implemented a Payment Assistance Fund and in 2012, City Council passed a tiered rate system for utility customers.

2019 marks the first pilot-year of the Income-Qualified Assistance Program.

At the time that the 2012 tiered system was adopted, concerns were raised about the impacts the tiered rates would have on low-income individuals and families. A small group of citizens expressed concern that their medical needs required them to use additional energy and thus they would be disproportionately affected by a change in utility costs. This confluence of events launched interest in and development of the Medical Assistance Program (MAP), which began that same year, and catalyzed a cross-functional City team to explore opportunities around greater low-income programming for energy and water assistance.

LAUNCHING IQAP

While the MAP was launched quickly, the low-income programming work took much longer to design, develop and ultimately be approved by Council. Starting in 2013, a cross-functional exploratory group consisting of Utilities staff, City staff, and local non-profits, considered programs that could address chronic energy poverty as well as a temporary crisis. Regarding the latter, the City's Payment Assistance Fund (PAF) had been implemented in 2005, and the team considered what improvements could be made to strengthen and support the existing

²⁹ Ordinance No. 8, 1985 specifies the conditions and funding of the REACH program (formerly known as SAVE).

program. Major recommendations in the 2014 Low-Income Assistance Program Report, Fort Collins Utilities included:

1. Establish definitions of low-income criteria for participation, including:
 - Verification of low income (using AMI)
 - Confirmation as a Utilities customer
 - Participation in efficiency/conservation education
2. Administer temporary crisis relief via PAF.
3. Acknowledge chronic poverty situations with an income-qualified rate (IQR) for customers falling between 0-29% AMI and for those between 30-50% AMI.
4. Eliminate the MAP, given the above-mentioned rates for eligible low-income individuals and families.

When the recommendations for an IQR came through City Council in 2016, discussion was tabled and development and execution of an IQR stalled. Over the next year, the PAF and MAP continued to operate as staff waited for another opportunity to bring the IQR before Council. When Utilities took the Time-of-Day (ToD) Utilities pricing to Council in 2017, the conversation renewed interest and prioritization of an IQR. In early 2018, Council passed the IQR ³⁰.

Throughout 2018 the program was researched and conceptualized, and a pilot was launched in the fall of 2018. In the fall of 2019, the IQR, now called the Income Qualified Assistance Program (IQAP), completed its first pilot year and Utilities is scheduled to report initial progress to Council after analysis of the first year is completed by CFCU staff.

PROGRAM BUDGET, COORDINATION, OUTREACH AND OPERATIONS

Today, the umbrella UAP manages multiple programs including the MAP, the PAF, and IQAP (previously discussed as the IQR). For the first-year pilot of IQAP, the program has leveraged a relationship with the Colorado Low-income Energy Assistance Program (LEAP), a state-wide effort to provide a more holistic set of services for low-income individuals requiring utility-cost reduction. While IQAP is still in its infancy, spatial mapping suggests that there is UAP participation across the city (Appendix B).

For IQAP participation, CFCU customers must first apply through LEAP and become LEAP-qualified to participate. Once an individual's status as a LEAP-qualified participant has been verified, the CFCU then confirms that the individual is a CFCU customer for one or more of following: water, wastewater and/or electricity. After submitting an IQAP-specific application (Appendix D), an individual's rate is then adjusted to provide a monthly discount. A full review of the IQAP program process may be found in Appendix C.

³⁰ City Council Work Session on January 30, 2018.

http://citydocs.fcgov.com/?cmd=convert&vid=72&docid=3100394&dt=AGENDA+ITEM&doc_download_date=JAN-30-2018&ITEM_NUMBER=02

BUDGET AND RESOURCES

	2019 FTE	2019 Budgeted
Personnel	2.35 (spread over 5 people)	\$129,740
Programmatic		\$16,939
Annual program spending in 2019		\$146,679

The UAP program provides dedicated budget resources for programmatic costs like marketing, printing, postage and other material and supply costs. One full-time FTE manages the portfolio year-round, building relationships with non-profits and key stakeholders, and directly interfacing with CFCU utility customers who are (or could be) enrolled in IQAP or MAP. The CFCU also devotes a proportion

of time from a supervisor and several support FTE (4 total) to support the UAP. Customer Service representatives may also devote time to UAP as they interact with and/or refer residents to the UAP program.

Given that IQAP and MAP represent reduced rates, the program estimates dollars 'saved' by customers as a method of estimating dollars invested in UAP programming. In other words, dollars saved represents revenue forgone for the CFCU in pursuit of a larger social goal. IQAP, for example, found actual customer savings of \$137,614 in 2019. Project staff expect the 2020 savings to increase due to rate increases.

Funds available for distribution within the PAF vary annually. The PAF is replenished by agreements with Energy Outreach Colorado who matches CFCU dollars 1:1 to support customers needing payment assistance. Additionally, unclaimed utilities funds are also annually deposited into the PAF and individual community donors may opt to pay into the PAF directly with an individual contribution³¹. From these sources, between \$120,000-\$160,000 are annually pooled for the PAF.

COORDINATION WITH LEAP

The income verification step required by all City rebate and reduced-fee programs represents a time and data-intensive burden for staff. The processes require that departments provide training and follow adequate data security measures to ensure the privacy of participant data (see Appendix C, IQAP program process).

For IQAP, the coordination with the state-managed LEAP provides the following benefits:

1. Reduces the CFCU/UAP burden of income verification and eliminates a second round of income verification requirements for applicants.
2. Ensures low-income people are receiving information about additional, necessary energy/water assistance services available through State/local partners for services including weatherization and conservation education.
3. Provides increased program visibility via LEAP outreach that occurs through other local LEAP administrators such as non-profit agencies, etc.
4. Provides additional promotional opportunities via LEAP outreach assets, e.g., mobile LEAP application van at pop-up events, etc.

A list of potential IQAP applicants is circulated quarterly between LEAP and the UAP. The UAP uses this list to identify potential IQAP customers and verify LEAP status (which is a prerequisite

³¹ For example, unclaimed funds deposited into the PAF in 2018 and 2019 were \$50,866 and \$59,327, respectively.

for IQAP participation). The UAP team does not verify income but does require an additional application apart from the original LEAP application. The steps in identifying IQAP participants include:

In the 2018-2019 pilot year, CFCU's IQAP program reached ~60% of eligible, LEAP qualified participants.

1. Verification that individuals on the 'master LEAP list' are in fact CFCU customers. Staff must also identify the type of service received (i.e., wastewater, water, wastewater and electricity). **In 2019, total LEAP participation with a Fort Collins address was 1,652.**
2. Sending this 'verified list' back to LEAP, whereby LEAP inserts additional sensitive information (mailing address, home type, etc.). **In 2019, 29% of LEAP-enrolled individuals are not verified CFCU customers.**
3. Upon receipt of the verified member list from LEAP, UAP may conduct marketing and outreach to grow IQAP membership or quickly verify LEAP status if a LEAP participant decides to participate in IQAP.

Even though IQAP applicants enrolled in LEAP have already had their income verified, the CFCU requires an additional IQAP application for enrollment. Staff designing the original program in 2014 had recommended an auto-enroll option once LEAP verification and CFCU customer status was confirmed. When the pilot eventually began, a then-Councilperson requested an additional IQAP application (which included an affidavit). Conversations among a new Council, Executive Leadership and UAP staff in 2019 have signaled renewed interest in understanding the merits of auto-enrollment without a separate application. Recently, Executive Leadership has asked for additional information about the need and use of affidavits for the City's public benefit programs³².

OUTREACH

Nonprofit partners surveyed within the community indicated a strong familiarity with the program (Figure 9). This year, the IQAP program was promoted by CFCU and LEAP at various Larimer County Conservation Corps events like the 'How to Read Your Bill' training in January 2019. It

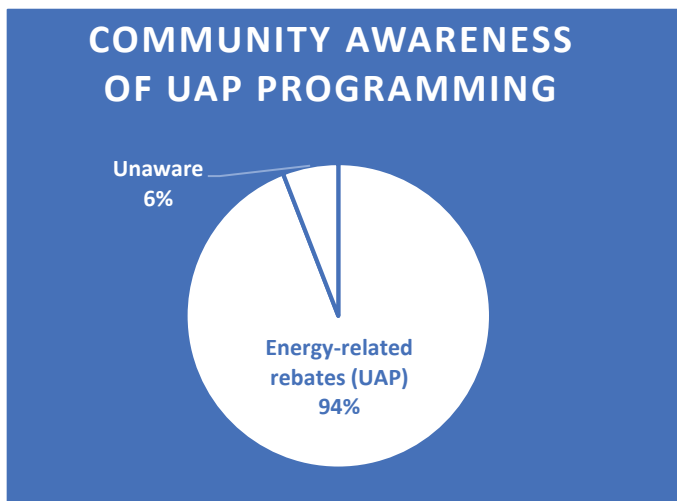


Figure 9: Community awareness of UAP programming

was also promoted at other community events like the Jax Homestead Day, the Work Life Balance Resource Fair, the CSU Career Discussion Panel and various CFCU billing trainings held at the Senior Center. IQAP outreach also benefits from 'pop-up' outreach provided by the mobile LEAP van. The van arrives at various community events throughout the year such as events put on by Larimer County, the Lions Club, CSU, and provides on-site enrollment.

The PAF, however, functions via referrals from non-profit agencies working with low-income individuals and families who are at risk of immediate utility shut-. CFCU may also identify individuals and families via

³² January 2020 memo entitled City of Fort Collins Public Benefits and Legal Status Requirements Memorandum.

Customer Service Representatives.

OPERATION

UAP At a Glance³³

PAF – emergency utility assistance	<p>Key Facts</p> <ul style="list-style-type: none"> • 350 participants for 2018-'19 season. <p>Rebate impact</p> <ul style="list-style-type: none"> • PAF allocates approximately \$80,000 to families. • Average customer benefit \$250/month. 	<p>Application/requirements</p> <ul style="list-style-type: none"> • Applicant utility account must be in arrears. <p>Income Verification</p> <ul style="list-style-type: none"> • Income verification is typically done through a non-profit partner. • Income threshold is 80% Larimer County AMI³⁴. <p>Key Focus</p> <ul style="list-style-type: none"> • PAF is focused on one-time, emergency assistance. • It is not intended to mitigate chronic poverty issues.
MAP – medical utility assistance	<p>Key Facts</p> <ul style="list-style-type: none"> • 167 participants in 2019. <p>Rebate impact</p> <ul style="list-style-type: none"> • Average savings were between \$86-\$185 annually, depending on medical device use and corresponding rate code. • MAP customers saved ~22% on their overall energy bill in 2019³⁵. 	<p>Application/requirements</p> <ul style="list-style-type: none"> • Unique application is required and managed by UAP (Appendix E). • Medical justification described and signed-for by a medical doctor. <p>Income Verification</p> <ul style="list-style-type: none"> • Income is self-reported via applicant and not typically verified by the CFCU. • Income threshold is 60% Larimer County AMI. <p>Key Concerns</p> <ul style="list-style-type: none"> • MAP and IQAP can be duplicative. Staff recommended back in 2014 that the MAP program be phased out once IQAP was established. • IQAP tends to be a better rate for low-income customers who qualify.
IQAP – reduced utility rate	<p>Key Facts</p> <ul style="list-style-type: none"> • ~700 monthly participants in 2019. <p>Rebate impact</p> <ul style="list-style-type: none"> • ~23% discount applied • Participants saved an average of 19% for electric, 20% for water, 23% for wastewater. 	<p>Application/requirements</p> <ul style="list-style-type: none"> • LEAP application & acceptance is required. • IQAP application and affidavit required (Appendix D). • Must be a verified CFCU utilities customer. <p>Income Verification</p> <ul style="list-style-type: none"> • Income is verified via the state-managed LEAP program. • Income threshold for LEAP is 165% of Federal Poverty Line. For the 2019/2020 season, this changed to 60% State Median Income, effectively expanding the pool of eligible households.

³³ Figures on participation and savings are current as of December 2019. In 2019, ~700 residents participated in IQAP of an available pool of 1,144 LEAP-qualified residents living in Fort Collins and receiving utilities from CFCU.

³⁴ This threshold is set by Energy Outreach Colorado, a statewide nonprofit agency that manages energy poverty work on behalf of the State and matches CFCU funds devoted to energy assistance 1:1.

³⁵ Savings are relative to non-discounted Utilities customers. Figures for MAP reflect 2019 August Year-to-Date.

Key Concerns

- MAP and IQAP can be duplicative. Staff recommended back in 2014 that the MAP program be phased out once IQAP was established.
 - Lack of auto-enroll means that applicants to IQAP must fill out another application in addition to LEAP.
 - IQAP tends to be a better rate for low income customers so many MAP customers are pushed to apply for IQAP instead.
-

MAP participants are typically identified through conversations with customers or through referrals (other customers, non-profits, etc.). CFCU does not typically conduct direct outreach for MAP, nor do they target specific individuals. There is ongoing discussion in Utilities about program redundancy for MAP, given the launch of the IQAP.

In general, the UAP team benefits from a CFCU department-wide system housed within the CFCU Customer Connections department that tracks outreach efforts in a systematic and standardized way. The department's prioritization of systematic data capture, combined with adequate documentation, ensures the UAP team uses historical and current data to identify what the program has done and benchmark against future progress.

PARTICIPATION PATTERNS

With the pilot year completed, a picture of who is participating in IQAP is beginning to emerge. However, it will take several years of data to fully understand exactly what is driving participation numbers and how individual and household characteristics (family size, geography, socio-economic factors, etc.) describe participants (see Appendix B for geographical participation patterns).

Individuals and families dealing with energy poverty fall into one or more categories, each of which are served by a specific UAP program:

- **The chronically poor, often on fixed incomes.** These individuals and families are not pushed into poverty via sudden events or macroeconomic changes but have insufficient income regardless of any complicating external circumstances (Energy Outreach Colorado Interviews, 2019). These are customers best served by the IQAP and LEAP.
- **The temporarily or suddenly poor individuals and families.** This includes those experiencing a sudden, acute economic shock. These customers are best served by the PAF.
- **Individuals managing disabilities or medical issues.** Many of these individuals and families could be served by the IQAP but are currently served by the MAP. Importantly, it is not known exactly how many people qualify for MAP but would not qualify for IQAP.

CUSTOMER AND COMMUNITY SATISFACTION

At the close of the first pilot year (2018-2019), the CFCU program manager for the IQAP ran a survey to understand the impact and satisfaction of customers participating in the inaugural IQAP program. Out of the 137 participants who filled out the survey, 42% replied with a comment specifically calling out the benefit of reduced stress or satisfaction with a lower bill. Nearly that same amount also cited the additional benefit of conservation education, a key part of the IQAP program.

42% of surveyed IQAP customers specifically called out the benefit of reduced stress and satisfaction with a lower bill.

After the completion of the pilot, additional research will be done to evaluate participant experiences. However, survey evidence suggests that respondent non-profits supporting low-income individuals and families in Fort Collins are

satisfied with the CFCU income-qualified assistance program. In part, the linking of the IQAP program with LEAP qualification means non-profit and community organizations are better able to leverage a single verification process for enrolling an individual and family into a more holistic set of services.

PROGRAM-SPECIFIC RECOMMENDATIONS

As the pilot year of IQAP ends, an upcoming review with a year's worth of data will tell a lot about how the program is functioning, who is benefitting, and where improvements may be made. Even without a complete dataset, several recommendations are outlined in this report (see the adjacent table). The recommendations include structural changes, like the elimination of the MAP program, strategic changes like the identification of goals and objectives beyond simply administering the program, and systematic improvements like an improved customer feedback survey. Assessing how many MAP customers would not qualify for IQAP should be undertaken before elimination of the MAP program. However, even if 50% didn't qualify (~80 current MAP participants), the pool is small enough for CFCU to consider 'grandfathering' any unqualified individuals into the IQAP program.

Importantly, the program management staff running the UAP program enjoy strong community collaboration and are very much admired and respected for their hard work in the community. While they may improve by standardizing and strengthening a customer feedback survey, the UAP team benefits from a department-wide system (CFCU Customer Connections) to track outreach efforts. This department infrastructure enables the team to use historical data to identify what they have done (benchmarking) and what they can do to improve (goalsetting). A 2020 outreach action plan is currently being developed. A summary of recommendations may be found in the adjacent table.

Improvement area	Notable progress	Improvement & recommendation	Recommendation rationale
Structure	IQAP was successfully launched and progressed through first pilot year.	1. Merge MAP with IQAP and remove duplication.	MAP is a small program that requires significant staff management. Alongside the IQAP it is redundant, as most users of MAP could be rolled into the IQAP and receive comparable benefits.
Strategy	Targeted marketing is occurring with LEAP (IQAP) but less for other programs (PAF, MAP).	2. Target remaining residents who participate in LEAP but not IQAP. 3. Identify and document goals and objectives.	Continuing to support LEAP participation (and thus IQAP participation) with non-profit partners, events, etc. Beyond administering the program, identify long and short-term goals, create milestones and further develop a framework to assess impact.
Systems	Successful, close working relationship with LEAP program. Customer service survey implemented.	4. Reduce re-work and redundancies in developing IQAP master-list with LEAP. 5. Formalize and standardize user-survey to track customer satisfaction.	Work with local LEAP program officers to eliminate redundancies in identifying eligible participants. For example, eliminate construction of 3 different lists between LEAP and the City to identify potential program participants. Survey used to assess participant satisfaction may be improved to provide greater insights (better questions, survey participation incentives and improved survey design) to identify what customers value in IQAP.

FINANCE REBATES: PROVIDING TAX RELIEF

HISTORY

The Financial Services Area (FSA) within the CoFC has been issuing three types of rebates to low-income Fort Collins residents since the early 1970s. These include:

- **Grocery Tax Rebate (GTR):** estimated average annual taxes paid on groceries are reimbursed. Eligibility: any income-qualified resident.
- **Property Tax Rebate (PTR):** a proportion of the amount of city property taxes obtained via property tax issuance (the majority of property tax is levied by the county) is refunded. If the eligible resident is a renter, a small proportion of annual rental payments are refunded. Eligibility: any income-qualified resident who is either age 65+ and/or is disabled or is caring for a disabled household member.
- **Utility Tax Rebate (UTR):** a portion of relevant city utility taxes (wastewater, electricity and water) paid as a part of the customer's overall utility bill are refunded. Eligibility: any income-qualified resident who is either age 65+ and/or is disabled or is caring for a disabled household member.

Collectively, the report refers to these three rebates as FSA Rebates.

OBJECTIVES AND ELIGIBILITY EVOLUTION

Ordinances establishing the provision of the PTR (1972) and the UTR (1975)³⁶ focused on two aspects of eligibility: a resident had to be both elderly and prove that they were low-income (see application in Appendix F). Over the next 30 years, there was a slight expansion of eligibility criteria when, in 1980, disabled people were added via Ordinance No. 17.

In 1985, the Ordinance for the administration of the GTR was enacted. Unlike the PTR and UTR, however, this rebate was not age restricted. Any individual or family who met the low-income criteria threshold could obtain a City rebate for estimated taxes paid on groceries. Over the years, other differences between the various Finance rebates were harmonized (for example, differing income thresholds), but age restriction remains the major difference between the GTR and the PTR/UTR today.

The income threshold for all the rebates within the FSA Rebate program is 30% of County AMI. AMI is updated annually by the County in conjunction with the federal Department of Housing and Urban Development. While AMI is a shared measurement used by LEAP/IQAP, the income threshold for FSA rebate programs (30%) is much lower than that used by UAP (60%). Ultimately this means a smaller, much more impoverished pool of participants is eligible for FSA Rebates.

Importantly, and unlike the Utilities UAP program, the Finance Department continues to verify income directly and manually³⁷.

³⁶ See Ordinance No. 17, 1980 of the Council of the City of Fort Collins. Also see Chapter 25, Article II, Division 2 of the City Code

³⁷ See Ordinance No. 17, 1980 of the Council of the City of Fort Collins. Also see Chapter 25, Article II, Division 2 of the City Code.

MANAGED AS A 'SEASONAL' PROGRAM

As outlined in the original PTR Ordinance in the 1970s, the PTR program in Finance still functions on a rebate 'season,' running from August through October. During that period, the application window is 'open,' meaning submitted applications must be verified, reviewed, and any deficiencies followed-up on during that three-month period. Rebates and final application decisions may be made after the October 31 deadline, depending on application volume. While the window is open, the Sales Tax Team and the Accounts Payable staff manage increased traffic at the Finance Department front desk, upwards of a 75% increase over normal volume, on top of normal workloads.

For rebate seekers, all documentation gathering must occur and a complete application must be submitted before the October 31st deadline. For staff, the application season signals a period of intense customer contact, outreach to local non-profit partners to elicit their marketing support, data input and rebate issuance (or rejection). The month(s) before/after the application window is used for data input, outreach and process improvement.

MANAGED WITH FEW/NO ADDITIONAL RESOURCES

Early in the program, the management of the FSA Rebates was done by a volunteer and later by an Executive Assistant who managed the program in addition to their full-time role. Not until the early 2010s were specific funds allocated to hire an hourly worker for three months to help process applications during the application window. Today, the program is managed by the Sales and Use Tax department in FSA, where a small but supportive staff of auditors, analysts and technicians juggle their current workloads with the rebate programs when the season occurs.

In 2019, Financial Services was successful in adding an additional permanent sales tax technician to the Revenue Department's staff. A portion of this position (33%) will be devoted to the FSA rebate program in order to address issues of continuity and build relationships with community partners for greater rebate usage and program success.

In addition, the Sales Tax team has recently utilized the City's enterprise wide Accounts Payable Automation software to process the rebate payment requests, saving the Accounts Payable staff significant back office work. While this was a change for the Sales Tax team and illustrated further need for system improvements within the Govern, sales tax software, Sales Tax team adoption of the standard payment processing system was beneficial in that it resulted in payment tracking, eliminated duplicate entry from the accounts payable staff, and decreased the time from payment submission to printed checks.

Importantly, beyond ensuring and improving the ability to take and process applications, there has been little time allotted for FSA Rebates staff to engage in strategic planning or outreach innovation. Finance staff associated with the program have leveraged existing City programs and non-profit partners to ensure cross-promotion of the rebates, but customer-centric outreach has remained an unstaffed challenge.

PROGRAM BUDGET, OBJECTIVES, OUTREACH AND OPERATION

Operational improvements have been made by dedicated Finance staff who contribute time in addition to their normal workloads. A strategic plan linking actions (marketing, outreach, etc.) to long- and short-term goals, however, is absent. As of 2019, short-term operational and long-term strategic goals need clarification and formalization via improved documentation and socialization with staff.

Informally, the FSA Rebate program tracks an annual goal of increasing participation by 10% based on the previous year’s participation. This goal is documented via the City’s dashboard metrics. Without a strategic plan articulating actions, identifying community stakeholders, and linking actions and collaboration efforts to goals, reaching this 10% goal of increased participation has been elusive in recent years (Figure 11).

After increasing from 2011-2014, overall rebate participation has declined in the last five years, even as renewed attention has been given to marketing efforts (Figure 10).

As a result, total funds issued to residents decreased from \$276,657 in 2014 to less than \$241,762 in 2018 (Figure 10). Out of a program budget of ~\$20,000, only approximately \$5,000 is dedicated to marketing and outreach.

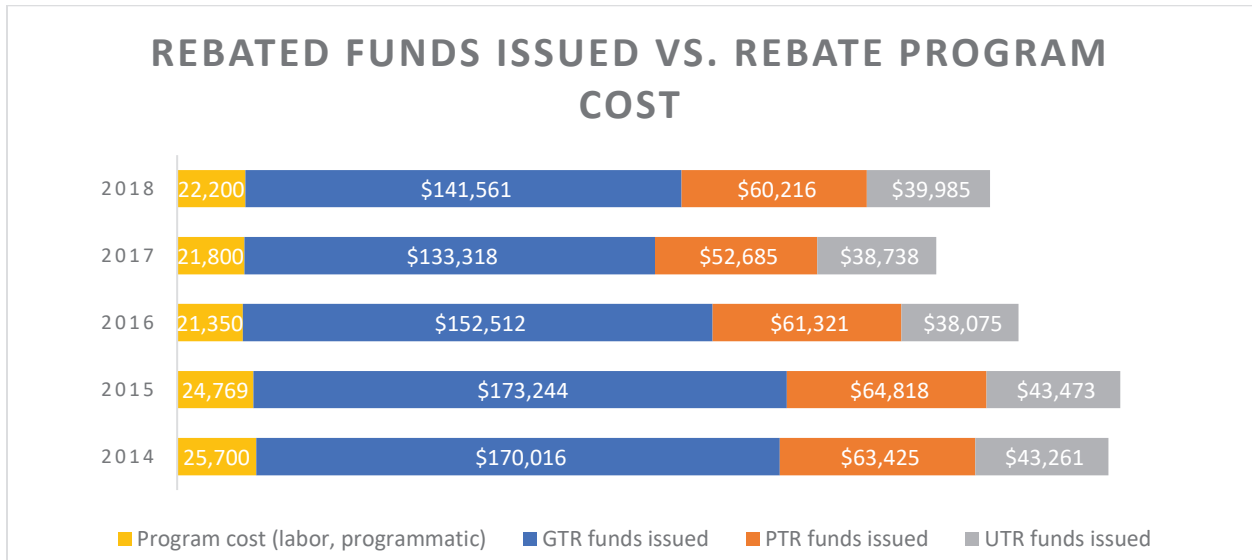


Figure 100: FSA Rebate Funds Issued vs. Program Cost

The basic operation of the FSA Rebates program is described below (see Appendix H for a rebate process map).

Tax Relief: FSA Rebates At-A-Glance

Program-wide facts

- 1172 participants in the 2018 rebate season (across rebate types)
- Approx. \$240,000 budgeted dollars for rebates.
- As of 2019, 33% of one FTE (Sales Tax Technician) is a devoted staff resource. Additional support is given in time donated by full-time, Sales Tax and other FSA staff.
- Little capacity to respond to program participation growth or engage in strategic planning, research and program development; the priority is keeping the program ‘running.’

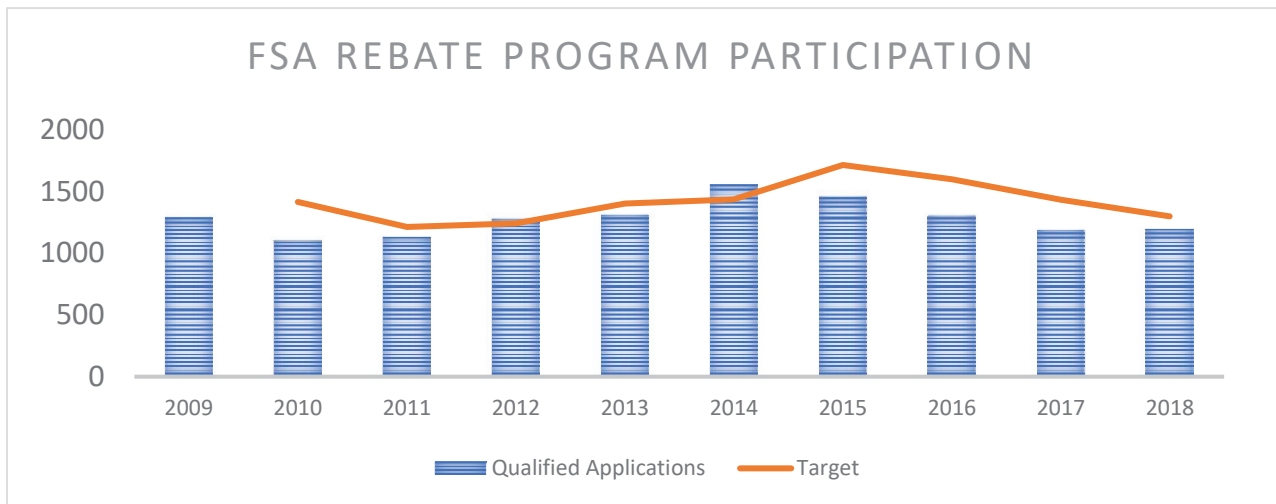
Grocery Tax Rebate (GTR)	Rebate and rebate amount:	Application Requirements
	<ul style="list-style-type: none"> • Flat refund of estimated grocery sales tax paid. Estimates are calculated annually. • Rebate of \$64/qualifying household member. • 2016 average refund: \$117 per 	<ul style="list-style-type: none"> • Proof of income less than 50% of Larimer County AMI; and, • Valid photo ID.
		Qualification criteria
		<ul style="list-style-type: none"> • Income;

	household application.	<ul style="list-style-type: none"> No age criteria.
Property Tax Rebate (PTR)	Rebate and rebate amount <ul style="list-style-type: none"> Reimbursement of the total City property tax paid on the property for the preceding year³⁸. If renting, 1.44% of annual rent is reimbursable. 2016 average refund: \$85 per household application. 	Application requirements <ul style="list-style-type: none"> Proof of Income less than 50% of Larimer County AMI. Valid photo ID. Qualification criteria <ul style="list-style-type: none"> Income; Elderly (65+) and/or disabled.
	Rebate and rebate amount <ul style="list-style-type: none"> Reimbursement is based on the average monthly consumption of water, wastewater, wastewater and electric services. Applicant is entitled to a refund only for actual utility services received. 2016 average refund: \$69 per household application. 	Application requirements <ul style="list-style-type: none"> Proof of Income less than 50% of Larimer County AMI. Valid photo ID. Qualification criteria <ul style="list-style-type: none"> Income; Elderly (65+) and/or disabled.

PARTICIPATION PATTERNS & CUSTOMER SATISFACTION

DECLINING PARTICIPATION DESPITE A GROWING POOL OF ELIGIBLE HOUSEHOLDS

Overall participation in the FSA Rebates program has steadily declined over the last five years (Figure 11). In 2018 there was a slight uptick, but the program has continued to serve a narrow demographic of older residents who have an average income of just over \$16,000 and small household sizes (1-2 people). Estimates from this study suggest that a growing number of poor,



³⁸ The following calculation is used to determine your property tax: Actual Value x Assessment Rate x Mill Levy / 1000 = Property Tax. Example: \$300,000 Actual Value x 7.20% Assessment Rate = \$21,600 Assessed Value \$21,600 Assessed Value x 86.49 mills/1000 = \$1,868.18 tax bill

working families are not captured in this program and that an updated understanding of the community's low-income population is necessary.

Using 2018 rebate usage data and 2016 5-year census estimates, the FSA Rebates program was estimated to have reached 10-13% of eligible households (7,534 – 10,460 households) (see Figure 2).

Based on an analysis of participant data, the characteristics of an individual or family leveraging the City's FSA Rebates program are as follows:

1. **In general, the smaller the household size, the older the applicant. The inverse is also true: the larger the household size, the younger the applicant.**
2. **Most applicants are seniors in their mid-sixties (median age across household sizes is 64).**
3. Most applicants come from **small household sizes of 1-2 people** (Figure 15).
4. **Median age for an applicant with three or more people in their household skews younger... much younger** (median age is ~40).
5. **Very low-income.** Across household sizes and over the last five years, a typical applicant had an income of approximately \$15,300 (median) per household. For a household of 4, a typical applicant had a median income of \$20,722 (86% of Federal Poverty Level).

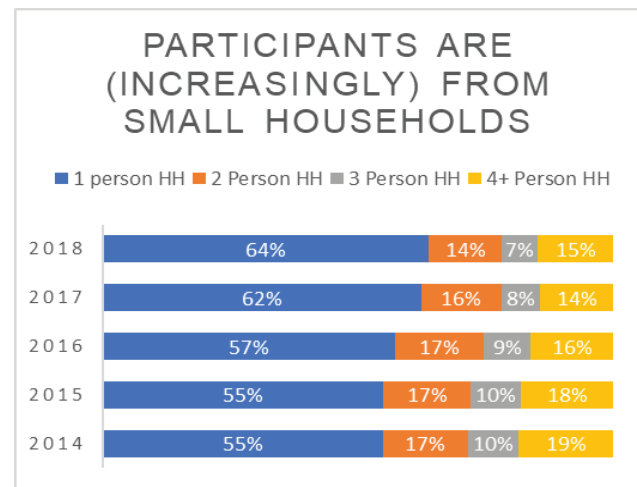


Figure 12: FSA Rebates and household size

GEOGRAPHIC AND RESIDENCE-TYPE DIVERSITY

Spatial mapping of participants in the FSA Rebates programs shows wide participation across the city (see Appendix G). The top 10 addresses used by an applicant only account for 12% of rebates given over the last five years and typically are characterized as age-restricted locations or mobile home communities. Beyond the top 10, all remaining applicant addresses identified in the usage data each account for less than 1%. This suggests wide and diverse applicants among individual single-family homes, apartment complexes and manufactured/mobile home parks.

The top five addresses utilizing the FSA Rebates program include the following residential areas:

1. 3.3%: North College Manufactured Housing Community. Age-restricted (55+ and older) mobile home park.
2. 1.3% Woodbridge Senior Apartments (age restricted).
3. 1.3%: Hickory Village, mobile home park.
4. 1.1%: West Mulberry mobile Home Park.
5. 1.1% Harmony Village at Harmony Park mobile home park.

COMMUNITY/CUSTOMER SATISFACTION

The Evaluation Team reached out to 25 well-known local non-profit and community partners to gauge their awareness and direct support of the FSA Rebates program. The survey was taken by staff at Colorado State University (CSU), UC Health (Community Health Improvement Program, Healthy Kids Club and other regional programs), Project Self Sufficiency, The Family Center, Volunteer Income Tax Assistance (VITA) program, the Food Bank of Larimer County and Energy Outreach Colorado. Additional focus groups and interviews were also granted by five non-profit and community partners, including the Larimer County Human Services Department and the state of Colorado Low-income Energy Assistance Program (LEAP).

Nearly 80% of respondents indicated that the clients they served were low-income, with ~70% being families. While over 90% of the respondents knew about the City’s efforts to reduce utility costs for low-income families (i.e., the IQAP program), more than 75% weren’t aware of the tax rebate programs run out of FSA (Figure 13).

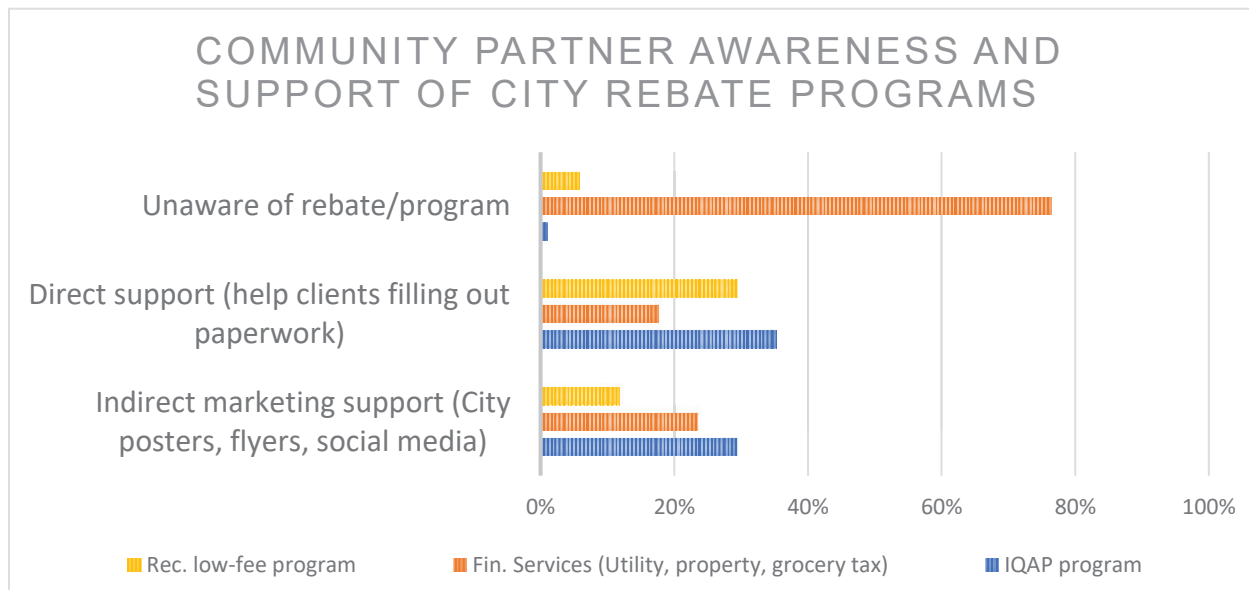


Figure 13: Community Partner Awareness

Possible reasons for lack of awareness on behalf of non-profit partners include staff turnover at the non-profits as well as a lack of continuity and poor relationship-building given FSA program management via a seasonal employee. To be sure, the Finance Department isn’t alone in not fully leveraging community service providers: none of the rebate programs evaluated had more than 50% of the non-profits and community partners we surveyed for this report actively supporting City rebate/reduced-fee programs, either directly (by supporting low-income clients to fill out applications) or indirectly (via marketing like posters or flyers, or social media mentions).

AN INCOMPLETE SOLUTION: THE ONLINE APPLICATION SYSTEM

In response to a 2017 Council request –which occurred with no additional budget or resources—FSA staff was asked to make an online application option available to low-income residents. FSA staff worked to make an online application available with the tools and technology available within the department. This meant that FSA staff had to design within systems that were not at all intended to be user friendly, an external facing application

management tool. Users and staff alike found this work-around to be a challenge and have suggested requesting additional funding for a well-designed application management system.

Originally, the objectives of utilizing an online application opportunity included:

- For the City, less time spent doing ‘re-work’ for missing/incomplete applications.
- For applicants, no need to make a special trip to City offices, greater flexibility to submit a complete application at their convenience.

In the 2018 and 2019 rebate seasons, only approximately 10% of all applications were submitted online. For staff, the online FSA Rebates application (designed within the existing Govern platform used, among other things, for sales tax management) has generated significant issues. For example, the improvised online system does not adequately coordinate documents and typically requires staff to do a lot of re-work to track down missing application components.

Moreover, when an applicant successfully identifies the online application portal, the directions posted are confusing and s/he must navigate equally confusing questions about applicable file types accepted and required documentation.

PROGRAM-SPECIFIC RECOMMENDATIONS

The UTR, GTR and STR, which together make up the FSA Rebates program, have never been reviewed or evaluated—though various improvements to the original ordinances have occurred (e.g., the inclusion of ‘disabled individuals’ as a part of the target group in the 1980s, etc.). With a partially dedicated FTE, the FSA Rebates program could benefit from improved service continuity, non-profit relationship management, and strategic objective development. Of course, this will depend on how much time is actually allocated to the FSA Rebates program, given the heavy workload of the Sales and Use Tax team. Strategic planning and clear goal definition will help deduce what is required for FSA Rebate program success in terms of staff time, roles and responsibilities.

In contrast to the use of a seasonal contractor (for 4 months, 33% of the time over a year), a year-round salaried FTE will devote the equivalent amount of time in combination with duties as a Sales Tax Technician. Notably, this is thus not net increase in staff capacity (as there is still only 33% of a FTE devoted), but this FTE does address the continuity issue of service provision and relationship management. By contrast, an *additional* resource could help manage and

Resourcing constraints:

In 2020, a newly created Sales and Use Tax Technician position will address a backlog of sales tax related duties and spend 33% of their time on the FSA Rebates program. The ability for this person to manage program participation growth, however, is unlikely.

accelerate program participation, should that be illuminated as a Council priority.

Regardless of the objectives around program participation growth and adequate resource allocation, the long-term use of a seasonal contractor has had consequences. It is one reason why the wider community (as identified in surveys and interviews with nonprofit partners) has little understanding of program’s operation and why the installment of a permanent staffer to field questions, build

relationships, and maintain overall continuity is so important. Moving forward, these non-profit partnerships will remain essential for successful municipal low-income programming, as low-income populations are not only logistically difficult to reach but expensive for cities to adequately to reach on their own.

Reducing age-specific criteria for the PTR could expand eligibility for the families already accessing the GTR, but currently unqualified for the PTR. The combination of the PTR + GTR may financially incentivize low-income residents to apply for the FSA Rebates, despite the work and coordination required (e.g., arranging childcare, transportation, etc.) for these households to submit applications in-person to the City.

Combining the PTR with the GTR also achieves the following:

- **Reduces staff burden and operational costs.** Managing and monitoring divergent participation criteria for different Finance rebates is a ‘heavy lift’ for an already under-resourced program.
- **Ensures equity, targets the neediest.** When the age criteria were adopted for the PTR/UTR in the 1970s/1980s, it is probable seniors were a population with a high—perhaps the highest—likelihood of poverty. Today however, the most impoverished people in Fort Collins are women, including adult women between ages 35-54 and senior women over age 55 (see discussion on pages 14-17). Though seniors still represent a vulnerable population, Fort Collins today clearly has a high proportion of working families and adults in poverty. With stagnating usage of the PTR, extending PTR to cover more people who need it, would achieve participation increase objectives.
- **More money into the hands of low-income people, especially families.** A female-headed household is more than 25% more likely to experience poverty with significant lifelong impacts for children. Research shows incremental household funds typically go to benefit children, and that interventions that benefit children have long-term positive effects on economies and societies.³⁹

Eliminating the UTR has positive benefits for the City, the FSA, the IQAP program and low-income customers. Verifying CFCU customer status between CFCU and FSA is a lengthy and burdensome process for staff. Directing interested customers to the IQAP/LEAP program instead, could better utilize an existing City service and strengthen a state-wide program (i.e., LEAP). For low-income customers, attaining a long-term solution—a permanently lower utility rate—is almost certainly preferable to an annual cash rebate.

Eliminating the UTR could also reduce a portion of the administrative burden of the FSA Rebates program and free up time and resources for the important—but currently not completed—marketing and relationship-building work that needs to be undertaken for the GTR/PTR rebates.

FSA Rebate program staff should also consider how to identify and obtain resources for improving the online application system. Knowing that low-income families are constrained by transportation, childcare and other costs, an online application means that low-income people working multiple jobs and managing the high costs of city living are able to submit applications in a time and manner convenient for them. A summary of recommendations may be found in the adjacent table.

³⁹ UNICEF (2019). https://www.unicef.org/socialpolicy/index_53294.html Accompanying report: https://www.unicef.org/socialpolicy/files/Investing_in_Children_19June2012_e-version_FINAL.pdf

Component	Notable Progress	Improvement & recommendation	Recommendation rationale
Structure	Dedicated FTE was resourced to the project in fall 2019.	(1) Ensure adequate FTE coverage of the FSA rebate program. (2) Merge GTR and PTR into a single rebate by removing age-specific criteria of PTR. (3) Eliminate UTR in lieu of pushing participants towards CFCU IQAP program ⁴⁰ .	With a new 2019 FTE spending 33% of their time on the FSA Rebates program, FSA has made progress toward service continuity. However, should Council prioritize program growth, adequate resourcing should be considered. Merging the GTR and PTR streamlines and creates value in the following ways: <ol style="list-style-type: none"> Reduces staff burden and operational costs. Ensures equity, targets the neediest. Puts more money into the hands of low-income families.
Strategy	Pending prioritization from the Sales Tax office and workload, the dedicated FTE resource in Sales Tax may be able to devote time to strategic planning.	(4) Identify and document goals and objectives of FSA Rebate program. (5) Standardize customer service feedback opportunities. (6) Increase marketing/outreach efforts.	Beyond simply administering a program, identify long and short-term goals, create milestones and further develop a framework for assessing impact. Adequate customer feedback is not currently obtained for assessing satisfaction and opportunities for design and process improvement. Budget and staff time is not optimized to meet outreach needs.
Systems	Appeals to Council and clarification of ordinances have previously been made to include new vulnerable groups (e.g., disabled people).	(7) Make application year-round. (8) Provide resources to improve online application option. (9) Consider ways to eliminate income verification.	In contrast to other city programs, the FSA Rebate program still operates as a seasonal program, in part because it is under-resourced to grow program participation. Seasonal programs are challenging for applicants who must juggle yet another benefit timeline. The current online application option has not been designed-for, nor created with, actual users. It's not only difficult to use, but typically requires additional work for staff to track down missing application components. Income verification is an extremely burdensome step for City staff; time could be better spent on targeted marketing and customer engagement ⁴¹ .

⁴⁰ GTR participants are the largest group of Financial Services Rebate users. UTR rebate users, if they do not qualify via LEAP, could possibly be grandfathered into the UAP program.

⁴¹ The UAP program eliminated income verification by accepting LEAP enrollment (whereby income is verified by a state-funded program) in lieu of UAP-specific program income verification.

RECREATION REDUCED-FEE PROGRAM: IMPROVING QUALITY OF LIFE

HISTORY

The Recreation department in the CoFC has provided a low-income rate for use of facilities and/or classes since at least the early '90s. The Evaluation Team found little historical documentation about the department's or City's approach to providing low-income recreation programming prior to a 1992 Ordinance⁴² that outlined the rate at which discounts would be applied. That Ordinance reads:

"...a fee reduction for designated low-income people will receive a discount equivalent to 1/3 of the published fee for a City-offered sports, drop-in recreation, wellness, or arts and crafts programs." –Resolution 91-156

In 2016, however, opportunities for low-income families and individuals were reviewed by Recreation staff⁴³. A department-wide team (Reduced-Fee Action Team) gathered throughout 2016-2017 to consider how to better serve low-income populations by focusing on⁴⁴:

1. Financial and eligibility barriers for low-income residents
2. The application process (simplification for applicants and department administration)
3. Marketing, awareness and streamlined communications

2017 REVISIONING

The Reduced-Fee Action Team's review included community outreach and a citizen survey in addition to benchmarking. The team also reviewed Recreation's fee structure, conducted outreach directly with the community and consulted with community partners like the Poudre School District and various non-profits about what a new reduced-fee program might include.

The three phases of the outreach review included (1) research, participant feedback analysis and needs establishment, (2) visits with boards and City departments to discuss proposed changes and (3) direct community outreach. The latter included a 10-question survey for community members interested in a revision of the reduced-fee program⁴⁵.

As part of the research phase, a peer-city review was completed. The Action Team reached out to in-state cities like Longmont, Windsor, Thornton, Greeley and Westminster, in addition to other U.S. cities including Lincoln, Burbank, Ann Arbor, Provo, and Boise. The Action Team's findings illuminated 'both consistencies and inconsistencies between Fort Collins and other communities offering a reduced-fee recreation program for low-income residents⁴⁶.

In addition to hosting focus groups and open houses, an outreach survey was extended by the Recreation Department. It received over 200 responses. Respondents indicated strong support for an online reduced-fee program application and registration, year-round application acceptance, and possible changes to program costs. At the time, the community indicated popular support for both the existence of the program and the revisioning effort.

⁴² Resolution 91-156, "Cultural, Library and Recreational Services Fes and Charges Schedule."

⁴³ Recreation Department Reduced-fee Program and Proposed Updates

⁴⁴ Recreation Department 'Reduced-Fee Action Team.' First meeting agenda from 11/14/2016

⁴⁵ 2017 Report for Recreation Reduced-fee Program Survey

⁴⁶ The Evaluation Team did not review this peer-review report or the accompanying analysis.

The Action Team's recommendations were addressed and implemented in the fall of 2017. Changes to Recreation rates are outlined in the chart below. Fee discounts for recreation programs are now available to all permanent residents who demonstrate a financial need, regardless of age or ability. If a student within Poudre School District (PSD) qualifies for free or reduced lunch benefits, that student's family also qualifies for the reduced-fee recreation program with submission of a letter of free-and-reduced lunch status.

Change Type	Prior Approach	2017 Changes
<i>Discount rates⁴⁷</i>	<ul style="list-style-type: none"> Individual pass: \$25 per 6 months Child pass cost: \$6 per 6 months 	<ul style="list-style-type: none"> Individual adult pass: \$25, per year Individual youth/60+ senior pass: \$6 per year Family/couple pass: \$40 per unit, unlimited kids, per year
<i>What's discounted</i>	<ul style="list-style-type: none"> Drop-in rate for facilities (unlimited) Fitness class discount: Adult, 50%. Senior, Youth, Adaptive Recreation, 90% Adult activity: 50% discount, 4 per year Youth activity: 100% discount, 4 per year 	<ul style="list-style-type: none"> Drop-in rate for facilities (unlimited) Fitness class discount: 70% for all classes Tiered class and activities discounts. Community/team-based sports programs discounted at a higher rate (introductory soccer, group swimming) than advanced, individualized programs (e.g., private lessons) No limit on programs/classes discounted per year A separate pass for Adaptive Recreation users was eliminated in favor of using a single "reduced-fee" pass type
<i>Application window</i>	Every 6 months must renew	Membership good for one-year

⁴⁷ Standard fee schedule for an annual pass as of Jan. 2020 is the following: \$207/youth; \$306/adult; \$207/senior; \$495/family or couple. <https://www.fcgov.com/recreation/recpass>

Additional Recreation reduced-fee program changes are outlined in the next chart, accompanied by their current status. In 2019, additional improvements were made in collaboration with the City's process improvement team (FC Lean), specifically around improving and simplifying the application document.

2017 Reduced-Fee Action Team recommendation	Implementation Progress as of 2019	Notes
<i>Development of an online application process</i>	Partially completed	Enrollment in programs can occur online, but only after a reduced-fee application has been submitted (verification and submission must happen in person). Online application submission has not been completed.
<i>Tiered discounts based on levels of proficiency (introductory, intermediate and advanced)</i>	Completed	See information on previous page.
<i>Unlimited enrollment in all recreation programs (no longer capped at 4 per year)</i>	Completed	See information on previous page.
<i>Simplified application, year-round application acceptance</i>	Completed	Applications are now accepted year-round. The new application is shorter (2 pages versus 5 pages) with focused, streamlined information. It also provides information on what benefits are included. The new application was published on November 1, 2019.
<i>Reduced-fee program communications and awareness plan</i>	Not completed	Recreation staff have not yet developed a communications plan specific to the reduced-fee recreation program.
<i>Purchase of a (discounted) drop-in pass is required for benefits to be activated</i>	Completed	See information on previous page.

CURRENT PROGRAM

GOALS AND OBJECTIVES

The revised reduced-fee recreation program is underpinned by a vision to make recreation opportunities available to diverse and disadvantaged communities across Fort Collins. This includes children and their families who qualify based on PSD’s free/reduced lunch, even if that child lives outside of Fort Collins city limits⁴⁸.

While short-term operational goals for the revised program have been enumerated, long-term strategic goals (e.g., what percent of disadvantaged communities should be reached?) were not articulated. In a 2019 memo to Executive Leadership⁴⁹, the stated goals included:

- Simplify Reduced-fee Program application and registration process (the online application / registration option).
- Simplify Reduced-fee Program application process (offerings, process improvements).
- Simplify Reduced-fee program administration (generate consistencies in discounting programs).
- Simplify approval/eligibility period.

These 2019 goals clarify how to improve the program’s efficiency. They are operational, not strategic goals. Strategic goals give direction and estimate the type and degree of impact expected and desired. Strategic goals support a vision and are measurable, usually with one or two major indicators. While operational goals ask “how” work gets done, strategic goals answer “what” is being accomplished. The current Recreation reduced-fee program, like the UAP and FSA Rebates, lacks strategic goals.

Recreation Reduced-Fee Program At-A-Glance

Program-wide facts

- 5,130 applicants were approved in 2018 for a reduced-fee pass
- \$190,000 was approved for reduced-fee scholarships for youth in 2018
- \$24,837 was approved for reduced-fee discounts for adult enrollments
- Reduced-fee pass holders visited recreation facilities over 35,000 times in 2018

Rebate and rebate amount

Recreation pass: Drop in pass is \$25 (individual), \$6 senior/youth, \$40 (family). Pass includes:

- Fitness class discount: 70% for all classes.
- Discounts are tiered for classes and activities.

Application Requirements

- 185% FPL or verification via enrollment in a state/federal assistance program including Free/Reduced Lunch program through PSD,
- Valid photo ID for any applicant/member over 18,
- Proof of residency, and
- Completed application (Appendix K).

⁴⁸ Evaluation interviews with Recreation Dept. staff, 2019.

⁴⁹ Executive Leadership Memo dated February 28, 2019, to Darin Atteberry, City Manager, from Bob Adams, Recreation Director.

APPLICATION MANAGEMENT AND ONLINE ACCESS

A new application was developed in conjunction with the process improvement team (FC Lean) in 2019. This shorter, simplified application was released for public use in November 2019. Since 2017, applicants are still required to submit their application in person (or by mail) along with documentation confirming residency, lawful presence in the United States and income. An online application process whereby the applicant submits materials that are verified fully online, is not currently available. Required application documents include:

- **Identification.** Legally recognized driver’s license, military ID., etc.
- **Residency.** Residency proof including a Fort Collins utility bill or three pieces of official mail, to the applicant at a City of Fort Collins address.
- **Proof of income eligibility using 185% of FPL.** Applicants must show income (tax returns) under 185% of FPL, or PSD reduced/free lunch eligibility, or enrollment in state or federal assistance program (e.g., Medicare, WIC, Social Security).⁵⁰

In 2017, a resource guide was given to front desk recreation staff at various recreation facilities to help staff assess acceptable income verification documents for a reduced-fee membership. Required documentation for enrollment is extensive.

Reduced-fee applications are processed manually (Figure 14). Importantly, the documents required for an application are not only numerous, but also require disclosure of an applicant’s personal and private information. An application managed as shown below takes between 7-10 business days to complete (see Appendix I for full program process map).

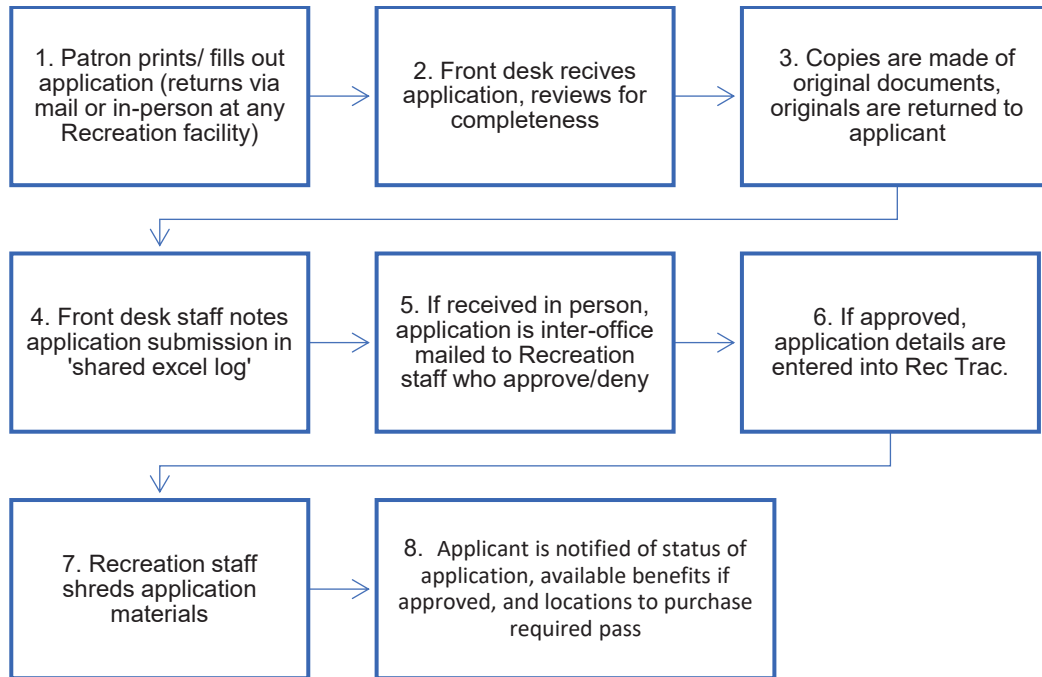


Figure 14: Recreation Reduced-fee program application flow

Once an individual or family is signed up with a reduced-fee pass, online registration for specific classes or programs occurs easily via the Recreator portal.

⁵⁰ 185% FPL in 2018 was equivalent to a maximum income of \$47,638 for a family of 4 or a maximum income of \$23,107 for a single individual.

In its review of the application process, the Evaluation Team noted a patchwork of systems used by staff to get application documents routed and ultimately approved by assigned Recreation staff. These include interoffice mail and notations made in online shared documents. The Evaluation Team was unable to verify how and when application documents are shredded. Without a formalized, secure system in place, the Evaluation team noted there is opportunity for sensitive applicant information to be copied, lost or misused.

COMMUNICATION AWARENESS PLAN AND OUTREACH

There is no marketing plan nor marketing efforts specifically targeted for the Reduced-Fee Recreation program outside of general Recreation marketing. This includes marketing (advertisements) in the *Recreator*, a comprehensive community resource guide that offers information on the City of Fort Collins' Recreation facilities, classes, programs, events and overall community activities. It is published quarterly. Information on the reduced-fee program may also be obtained on the department website.

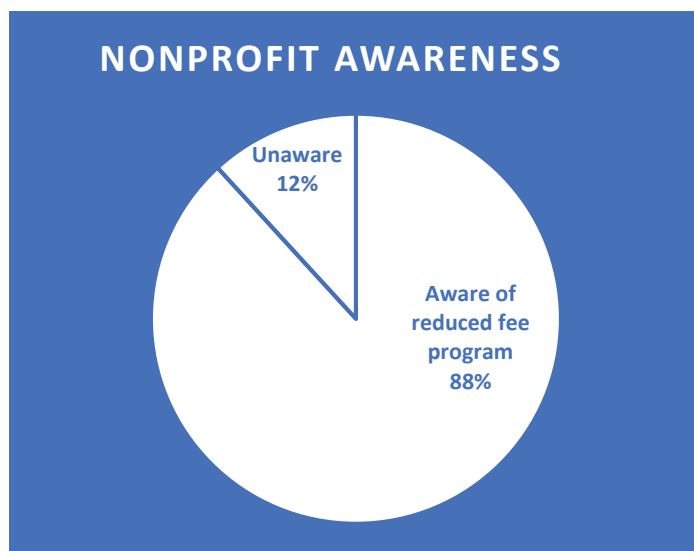


Figure 15: Reduced-fee Recreation Program: Community/nonprofit awareness

To communicate the reduced-fee program the Recreation Department depends on grassroots outreach via community partners like Sava, the Murphy Center, Columbine Health, and Title I⁵¹ schools with Poudre School District (PSD). Staff members at the Northside Aztlan Center occasionally do outreach directly with these organizations on the reduced-fee program.

A survey extended for the purposes of this evaluation asked 17 individuals from nine of the major non-profits in town about their awareness of the reduced-fee recreation program. Over 80% indicated some level of familiarity, suggesting successful external partner engagement (Figure 15).

PROGRAM BUDGET, OBJECTIVES, OUTREACH AND OPERATION

The reduced-fee program is managed without dedicated resources. Responsibility is shared among multiple hourly staff at the front desk as well as salaried full-time employees (a Business Support Specialist III, a Financial Analyst II, Supervisors, etc.) who take on this work as part of their wider Recreation Department duties.

BUDGET

The reduced-fee program is not managed as a clearly delineated program with fully dedicated program staff, a clearly defined budget and a scope of work unique to that program. Tasks associated with management of the reduced-fee program are diffused into the workloads of various recreation staff.

⁵¹ Title 1 schools are those known to have high concentrations of low-income students. With this designation, a Title 1 school can receive additional federal funding for providing services to low income students.

Without a delineated budget, for purposes of this evaluation study, the Recreation staff and the evaluation team attempted to reverse-engineer a budget based on associated personnel costs and programmatic (material-related) costs (see adjacent table).

	2019 FTE	2019 Actual Costs
Personnel	0.6 (spread over 5 people)	\$79,600
Programmatic		\$4,305
Annual program spending in 2019		\$83,905

Annual revenue increases (losses) due to the existence of the program were not estimated for the following reason: it is unknown how many low-income individuals would have bought a reduced-fee pass without the discount. For the number who would have bought a pass even without a discount, there exists a revenue loss. For those that would not have bought a pass without a discount, there exists an argument for a revenue gain. The exact proportion of each is unknown, though with more research

some estimates could reasonably be made.

PARTICIPATION PATTERNS & CUSTOMER SATISFACTION

Participation in the reduced-fee program has swelled from 4,402 in 2014 to more than 5,000 individual participants in 2018. The five-year average between 2014-2018 is 4,880 total participants. A primary applicant is an adult applicant who signs up themselves or themselves plus a family, for participation in the program. In 2018, 2,349 primary applicants (i.e., household units) were enrolled in the reduced-fee program.

Specific characteristics of an individual or family leveraging the City’s program are as follows:

- They are mostly families.** More than 80% of primary applicants sign up 2+ people.
- Primary applicants are mostly women.** Over 70% of primary applicants are women.
- Women typically sign up bigger families.** The average size of a reduced-fee family is 3 people. When the primary applicant is a female, the average family size increases to 4 people.
- Adults (ages 19-59 years) are shrinking as a user base.** This age demographic shrank by approximately 10% over the last five years (Figure 16)
- Senior participation is growing.** As a proportion of the larger pool of participants, senior-aged users have steadily grown from 3% (2014) to more than 5% (2018)
- Seniors experience high enrollment turnover.** Over 80% of seniors participating in a given year obtained their pass in the prior 1-2 years.

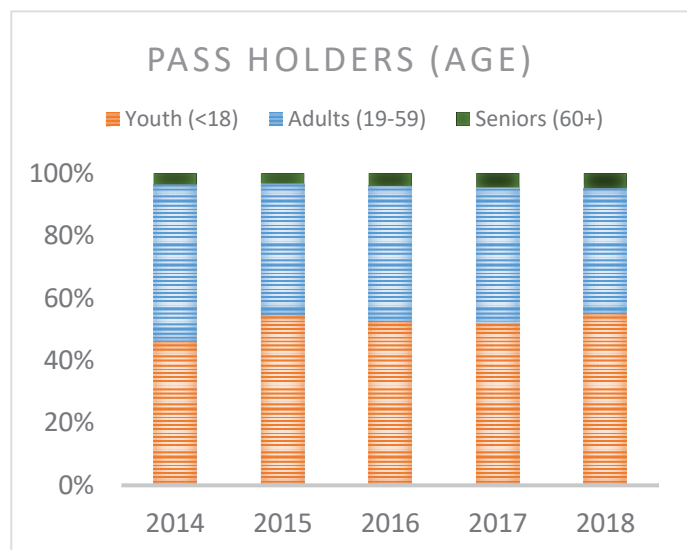


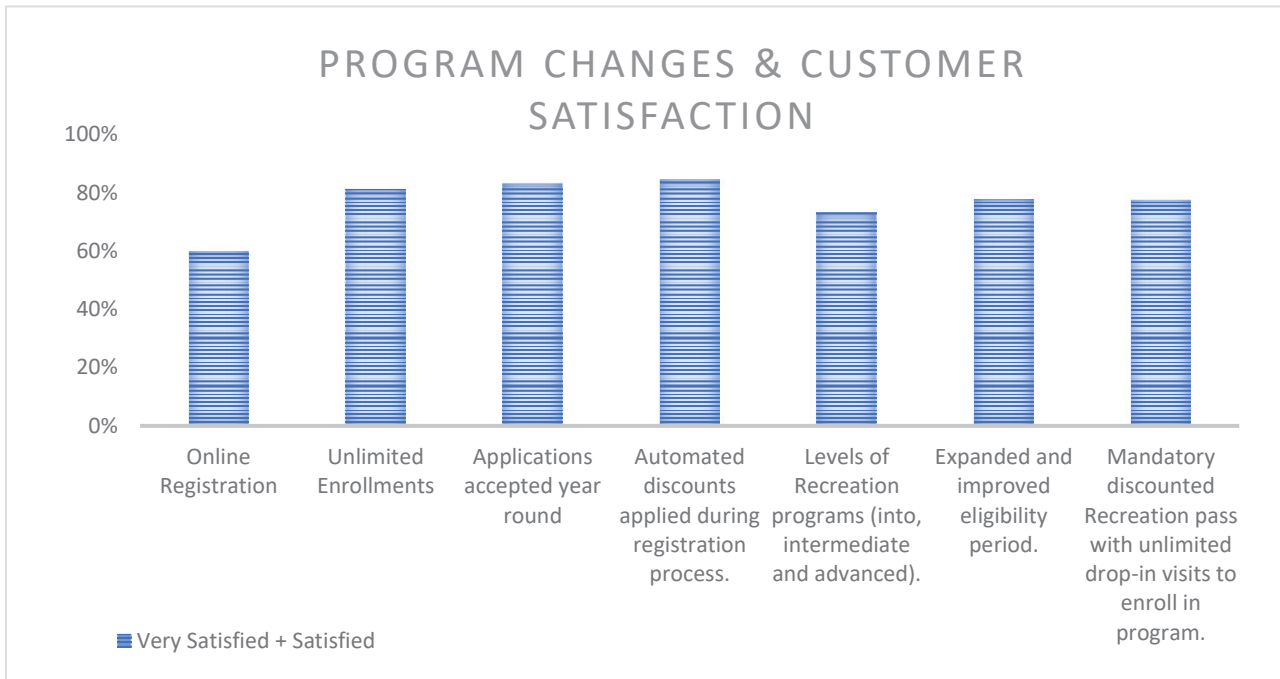
Figure 16: Average age of reduced-fee pass holders

Less than 9% have had a pass for three years or longer.

- 7. **High turnover suggests a dynamic user base.** Annually, close to 50% of patrons did not have a pass the prior year.

Mapping the location of reduced-fee pass holders suggests that the program is widespread around the City, including in areas that are outside the City boundaries but within PSD. The north and northwest corner of the city have the highest concentration of reduced-fee pass holders (Appendix J).

In March of 2019, the recreation department extended a customer satisfaction survey (n=130) and identified that Reduced-fee program changes were supported by the community members surveyed (Figure 17).



PROGRAM-SPECIFIC RECOMMENDATIONS

The reduced-fee program has been successfully integrated into all Recreation department functions and there is significant program support and familiarity within the community and among community partners. Compared to the other evaluated City Rebate programs, the reduced-fee program serves a large number of low-income people—especially families-- each year. The program has taken important steps to improve the application process and offer access to recreation opportunities for the range of individuals and families that live in Fort Collins. Notably, the application has just benefitted from a FC Lean intervention, which cut the application down from five pages to one (Appendix K). The application now is simpler to understand and expedites completion, design factors that are known to be of great importance for low-income customers.

Broadly, the Recreation reduced-fee program would benefit from balancing a strong focus on operational improvement with a focus on long-term strategic impact. What does the recreation program seek to accomplish in the long term? Are short-term operational changes working in tandem with that larger vision and with articulated strategic goals? As of now, a strategy guiding operational action is missing.

Part of the imbalance between strategic and operational goals is the fact that the reduced-fee program is not thought of as ‘traditional’ program, i.e., a standalone program with a dedicated program manager, a specific communications plan, etc. The reduced-fee program is ‘everyone’s’ job in Recreation, which means that targeted communications and specific responsibilities for this program’s success lie with everybody, but also with no one in particular. High-level questions about program effectiveness often don’t land squarely in any staff member’s workplan. Establishing clear ownership and milestones around who (or what department) is responsible for program growth and development may lead to programmatic improvements.

Finally, various systematic improvements could help with city-wide rebate alignment and customer-centric security. Strengthening the application systems that handle sensitive information and working toward a centralized city-wide approach could decrease the data privacy risk and reduce the burden on Recreation staff as well as other relevant service areas like the FSA. With a standardization of low-income eligibility criteria and use of a common application across the City, an alignment of rebate programs may be achieved. In the meantime, Recreation may consider steps to align with other city rebate/reduced-fee programs that use AMI for the income threshold (like UAP/LEAP and FSA Rebates), instead of 185% FPL.

Improvement area	Notable Progress	Improvement & recommendation	Recommendation rationale
<p>Strategy</p>	<p>The program reaches a significant number of low-income households.</p> <p>A strong collaboration with the PSD has contributed to high levels of participation from families.</p>	<p>(1) Balance the operational focus by articulating a long-term, strategic plan.</p> <p>(2) Design and execute a communications plan, include outreach goals and key partners.</p>	<p>Beyond goals around program administration and operations, there are not clearly articulated strategic goals. What's the long-term objective of the program? What is the program trying to accomplish? How are operational goals in service to long-term goal(s)?</p> <p>Let data insights guide goals and inform long-term and short-term targets. For example, a goal might be to target adults (ages 19-59), given that this user group is shrinking. Develop new operational goals once previous operational goals (e.g., providing a year-round application window) are accomplished.</p> <p>Complete work of establishing and executing marketing/communications plan.</p>
<p>Staff & structure</p>	<p>Front desk staff at any recreation center are able to accept applications.</p>	<p>(3) Identify program ownership, program boundaries.</p>	<p>Specific operational tasks are absorbed into duties of multiple staff making accountability and leadership difficult. Who is responsible for managing the program? Clarify which staff are charged with various tasks, including marketing/relationship management within the community.</p>
<p>Systems</p>	<p>Revised application in 2019 simplified application steps and made process much easier to understand.</p>	<p>(4) Strengthen systems handling sensitive application materials.</p> <p>(5) Provide online application option.</p> <p>(6) Align eligibility criteria with City Rebates programs, using AMI instead of FPL.</p>	<p>A single, City-wide income-eligibility application could eliminate the burden of income verification for front desk Recreation staff while improving security. Inter-office transfer of copies of sensitive documents among staff poses risks for resident privacy.</p> <p>Complete work of providing an online application option.</p> <p>Measure poverty using a locally appropriate measure (% of AMI) consistent with other City rebate programs.</p>



PART 2: CITY-WIDE FINDINGS & RECOMMENDATIONS

CITY-WIDE FINDINGS AND RECOMMENDATIONS

For City rebates and reduced-fee programs, each department has worked to optimize its program given available resources. However, lack of centralization between these different Service Areas/departments has led to different approaches, including different methods for leveraging community partners, variable eligibility thresholds affecting participation, and differing levels of staff/programmatic resources available for program deployment. As a result, our analysis suggests that each department that manages a reduced-fee/rebate program has reached slightly—or in some cases very— different low-income populations. Diversified approaches have also led to diffused impact, with several rebate/reduced-fee programs functioning for decades but only reaching one out of three low-income households in 2018.

Some program cross-marketing opportunities have been encouraged: for example, a comprehensive, citizen-facing list of discount, rebate and service programs for low-income individuals and families was developed and posted online in 2018⁵². However, no substantial programmatic changes in eligibility, program design, resource allocation (dedicated FTE, programmatic funding), application centralization or broader outreach efforts have been made across the programs⁵³. For applicants, this means an individual or family must submit a different application with different required documents for each program and do so within each program's unique timetable.

ONLY HALF OF LOW-INCOME PEOPLE PARTICIPATE IN ONE CITY REBATE/REDUCED-FEE PROGRAM

Estimating the number of low-income individuals in Fort Collins is a challenge. A suite of poverty statistics captures different aspects of poverty, most of them outlining different and often confusing income thresholds depending on different household size, respondent age or household composition (e.g., a 'family' versus a 'household' versus a 'mix' versus a 'single' individual). Moreover, the existence of a large local student population further complicates the picture.

Using application data from each of the three departments and controlling for estimated overlaps between programs (around 18%), the Recreation Reduced-fee program reaches the highest proportion of the City's low-income people, followed by the FSA Rebates, followed by the UAP. Note that the population of the biggest component of the UAP, the IQAP program, is bounded by eligibility for state-wide LEAP. **Less than half of all estimated low-income households are currently not participating by one of the City of Fort Collins reduced-fee/rebate programs evaluated (Figure 18).**

⁵² See Discount Programs, Rebates and Services web page at fcgov.com:

<https://www.fcgov.com/socialsustainability/discounts.php>

⁵³ The Low-income Application Working Group, with City staffers from Sustainability Services, Recreation, Utilities, City Managers Office and Planning, Development and Transportation (PDT) have been meeting and working to coordinate marketing efforts (online and paper materials) and share information 2018.

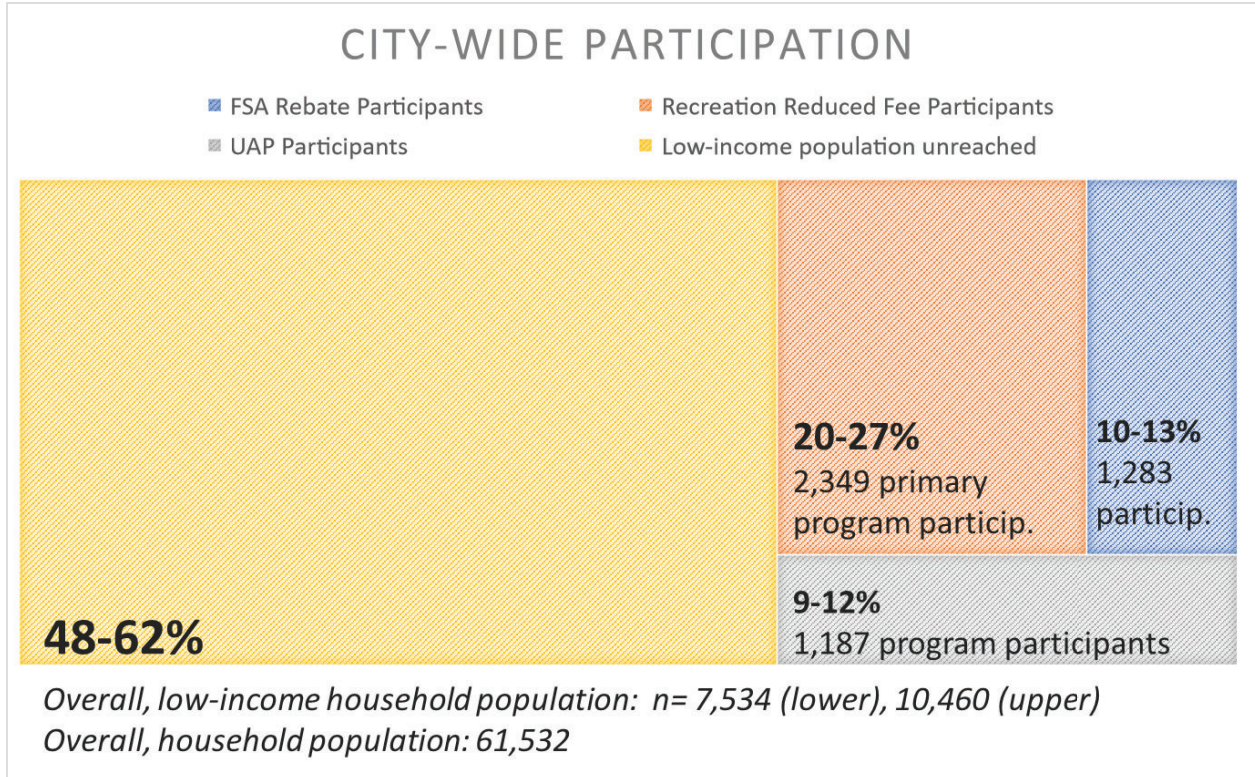


Figure 18: Community-wide participation in income-qualified city programming

An important factor in understanding city-wide rebate and reduced-fee program performance is to understand participation depth: in other words, do qualifying individuals and families participate in only one reduced-fee/rebate program, or, do they take advantage of the multiple rebate and reduced-fee programs offered across the City? Essentially, how well do these programs perform together as a portfolio? Assessing participation depth may illuminate how well-integrated these programs are (or are not). It may also suggest if City resources—including outreach efforts—may be better leveraged between programs.

Analyzing participation patterns in the available data presents opportunities and challenges. Because the programs are managed independently, each program retains its own unique data collection approach and utilizes a unique system for data management. Recreation uses RecTraq and a combination of excel spreadsheets; the FSA Rebates program manages information via the Govern system; and Utilities IQAP participation data is stored both within the LEAP program database and the CFCU customer database. Without a common, city-wide customer relationship management (CRM) system, tracking an individual resident or household with a unique ID number is impossible.

For the five-year period between 2014-2018, this evaluation matched 3,003 valid addresses to an accepted application for one of the three evaluated City rebate/reduced-fee programs (IQAP, Finance Rebates, and Recreation Reduced-fee passes)⁵⁴. Within this pool, only 18% had participated in more than one rebate/reduced-fee program. Put another way, 82% of application addresses were included because of participation in only one City rebate/reduced-fee program.

⁵⁴ Aggregating based on first and/or last names is unreliable for a number of reasons (e.g., name duplications, data entry misspellings, under/overcounting when individuals sign up a household for benefits). However crude, applicant addresses are used to track participation across City rebate/reduced-fee programs, although the merging of datasets is time-consuming and not without drawbacks.

Notably, 3,003 addresses do not equate to 3,003 households or individual participants. An address may designate an apartment complex or mobile home park with many rebate/reduced-fee participants living there.

As previously mentioned, low-income people have different resources and different decision-making capacities than their non-poor counterparts, they represent a unique service group for obtaining government services and participating in government programs. When government programs are designed without deep understanding of the poverty context (i.e., how low-income people make decisions, what resources they do/don't have available, etc.) poverty alleviation programs risk being ineffective.

Cross-program participation is low – only 18% of participant addresses are linked to two or more City rebate/reduced-fee programs.

VARIABLE COMMUNITY AWARENESS AND UNDER-UTILIZATION OF COMMUNITY PARTNERS

17 individuals from nine non-profit organizations serving Fort Collins and Larimer County residents were surveyed about their knowledge of, and collaboration with, City of Fort Collins reduced-fee/rebate programs. These partner community organizations included CSU Care Program, various UC Health/Poudre Valley programs, the Volunteer Income Tax Assistance Program, Project Self Sufficiency, Neighbor to Neighbor, Energy Outreach Colorado, and the Food Bank of Larimer County. Close to 80% of non-profit partners surveyed indicated they work directly with low-income people in Fort Collins.

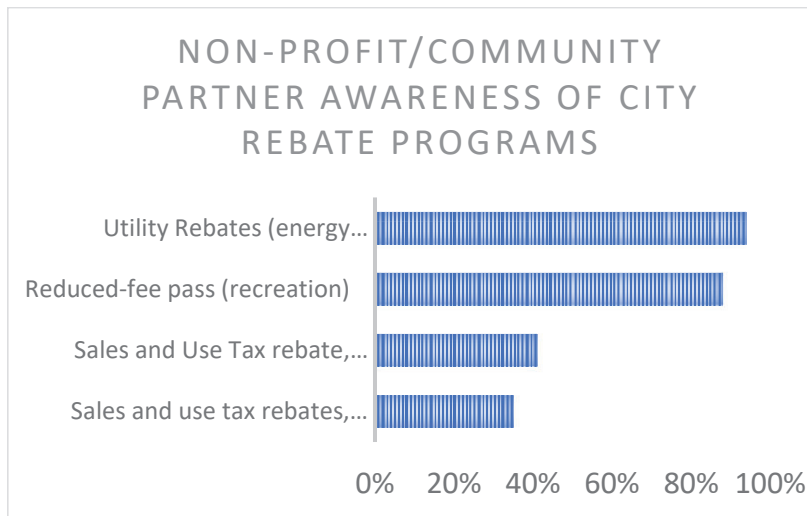


Figure 19: Non-profit/Community Awareness of City Rebate Programs

Between 80-90% of respondents were familiar with the City's reduced-fee recreation pass and the Utilities IQAP program. On the contrary, less than half knew about the property tax and utility tax rebates managed out of the Finance Department (35%) (Figure 19).

As a result of differing levels of awareness and intentional collaboration, non-profits in Fort Collins extend varying levels of support for City reduced-fee and rebate programs. Lack of full support from partners means lost marketing and outreach opportunities as well as lost opportunities for direct assistance with application management, etc. Across the rebate/reduced-fee programs evaluated in this study, IQAP, followed by the reduced-fee recreation pass program, enjoys the greatest familiarity in the community and the most direct non-profit support (Figure 20).

As a result of differing levels of awareness and intentional collaboration, non-profits in Fort Collins extend varying levels of support for City reduced-fee and rebate programs.

The FSA Rebates, with only seasonal FTE support, has the least familiarity by and direct support of community partners. In particular, the property tax (PTR) and utility sales tax (UTR) rebates are the least well-known rebates and community partners are

In particular, the property tax and utility tax rebates housed in the Finance Department, have the lowest level of non-profit familiarity. It benefits the least from non-profit support and coordination

not well-leveraged to support them. Moreover, based on interviews, a few individuals working for the Larimer County Food Bank were unaware of the FSA Rebate program’s provision of a grocery tax rebate (GTR).

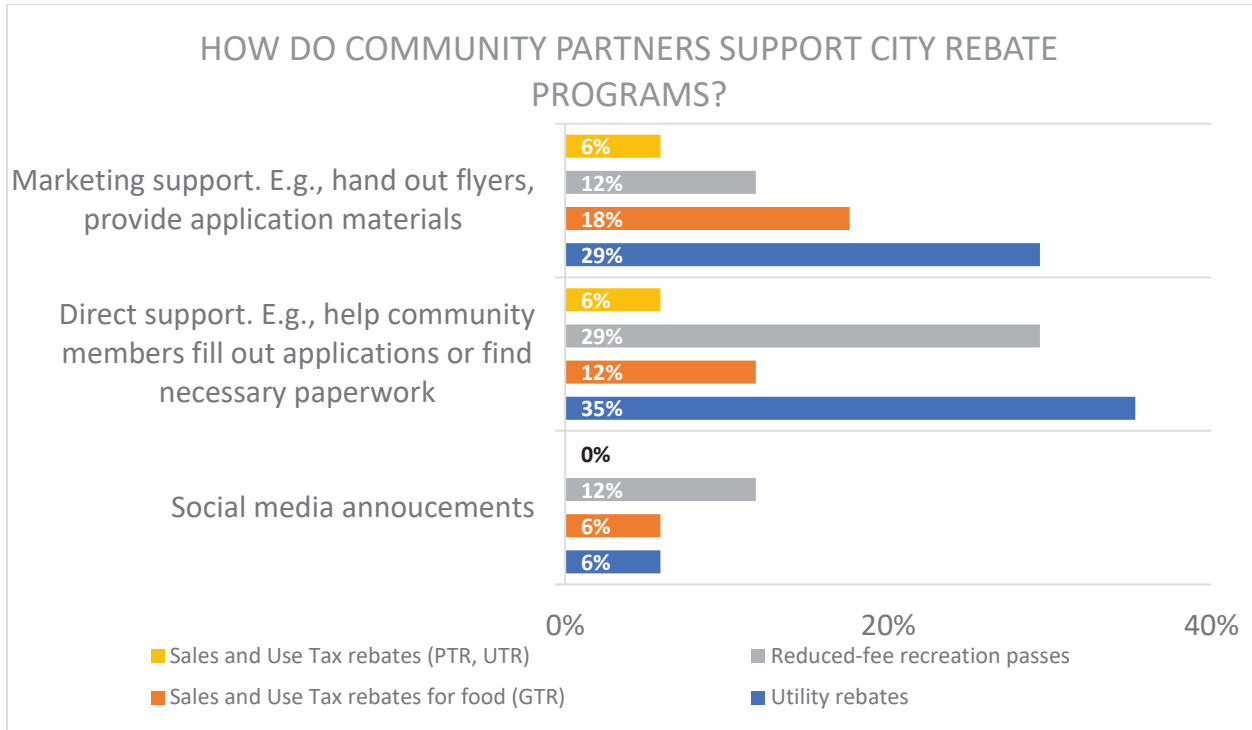


Figure 20: How community partners support City-wide rebate programs

CITY-WIDE, LOW-INCOME PROGRAMMING IS INEFFICIENT AND LESS IMPACTFUL

Limited success in cross-program participation currently means a reduction in the potential combined impact of these programs—whereby the possible impact of the ‘portfolio of low-income services’ could be greater than the sum of independent department initiatives.

It also means that **each department charged with administering an income-eligible program pays the ‘full cost’ of its administration**, potentially re-processing the same applicant annually for multiple City services or each expending the same time and energy trying to reach similar participants in the community.

Moreover, lack of centralization between these different programs has led to the adoption of different approaches, including different methods for leveraging community partners, variable eligibility thresholds affecting participation, and differing levels of staff/programmatic resources available for deployment. As a result, analysis performed for this report suggests that each department that manages a reduced-fee/rebate program has reached a slightly—or in some cases very different—low-income population.

DIVERGENT INCOME THRESHOLDS AND OTHER CRITERIA MEAN DIFFERENT POVERTY POPULATIONS ARE TARGETED AND SOME ARE LEFT OUT

Each reduced-fee/rebate program evaluated in this study utilizes a unique threshold for determining income-eligibility, based on household size: the Finance Rebates program uses estimates of area median income from Larimer County; the Recreation Department uses 185%

of FPL (or verification of enrollment in PSD free-and-reduced lunch); and the Utilities IQAP aligns with the state-wide LEAP program criteria of 60% of state area median income (see Figure 21). For example, Recreation’s alignment with the PSD free-and-reduced lunch program targets families with school-aged children, while the prerequisite of senior/disability status for certain Finance Rebates ultimately targets a different demographic. As a result, each program reaches individuals and families at slightly different income thresholds and with different household compositions, making city-wide targeting difficult and applicant navigation a challenge.

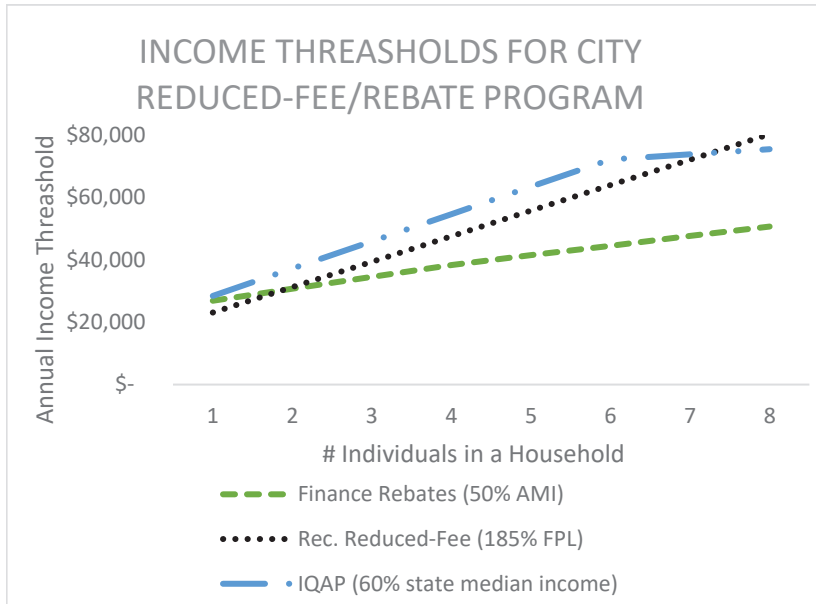


Figure 21: Cross-program Poverty Thresholds. Source: City of Fort Collins departments/service areas

When compared to the other income-qualified programs the Finance Rebates program sets the highest bar for participation, meaning they require an individual or household to be relatively worse-off than households qualifying for IQAP (energy assistance) or the Recreation reduced-fee program.

Moreover, the Finance Rebates program requires not only proof of relatively more extreme poverty than the other programs, but an additional criterion of being either elderly and/or disabled to qualify (for the PTR, UTR). Thus, even if an

individual or family qualifies based on income, they may not qualify based on age or lack of disability.

In terms of outreach, the FSA Rebates program has been less successful than other City rebate/reduced-fee programs, as indicated below.

- **Finance:** reaches ~8-10% of estimated, overall income-qualified families. However, this is likely higher due to additional program requirements beyond income.⁵⁵
- **IQAP:** reaches 70%+ of Fort Collins based LEAP qualified participants.
- **Recreation Reduced-Fee program:** reaches ~80% of income-qualified families.

Compared to other City programs, the Finance Service Area Rebates have the most restrictive criteria for participation. They have the lowest threshold for income (i.e., only the poorest qualify) and 2 out of the 3 Finance rebates offered are restricted based on age or disability status.

⁵⁵ This does not take into account disability status or age, meaning that the penetration is likely much bigger, considering these additional restrictions.

WIDE VARIATION BETWEEN DEPARTMENTS IN TERMS OF RESOURCES DEVOTED TO RUNNING LOW-INCOME REBATE/REDUCED-FEE PROGRAMS

There are several explanations for why the different service areas and different departments have unique approaches to managing and income-qualified program. These include:

1. Delineated vs. non-delineated program budgets. This has ramifications for:
 - Accurate knowledge of resources available for long-term planning and programmatic investing;
 - Alignment of resources toward achieving specific milestones;
 - Accountability for use of resources toward achieving specific objectives.
2. Dedicated vs. seasonal FTE. This explains differences in:
 - Marketing efforts;
 - Ownership of the process and opportunities for process improvements;
 - Relationship management with community partners.
3. Leveraging vs. non-leveraging of community partners. This has ramifications for:
 - Ability to build awareness and effectively market to and reach challenging populations;
 - Outsourcing aspects of program operations (application management, income verification, cross-promotion, etc.).

Rebate Program	Delineated budget?	Allocated full-time FTE?	Highlighted FTE role(s)	Level of Community Partner Support
Utilities- UAP	Mostly	YES <ul style="list-style-type: none"> • 1 FTE (Program Manager; year-round) • 1.35 FTE (spread out amongst 4 staff) 	Cross-city coordination Marketing, event support Partnership building Direct engagement with participants Process improvement	HIGH <ul style="list-style-type: none"> • LEAP • Non-profit partner meetings
Finance Rebates (UTR, PTR, GTR)	YES	PARTIAL 33% staff-time (moved from contractual, seasonal position to permanent position).	Application verification, data processing No cross-city coordination currently Seasonal marketing (not year-round)	LOW <ul style="list-style-type: none"> • As of fall 2019
Rec. Reduced-fee Program	NO Specific program budget is not clearly delineated within larger department budget	PARTIAL .75 FTE (spread across multiple people)	Application management Application verification Marketing/outreach with PSD	MODERATE <ul style="list-style-type: none"> • PSD knows and supports this program, but how communication between PSD and City works is unclear.

LOW-INCOME RESIDENTS ARE NOT VIEWED AS A UNIQUE CONSUMER OF CITY-SERVICES

Typically, the ordinances underpinning a rebate reflect the neediest demographics of the period within which they were written. For the FSA rebates, this would have been the poverty population of the 1970s and 1980s. Council should consider updating these ordinances to reflect the demographics of the low-income community today. For example, while seniors do represent a vulnerable population in 2020, the evidence put forth in this Evaluation suggests that attention should now extend to the families that represent the ‘working poor’ as well as female heads of households (see pages 14-18).

Beyond a recalibration of criteria to better target and reflect the realities of poor individuals and families in Fort Collins today, low-income residents have not been understood as a separate and unique consumer of City services.

Per the discussion throughout the section entitled *Background and Key Concepts*, the following questions about customer service and design were evaluated for each City rebate program within scope of this report:

	(1) <i>What evidence exists that the policy/program <u>has been designed for the ‘poverty experience?’</u></i>	(2) <i>What evidence suggests that this program/policy <u>hasn’t been designed—or has more work to do—to accommodate the ‘poverty experience?’</u></i>
Utilities- IQAP	<p>Moderate/significant evidence exists.</p> <ul style="list-style-type: none"> Marketing efforts are intended to ‘reach people where they are at’ via the LEAP mobile ‘sign-up’ van, pop-up events in the community and presence at existing community events. Strong collaboration with nonprofit partners means leveraging the existing relationships community organizations already have with low-income populations. 	<p>UNKNOWN—IQAP program is still in its first pilot year.</p>
Finance Rebates (UTR, PTR, GTR)	<p>Limited/no evidence exists:</p> <ul style="list-style-type: none"> Individual staffers have volunteered to help improve the process in small ways, but lack of a program manager has complicated process ownership/improvement opportunity. Application materials have been revamped for clarity but have not benefited from a Human-Centered Design (user-centered design) approach. 	<p>NEED TO DESIGN FOR USER POVERTY EXPERIENCE</p> <p>Evidence: declining user-base</p> <ul style="list-style-type: none"> Possible equity issues – PTR and UTR are limited to seniors and/or people with disabilities. A low-income family can only apply for the GTR. <p>Evidence: aging user base</p> <ul style="list-style-type: none"> Limited impact: Weigh the efficacy of reaching low-income people with the limiting age-specific criteria. <p>Evidence: online system lacks user-friendliness</p>

		<ul style="list-style-type: none"> • Unproductive online system means applicants must transport themselves to City offices or send sensitive information in the mail. • Impractical hours (applicants must come to City offices to drop off applications during work hours). <p>Evidence: process imposes high cognitive burden</p> <ul style="list-style-type: none"> • Applicants must remember seasonal application window (August-October). • Applicants must remember unique set of document requirements. • Unique income threshold that is dissimilar from other City rebate/reduced-fee programs.
<p>Recreation Reduced-Fee Program</p>	<p>Moderate evidence</p> <ul style="list-style-type: none"> • Type of passes offered, and recreation opportunities discounted were informed by public outreach. • Application has recently undergone FC Lean ‘Form Fest’ review, which dramatically shortened and clarified the application. • While application materials have been revamped for clarity there has not been an effort to leverage Human Centered Design (user-centered design) concepts. 	<p>NEED TO DESIGN FOR USER POVERTY EXPERIENCE</p> <p>Evidence: declining adult use, despite high numbers of impoverished adults</p> <ul style="list-style-type: none"> ▪ Reaching singles and adults is problematic for this program; it primarily draws households with children. <p>Evidence: lack of information security</p> <ul style="list-style-type: none"> • Front-desk staff copy/manage sensitive applicant information without secure privacy processes. <p>Evidence: application process requires moderate cognitive burden</p> <ul style="list-style-type: none"> • Separate application is required, similar to other City programs. • Unique income thresholds that differ from other City rebate/reduced-fee programs.

SUMMARIZED FINDINGS

Merging these datasets and considering the low participation rates plus the user design opportunities and challenges among these programs, suggests the following about the City’s reduced-fee/rebate programs:

- **Close to 50% of low-income residents remain unserved by the City’s low-income programs.** Of those that do participate, only 18% of addresses associated with a low-income resident is linked to more than one reduced fee/rebate program.
- **Low-income people almost certainly find navigation of City services a challenge.** If the City is serious about low-income people as a unique customer service segment and offering customer-centric service, low-income programming should be managed centrally and coordinated intentionally with both FTE and programmatic resources.
- **Departments struggle with income verification and are not aligned around poverty thresholds.** Not only does each department pay the ‘full cost’ of their program administration, but their targeting is unfocused, each reaching a slightly different

impoverished population. Also, lack of standardization around management of sensitive income verification documents is an underappreciated privacy and legal risk for the City.

- **Unlike other unique populations, low-income residents are typically not considered a unique customer segment** and thus do not have dedicated resources available in the City to support, navigate or advocate for the unique needs, behaviors and circumstances of low-income people.^{56 57}
- **Ordinances underpinning several rebate programs reflect an outdated view of who is low-income in Fort Collins.** Consider mechanisms to continually update target demographics, based on current data about what types of individuals and families are low-income in Fort Collins.
- **Lack of standardized data and data tracking makes assessing resident engagement across City programs nearly impossible.** Better systems are needed for understanding how low-income people fully interact with—or are isolated from—available City services.
- **Few staff resources (FTE) are devoted to managing successful outcomes for this unique user group (low-income people).** With resources available to better market programs, develop relationships with community partners, improve application processes and better deliver service to low-income residents, the City could improve cross-program participation outcomes for this user group.
- **Key community partners and non-profits are unaware of certain rebate/reduced-fee offerings at the City.** Without awareness, non-profits are unable to alert their low-income clients of City opportunities and help improve City programming.
- **Key community partners may know about some rebate programs, but they could be better utilized.** Of the non-profits and community partners surveyed, no more than 50% actively support City rebate/reduced-fee programs either directly (by supporting low-income clients to fill out applications) or indirectly (via marketing like posters or flyers, or social media mentions).

⁵⁶ For example, Key Accounts Representatives in Utilities manage relationships with select Utilities business customers, Economic Health Office staff liaise with small business owners, and CityGive manages donor relationships.

⁵⁷ The IQAP program is an exception. It provides dedicated, year-round support to low-income customers served by the IQAP, MAP or PAF assistance programs.

CROSS-CITY REBATE PROGRAM RECOMMENDATIONS

This evaluation highlights several opportunities for an improved, city-wide approach to rebates and reduced-fee programs for the local low-income population. Less than 20% of the participant data for the programs analyzed in this study indicates that low income customers participate in more than City-managed rebate/reduced-fee program. Low-income people find navigation of City services a challenge and siloed programming is minimizing impact and causing administrative cost duplication. Each department pursues their own path for marketing and outreach (or not) to a low-income customer type that a department itself defines in a vacuum. The results have included divergent income and eligibility thresholds, different targeting techniques and overall a less effective way to spend public funds for social impact. Without a city-wide strategy outlining a common language, definition, design, and marketing approach, low income people will continue to be overlooked as the unique users of government services that they are.

Customer segmentation of low-income customers, prioritization, and program management centralization could ensure that these currently siloed programs align to create a ‘portfolio’ of integrated, cross-functional work. The Evaluation Team believes this can be undertaken in three steps covering strategy, structure and systems:

- 1) Strategy: city-wide goal setting.
- 2) Structure: program centralization (a single application system paired with a dedicated FTE, a ‘benefits expert’). The program should be governed in a cross-functional way, with input and alignment happening among reduced-fee/rebate offering departments.
- 3) Systems: a commitment to program design principles that reflect the City’s understanding that low-income people represent a unique customer segment.

(1) STRATEGY: CITY-WIDE GOAL SETTING

Departments implementing low-income rebates and reduced-fee programs typically operate their programs in ‘silos’ with minimal resources and little city-wide strategic guidance. A set of strategic City-wide goals to guide low-income programming should be shared across departments. Strategic goal setting around low-income programming will also act as an orienting principle, standardizing the language, metrics, marketing and resources utilized at the department level.

Similar cross-functional programming efforts, where departments work towards specific department-relevant goals that align to larger city-wide goals focused on low-income service delivery, have been undertaken successfully before. See, for example, the staff and executive governance model and execution underway with City’s current Climate Action work⁵⁸.

For low-income programming, targets paired with City-wide goals should be researched thoroughly and deeply considered, perhaps by a third-party. Topically, they may include:

- Promoting economic security with assistance in meeting basic needs (energy, tax relief);
- Opportunities to access high-quality cultural events and recreation.

⁵⁸ City of Fort Collins Climate Action: <https://www.fcgov.com/climateaction/>

Participation targets and success indicators should be linked to each of the articulated goals in order to track and evaluate progress.

(2) STRUCTURE: CENTRALIZATION

Simply put, departments are developing and offering low-income rebate and reduced fee programs in isolation and that's both expensive and less effective than managing cross-functional efforts centrally. At the moment, individual programs do not benefit from the economies of scale that could otherwise come from strong collaboration. Instead, they experience high administrative burdens and absorb duplicative marketing and outreach costs.

For low-income customers, they must navigate the multiple applications, unique and specific entry requirements, differing deadlines, and keep track of individual program offerings.

Centralization could accomplish the following:

- **Streamlined administration:** obtain economies of scale and eliminate the duplicative marketing, application management and income verification currently undertaken by each individual department.
- **Unified programming that maximizes impact:** increase success of cross-program participation with a single application.
- **Meaningful marketing that targets the 'neediest' per Council and Executive guidance:** address these customers' unique marketing and outreach needs and improve customer service.
- **Clear roles and responsibilities:** centralize administration of low-income services with dedicated FTE program manager(s) and cross-functional participation by relevant Service Area Directors.

MODELS TO CONSIDER

Notably, the City of Fort Collins can benefit from centralization and navigation models already underway with several non-profit and regional partners nearby. For example, the Larimer County Public Health Department's Human Services Department manages a single application through the state-run PEAK⁵⁹ application that, with an online application portal and

Centralization models for similar program objectives already exist in our community. These include:

The "navigator" model used by non-profit and for-profit partners like UC Health

Single application portals paired with knowledgeable benefit analysts like the one used by PEAK/Larimer County Human Services Department

knowledgeable benefit experts, covers multiple state and regional programs that each have unique eligibility thresholds. A potential customer comes in or enrolls online, providing one set of documents that can enroll them in multiple programs, depending on which ones the individual qualifies for.

Similarly, at UC Health, 'navigators' are hired to help recently diagnosed individuals navigate local, state and regional services that can improve quality of life or sustain successful treatment. These navigators work closely with local

⁵⁹ Colorado Department of Human Services: <https://www.colorado.gov/pacific/cdhs/cash-assistance>

stakeholders to manage cases and enroll patients in beneficial programs.

CROSS-FUNCTIONAL GOVERNANCE

Resourcing with a dedicated FTE (a benefits ‘expert’), should occur in tandem with a commitment by each department and associated Service Area Director to provide alignment and oversight. A cross functional governance structure—either via a steering committee or executive-level committee— is essential to create department and service-area buy-in as well as cross-collaboration opportunities.

MONITORING AND REPORTING

Without centralization, aggregation of participant data in individual programs remains a nearly impossible challenge. For this evaluation, a unique, cross-sectional dataset had to be constructed from individual datasets in various departments in different digital forms (logged in RecTrac, in Access, buried in Govern, and tabulated in excel).

If centralization is to occur, successful programming will only happen when program managers and leadership can use verified, accurate data to draw insights into program operation and outcome success. For example, the integration of city-wide rebate/reduced-fee participation data will finally be able to tell us who is participating, who is not participating and provide insight into outreach improvements.

Assuming centralization and aggregation of data is possible—staff resourcing and programmatic dollars for an online application system with back-end analytical capabilities of user-data would be required—regular monitoring and reporting to leadership, Council and a relevant cross-functional steering committee should be regularly scheduled.

(3) SYSTEMS: DESIGN FOR LOW-INCOME PEOPLE AS A UNIQUE CUSTOMER SEGMENT

Low-income residents within the city must be seen and managed as a unique subset of City customers—by central program staff, participating departments and the wider City organization. Fortunately, the City has already engaged in efforts to segment customers and address differing needs. For example, the City uses a cross-functional team to coordinate outreach, streamline programming and synchronize relationship management with the business community, as well as with philanthropic donors⁶⁰. The City’s Business Engagement Action Plan (BEAP) represents a cross-functional team that coordinates responses to the business community and co-manages business relationships amongst the Economic Health Office and the CFCU, among other departments.

A common approach and design for low-income programming will align

Low-income residents within the city must be seen and managed as a unique subset of City customers.

Fortunately, the City has already engaged in efforts to segment customers and address differing needs.

⁶⁰ See the City’s Business Engagement Action Plan (BEAP), co-managed by a cross-functional group from the Economic Health Office, Utilities Customer Engagement Team and City Manager’s Office. For the philanthropic and donor community, there is cross-city coordination undertaken by the CityGive program.

department efforts for this specific group using government services. Opportunities to recognize and design for a unique low-income segment will require:

1. **Development of a common language to describe the targeted population(s).** Include a standardized inventory of services and adopt a common measurement for determining 'low-income' status⁶¹. Specifically, this requires associated departments across the City to:
 - Agree upon a common definition of poverty or utilize an income range.
 - Agree on how/when updates to this definition may occur, based on demographic shifts and changes in economic status, costs of living, etc.
2. **Adopt a strategic action and communications plan for a defined low-income population for departments to follow.**
 - Establish a common communications approach when working with low-income individuals or relevant community partners.
 - Specify outreach and cross-promotion commitments for each department.
 - Identify and agree on executive-level, department-level, and team-level roles and responsibilities.
 - Articulate executive-level support and specify how executive engagement will be maintained.
3. **Require departments to institute user-specific, human centered design principles.** Utilize these principles when developing, improving and managing programs that target low-income populations.
 - Prioritize Human-Centered Design when developing or making improvements in programs targeting low-income people⁶².
 - Recognize that people experiencing poverty do not make decisions like their non-poor counterparts and that they face unique constraints and employ a unique set of responses and behaviors.
 - Minimize the time and cognitive costs for a low-income person engaging with a City service. For example, prioritize:
 - Shorter, simplified applications and eligibility criteria.
 - Online application submission
 - Leveraging programs low-income people already sign-up for. For example, programs like LEAP, Medicare/Medicaid, free-and-reduced lunch, etc.
 - Revisit the use of affidavits and other legal documents known to intimidate vulnerable populations.

⁶¹ The City Rebate Taskforce has developed an inventory, but it is not clear the definition of 'low-income' continues to be interpreted differently within each associated department and rebate program.

⁶² See Human Centered Design approaches: <https://www.designkit.org/human-centered-design>

APPENDICES

A. NONPROFIT/COMMUNITY PARTNER QUESTIONNAIRE

1. Organization you represent: *

2. Your name, title: *

3. What tends to characterize the populations you work with? Choose all that apply *

- They are low-income
- Mostly families
- Mostly kids (up to 12 years)
- Mostly youth (13-17 years)
- At-risk (experiencing homelessness, illness, abuse, etc.)
- Gender/orientation-specific (specific focus on women, men, LGBTQ+)
- Industry-specific (e.g. artists, musicians)
- All of the above (please explain) *
- None of the above (please explain) *

4. Enough about our categories, how do you prefer to describe the community members you work with?

5. What City-sponsored low-income rebates/programs are you familiar with?

- Rebates to cover energy needs (e.g., utility rebates)
- Rebates to alleviate tax burden (e.g., city property tax rebates)
- Rebate to reduce grocery/food cost (e.g., grocery sales tax rebate)
- Scholarship programs for the arts/culture (e.g., Museum of Discovery, Gardens on Spring Creek)
- Reduced fee programs for recreation (Recreation reduced fee passes/programming)
- Other City reduced fee programs
- Other *
- None

6. Which, if any, of these City programs have you never heard of before? *

- Utility Rebates
- Sales and Use Tax Rebates (city property tax)
- Grocery Rebates
- Reduced fee programs (arts/culture)
- Reduced fee programs (recreation)
- At a minimum, I've at least "heard" of all these opportunities

7. How do you interact with the City's low-income programs? Choose all that apply *

	I help market this opportunity at my place of work with City posters, flyers, applications, etc.	I help community members fill out, find or access the necessary paperwork to sign up.	I announce this opportunity at special events	I announce this opportunity over social media.	I'm unaware of this rebate/reduced-fee program	N/A (this falls outside my scope)
Utility Rebates	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Sales and Use Tax Rebate (City property tax)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Grocery rebate	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Reduced fee programs (arts/culture)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Reduced fee program (recreation)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Other reduced fee programs	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

8. Utilities rebates, sales and use tax (property tax rebates), and grocery rebates are intended to reduce the cost of living in Fort Collins. In your opinion, do you agree that these rebates effectively meet this objective? *

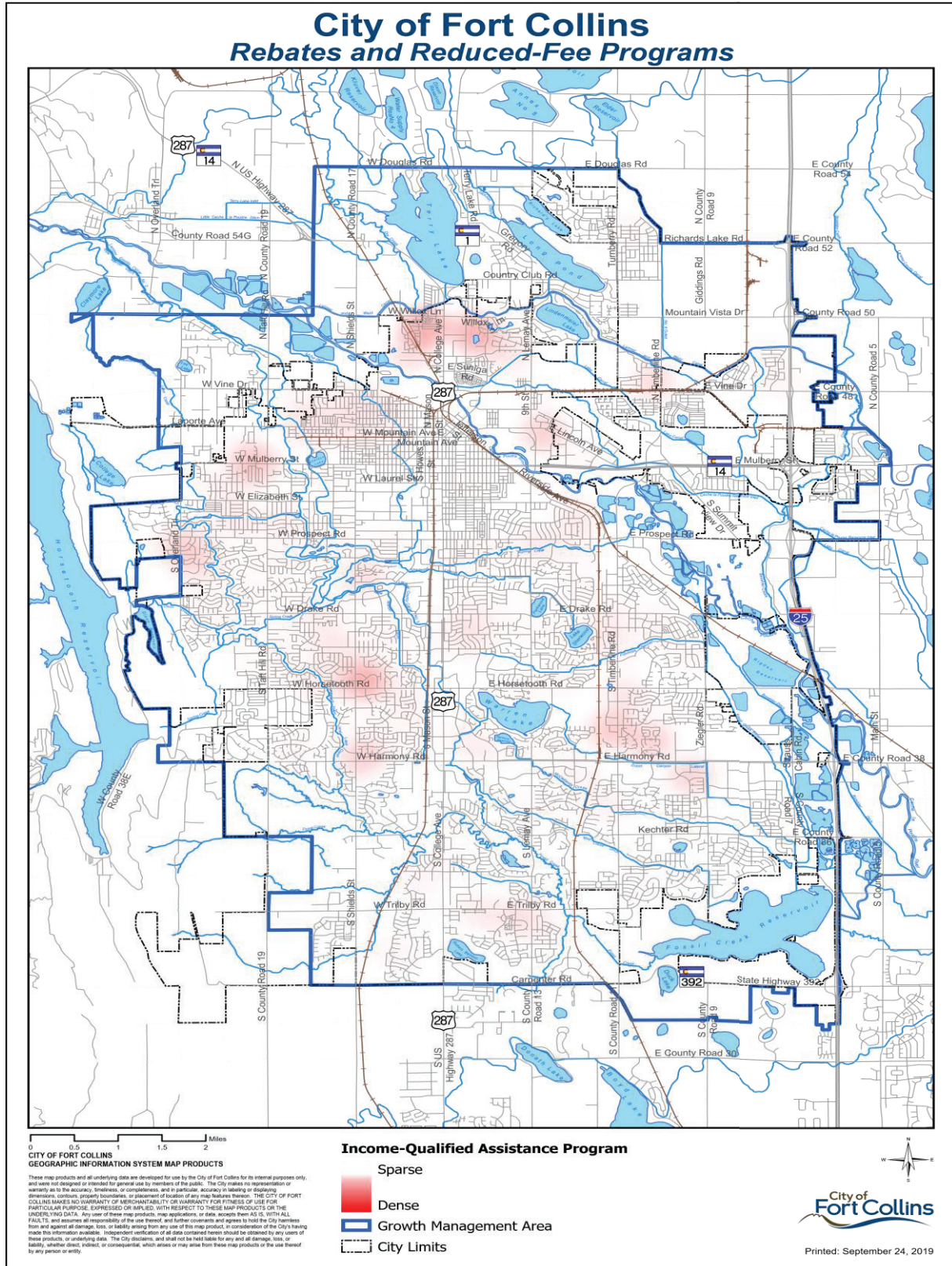
	Yes, these rebates effectively reduce the cost of living in Fort Collins.	No, these rebates do not effectively reduce the cost of living in Fort Collins	I'm familiar with this rebate, but I'm not sure it's effective or not.	I'm not familiar with this rebate and couldn't say.
Utility rebates	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Sales and Use Tax Rebate (City property tax)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Grocery rebate	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

9. Reduced-fee programs aim to make a 'good life' in the City more affordable for a range of families and individuals. In your opinion, which of the reduced-fee programs are meeting this objective? *

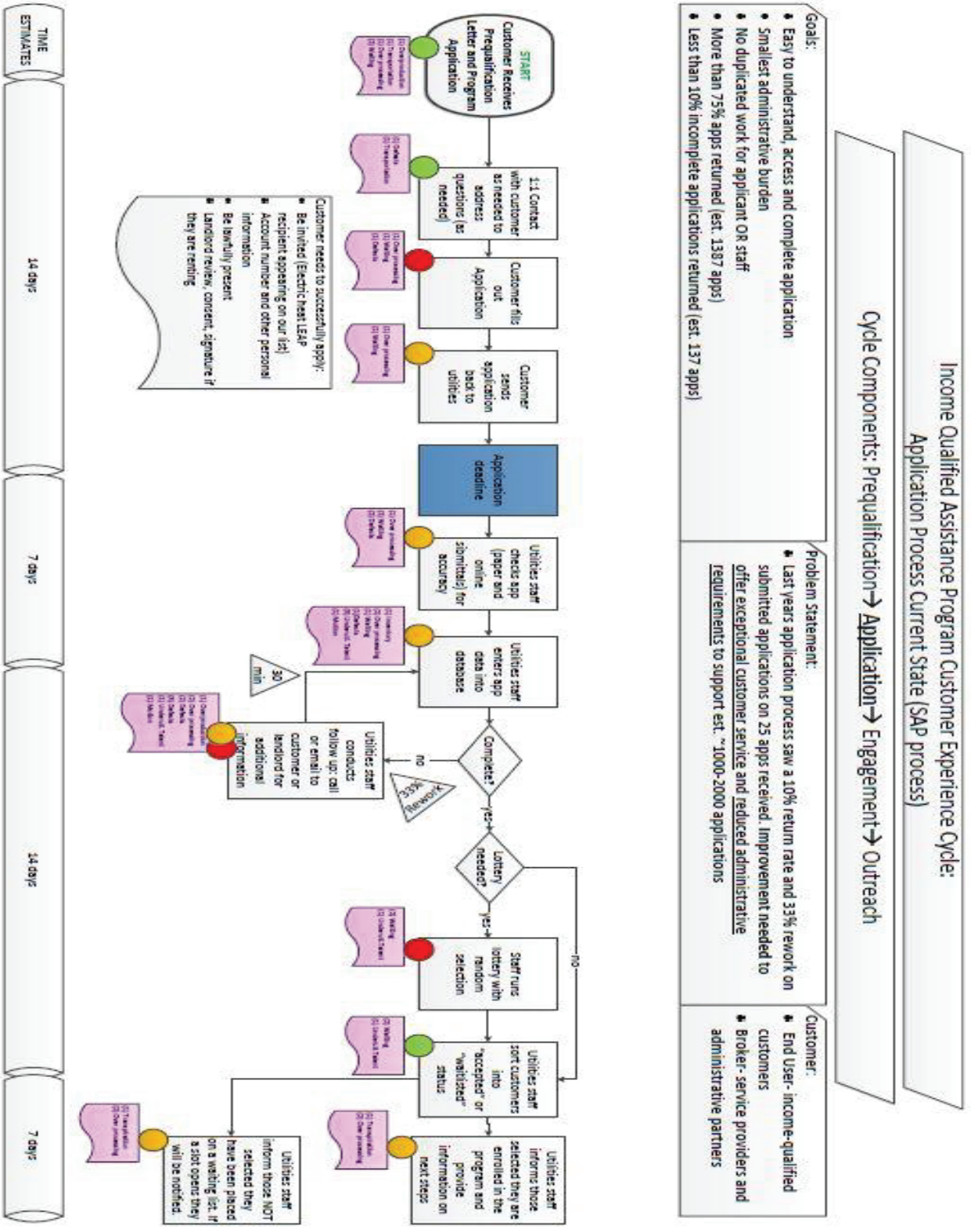
	Yes, this reduced-fee program makes a good life in Fort Collins more affordable.	No, this reduced-fee program doesn't make a good life in Fort Collins more affordable.	I'm not familiar with this reduced fee program and couldn't say.	I'm familiar with this reduced fee program, but I'm not sure how it impacts people.
Arts/culture reduced fee programs (Museum of Discovery, Gardens on Spring Creek)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Recreation reduced fee programs (recreation facilities, recreation programs)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

10. What else would you tell us about the City's rebate/reduced fee programs? For example, is the application easy to complete? Is the acceptance criteria reasonable? Is there enough time to complete and submit an application? *

B. SPATIAL MAP OF IQAP PARTICIPATION



C. UAP PROCESS MAP FOR IQAP



D. UAP APPLICATION: IQAP

LEAP INTO MORE SAVINGS

You may qualify for IQAP if you received LEAP during the previous or current season and live in a household with an eligible Fort Collins Utilities electric, water and/or wastewater account.

IQAP lowers your utility bill so you can focus on other critical expenses.

You can benefit from money-saving opportunities beyond the reduced rate through free home efficiency and educational activities by dedicating about two hours of your time a year.

How to Participate:

- Fill out and return the IQAP application after you've been approved for LEAP.
 - You will be informed of IQAP acceptance within four to eight weeks.
- Participate in free efficiency and educational activities (approximately 2 hours per year).
- Renew IQAP after applying for LEAP each year.
 - The rate is in effect until the September following enrollment.

Need Help or More Information?

fcgov.com/IQAP

utilitiesaffordability@fcgov.com

970-212-2900, V/TDD 711

Esta información sobre el programa "Income-Qualified Assistance Program", que ofrece una tarifa de luz y agua a descuento, puede ser traducida, sin costo para usted.

TAKE CONTROL OF YOUR ELECTRIC BILL

Off-peak prices are approximately 70% less than on-peak prices. Save money by *shifting* your electric use to the lower-priced, off-peak hours or by *reducing* your use.

- **Off-peak hours:** 19-20 hours each weekday, all weekend hours and major holidays
Major holidays: New Year's Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving and Christmas
- **On-peak hours:** October-April 5-9 p.m., weekdays only
- **On-peak hours:** May-September, 2-7 p.m., weekdays only

Learn more: fcgov.com/TOD



Switching to LED bulbs is an easy improvement that helps lower your utility bill long term.



This document can be translated into any language by calling 970-212-2900. Auxiliary aids and services are available for persons with disabilities. V/TDD 711

Apply here or online at fcgov.com/IQAP

- Information provided will not be shared or used for any other purpose.
- Please PRINT CLEARLY.

LEAP Applicant Name

Best Email

Best Phone

Utilities Account Holder (if different from LEAP applicant)

Street Address

Account number

□ □ □ □ □ □ — □ □ □ □ □ □

Account number can be found on your utility bill or by calling 970-212-2900.

Affidavit of Lawful Presence and Income Eligibility

My signature below certifies all information on this application is true and accurate, I can submit secure and verifiable documents showing I am lawfully present in the United States if requested, the total household income for this residence qualified for current or previous season LEAP benefits, and the homeowner, whether an occupant or a landlord, agrees to the program terms. I further acknowledge that making a false, fictitious, or fraudulent statement or representation in this sworn affidavit is punishable under the criminal law of Colorado as perjury in the second degree under C.R.S. 18-8-503, and it shall constitute a separate criminal offense each time a public benefit is fraudulently received.

- I consent for Utilities to contact me by email, telephone or mail regarding participation in IQAP program activities.

Signature

Print

Date

Solicite aquí o en línea en fcgov.com/IQAP

- La información que provea no será compartida ni usada para ningún otro propósito.
- Por favor escriba CLARAMENTE Y EN LETRA DE IMPRENTA.

Nombre del solicitante de LEAP

Correo electrónico/Email

Teléfono

Persona responsable de la cuenta de luz (si no fuese quien solicita LEAP)

Dirección de la casa

El número de cuenta de luz

□ □ □ □ □ □ — □ □ □ □ □ □

Encuentre el número de cuenta en su factura de luz y agua, o llame al 970-212-2900.

Declaración jurada de presencia legal y elegibilidad basada en ingresos

Mi firma abajo certifica que la información contenida en esta solicitud es verdadera y correcta, puedo presentar documentos oficiales y verificables para demostrar mi presencia legal en los Estados Unidos, el ingreso total de este hogar calificó para beneficios de LEAP esta temporada o anteriormente, y el propietario de la casa, está de acuerdo con los términos del programa. Reconozco que hacer cualquier representación o declaración falsa, ficticia o fraudulenta en esta declaración jurada se considera perjurio de segundo grado bajo la ley penal de Colorado C.R.S. 18-8-503, y que cada vez que se obtenga un beneficio público de manera fraudulenta, esto constituirá un nuevo delito.

- Doy permiso para que el departamento de "Utilities" se comuniquen conmigo con respecto a mi participación en las actividades del programa IQAP.

Firma

Nombre (letra de imprenta)

Fecha

Adhere seal here

E. UAP APPLICATION: MAP

Medical Assistance Program 2020 Application

The Medical Assistance Program provides financial assistance through electric medical rates to residential customers who:

- require the use of medically necessary equipment in their home, and/or
- have medical conditions that require air conditioning during the summer billing months.

Please note:

- Program is available to all qualifying residential electric customers.
- Customers are required to apply for this electric medical rate each calendar year. Your 2020 electric medical rate will be discontinued if a renewal form is not received by Jan. 1, 2020. Applicants between July 1 and Dec. 31, 2019, do not need to renew until Jan. 1, 2021.

PHYSICIAN INFORMATION

Patient's full name: _____

Physician's full name: _____ Phone: _____

Office address: _____ City: _____ ZIP code: _____

Physician must complete and sign this section.

Please check all that apply. For a list of HCPCS codes, visit hcpcs.codes/e-codes.

Medical equipment* (E126/A126)

My patient, residing at the service address on this application, has a medical condition that requires the following medically necessary equipment at the patient's residence: _____

REQUIRED: HCPCS Code (Healthcare Common Procedure Coding System Code): _____

Medically necessary air conditioning (E127/A127)

My patient, residing at the service address on this application, has a severe immune compromising medical condition (multiple sclerosis, quadriplegia, paraplegia, scleroderma or hemiplegia), and air conditioning at such patient's residence is medically necessary.

Medical equipment and air conditioning (E128/A128)

My patient requires medically necessary equipment and air conditioning at the service address on this application.

REQUIRED: HCPCS Code (Healthcare Common Procedure Coding System Code): _____

Physician's signature: _____ Date: _____

Colorado medical license number: _____

SUBMITTAL INSTRUCTIONS

Complete all areas of this form:

- Physician/ HCPCS Code information (completed by physician)
- Affidavit of lawful presence in the United States (reverse side)
- Customer information (reverse side)
- Affidavit of income eligibility (reverse side)

Return to Fort Collins Utilities.

Mail to: Fort Collins Utilities
Customer Service Division
PO Box 580
Fort Collins, CO 80522-0580

In person: Fort Collins Utilities
Customer Service Division
222 Laporte Ave.
Fort Collins, CO 80521

Find this application and information at:
fcgov.com/medical-assistance

fcgov.com/utilities • utilities@fcgov.com • 970-212-2900 • V/TDD 711

Medical Assistance Program

2020 Application



CUSTOMER INFORMATION

Applicant must complete and sign this section. To be completed by Fort Collins Utilities account holder - PLEASE PRINT

Account holder(s) name(s): _____

Account number: _____ - _____ Name of resident at this address requiring assistance: _____

Phone number: _____ Email: _____

Service address*: _____ ZIP code: _____

Number in household: _____ Annual Household Income Range (select one option on next line):

- Less than \$10,000 \$10,000-\$14,999 \$15,000-\$24,999 \$25,000-\$34,999 \$35,000-\$49,999 \$50,000-\$74,999 \$75,000+

**If you move and will remain a Fort Collins Utilities Customer, you must notify Utilities to move the rate to the new address.*

Affidavit of lawful presence in the United States

to be completed by Utilities account holder

I, _____, swear and affirm under penalty of perjury under the laws of the State of Colorado that:

I am a citizen of the United States

I am not a United States citizen but I am lawfully present in the United States pursuant to federal law

I understand that this sworn statement is required by law because I have applied for a public benefit. I understand that I must provide proof per state law that I am lawfully present in the United States and submit a secure and verifiable document verifying my lawful presence if requested.

Affidavit of income eligibility

to be completed by Utilities account holder

This program is intended to assist customers for whom the costs of running a medical device results in an economic hardship. The income threshold for this program has been set at 60% of the Larimer County Area Median Income (as determined by the Federal Housing Authority). Based on the number of people within this residence and the income ceiling provided in the table at right, I certify that the total household income is less than the income ceiling and, thus, this account is eligible for this program. I agree, as a condition of my participation in this program, that if asked, I will provide copies of my financial records establishing my household income, including copies of my IRS tax returns.

60% Larimer County Area Median Income - 2019

# in Household	Income Limit
1	\$36,660.00
2	\$41,880.00
3	\$47,100.00
4	\$52,320.00
5	\$57,540.00
6	\$60,720.00
7	\$64,920.00
8+	\$69,120.00

My signature below certifies all information on this application is true and accurate, that I am lawfully present in the United States, the total household income for this residence is less than the household size adjusted income ceiling in the table above, and the resident named above lives at this address full time and requires medically necessary equipment, used at this address, which requires electricity to operate. I further acknowledge that making a false, fictitious, or fraudulent statement or representation in this sworn affidavit is punishable under the criminal law of Colorado as perjury in the second degree under C.R.S. 18-8-503, and it shall constitute a separate criminal offense each time a public benefit is fraudulently received.

Account holder's signature: _____ Date: _____

Application does not guarantee uninterrupted electric service nor prevent disconnection for non-payment.

Customers who are denied medical assistance may submit an appeal to the Utilities executive director based on financial or medical exceptions.

*Medically necessary equipment for this electric medical rate is defined as any durable medical equipment requiring electricity to operate that is required on an ongoing basis by a patient within the residence receiving electric service from Fort Collins Utilities.

Auxiliary aids and services are available for persons with disabilities. Esta información puede ser traducida, sin costo para usted.

fcgov.com/utilities • utilities@fcgov.com • 970-212-2900 • VTDD 711

F. FSA REBATE APPLICATION

FORT COLLINS 2019 REBATE APPLICATION

(for the 2018 Tax Year)

215 N. Mason St., 2nd Floor, Fort Collins, CO 80524 | (970) 416-2304 | fcgov.com/rebate | groceryrebates@fcgov.com

Did all household members live in the City limits of Fort Collins or the growth management area of Fort Collins from January 1 through December 31, 2018? Please contact the rebate office or visit fcgov.com/salestax/address-lookup if you are uncertain. Yes No

If "No," please do not continue with the application because you do not qualify for the rebate.

APPLICANT									
Last Name			First Name				Middle		
Address of Residence			City		State		Zip Code		
Mailing Address (if different than residence)			City		State		Zip Code		
Daytime Phone Number			Alternative Phone Number		Date of Birth		Age		
Fort Collins Utility Account Number			Disabled* Yes <input type="checkbox"/> No <input type="checkbox"/>		Email Address				

*First-time applicants and those with a change in disability status must provide proof of disability.

PLEASE COMPLETE THE FOLLOWING FOR ANY OTHER MEMBERS WHO LIVED WITH YOU THE FULL YEAR OF 2018

Name	Relationship to You	Date of Birth	Age	Disabled (if yes, provide proof)		U.S. Citizen		Not a U.S. Citizen but lawfully present?	
				Yes	No	Yes	No	Yes	No

MORE INFO ON NEXT PAGE

HOUSEHOLD INCOME FOR 2018 Please attach copies of proof of income—federal income tax return, SSI statements, etc. Include total income for the year 2018 for all adults 18 and over in the household (does not include food stamps).

Type of Income	Dollar Amount Received
Salaries, wages, tips, and other employee compensation	
Social Security benefits or SSDI	
Larimer County Human Services Assistance (cash assistance, OAP, TANF, AND)	
Pensions and annuities	
Alimony and child support	
All other income—(please explain)	
TOTAL Income	\$

PROPERTY TAX/RENT AND UTILITY REBATES*
 If a household member is 65+ years of age as of 12/31/18, or disabled, please complete the following.

OWN (applicant must be the name listed on the assessor's page) If you own(ed) the property at the address above, please provide name(s) of any co-owners: _____

RENT (applicant name must be on the lease) If you rent, please list the amount of rent you personally paid in 2018. Mobile home owners please list the lot rent. \$ _____
 Provide a receipt for calendar year 2018.

*Properties exempt from property tax are not eligible for the property tax/rent rebate.

How did you hear about the rebate program? _____

AFFIDAVIT — RESTRICTIONS ON PUBLIC BENEFITS

I, _____, swear or affirm under penalty of perjury under the laws of the State of Colorado that (check one)

I am a United States citizen.

I am not a United States citizen but I am lawfully present in the U. S. pursuant to Federal law.

I understand that this sworn statement is required by law because I have applied for a public benefit. I understand that state law require me to provide proof that I am lawfully present in the United States prior to receipt of this public benefit. I further acknowledge that making false, fictitious, or fraudulent statement or representation in this sworn affidavit is punishable under the criminal laws of Colorado perjury in the second degree under Colorado Revised Statute 18-8-503 and shall constitute a separate criminal offense each time a public benefit is fraudulently received.

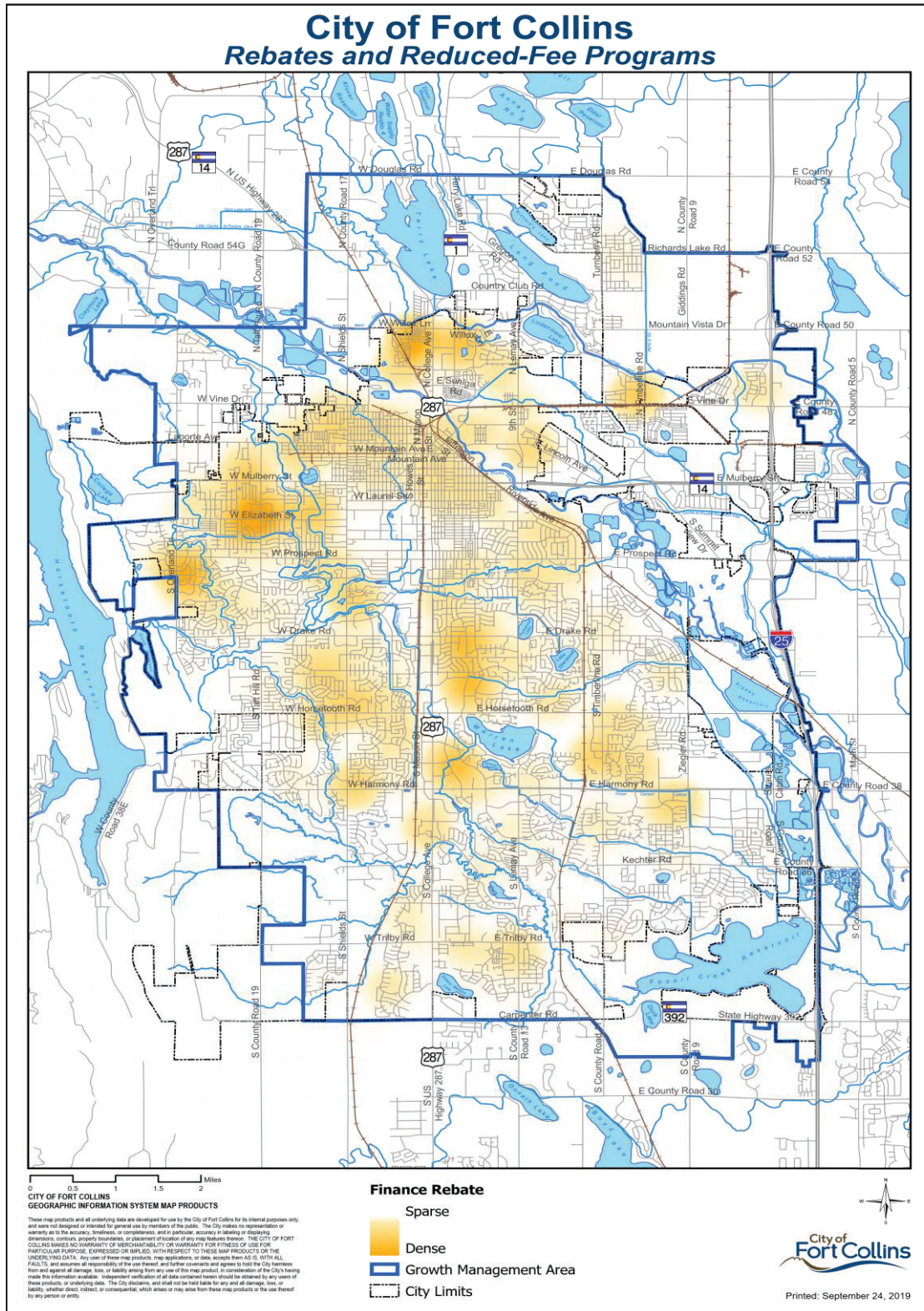
X _____
 Primary Applicant Signature Date

DECLARATION

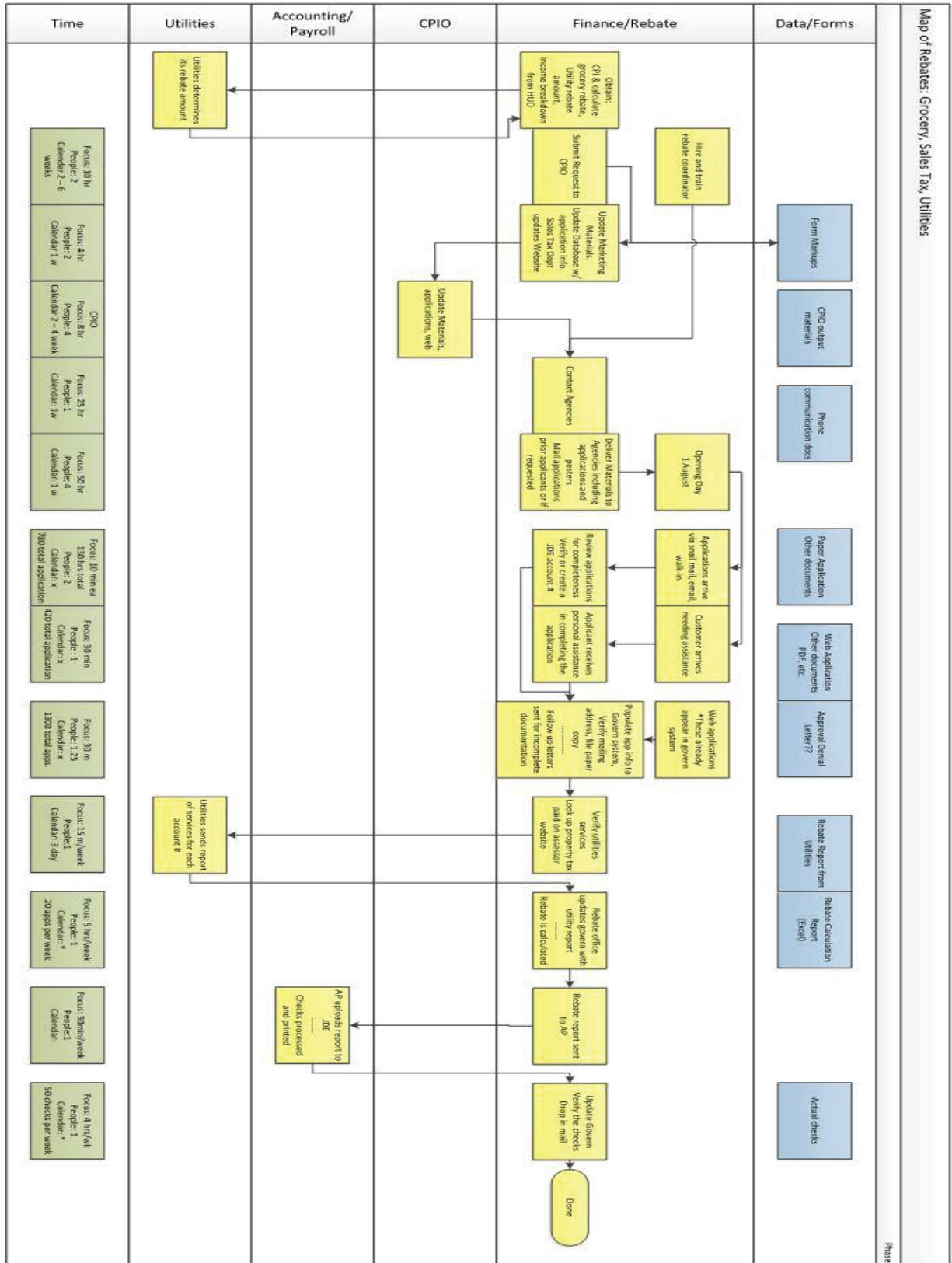
Under penalty of perjury, I declare that I have read and understand the information and qualifications of this application and that all members of this household meet the eligibility criteria. I also understand that I will be permanently disqualified from this program if any information on this application is proven fraudulent.

X _____
 Primary Applicant Signature Date

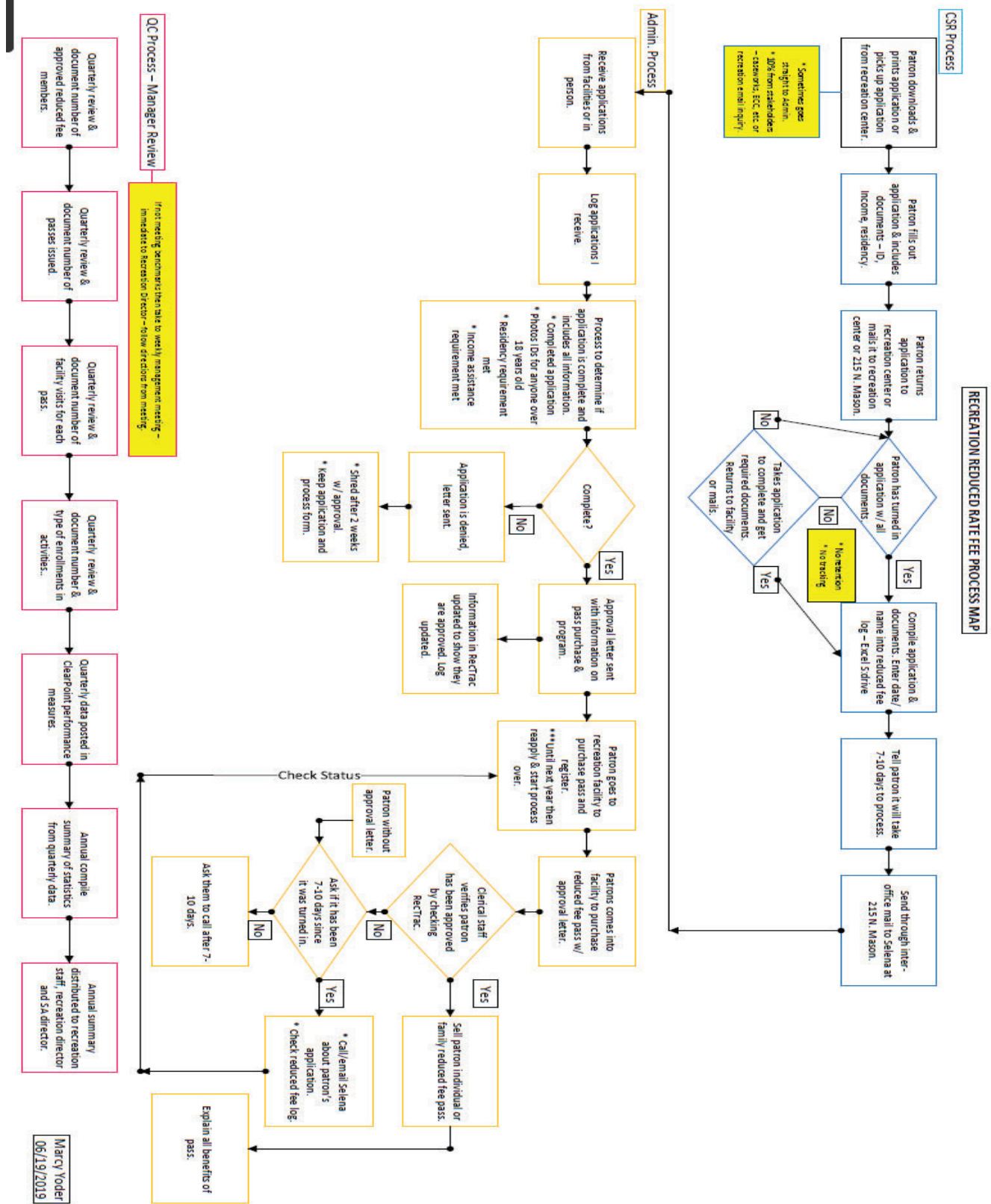
G. SPATIAL MAP OF FSA REBATE PARTICIPATION



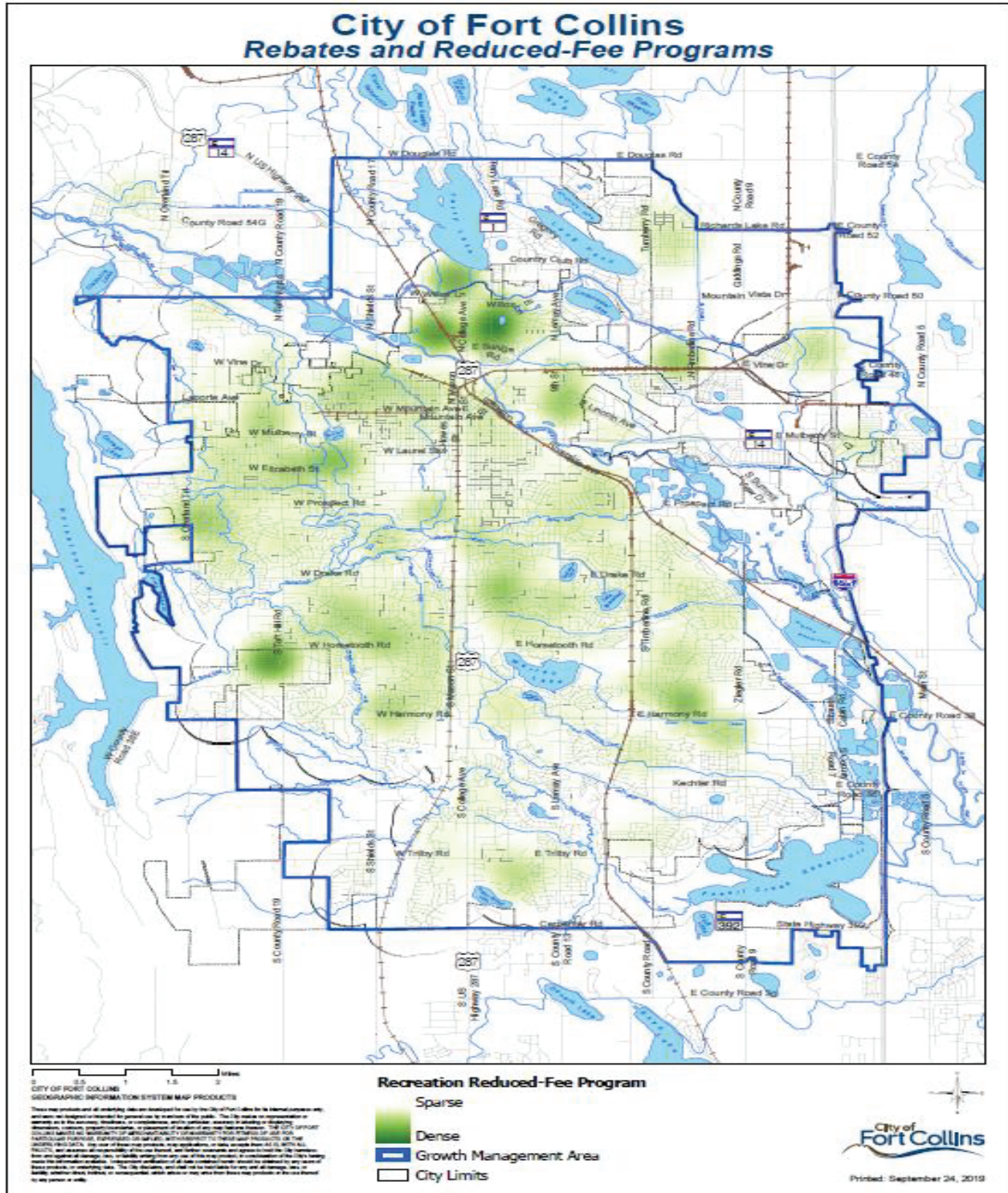
H. FSA REBATE PROCESS MAP



I. REDUCED-FEE PROGRAM PROCESS MAP



J. SPATIAL MAP OF RECREATION REDUCED-FEE PARTICIPATION



K. RECREATION REDUCED-FEE PROGRAM APPLICATION



REDUCED FEE PROGRAM APPLICATION

970.221.6655 • fcgov.com/reducedfee

PLEASE COMPLETE ALL FIELDS

Applying for: Self only Children under 18 only Household

Name _____

Date of Birth _____ Gender (optional) _____

Address _____

Phone _____ Email _____

Name and contact information of person assisting with application, if applicable _____

Additional household members applying for benefits

	Name	Date of Birth	Relationship	Gender	Grade
1.					
2.					
3.					
4.					
5.					
6.					

VERIFICATION – Please attach to application

Income (select one) <input type="checkbox"/> PSD Free/Reduced Lunch Letter OR <input type="checkbox"/> Current Proof of Federal or State Assistance Program OR <input type="checkbox"/> Most Recent Tax Return (Total Household Income)	AND Residency (select one) <input type="checkbox"/> PSD Free/Reduced Lunch Letter OR <input type="checkbox"/> City of Fort Collins Utility Bill in Your Name OR <input type="checkbox"/> Three Pieces of Mail with Your Name and Address	AND Identification <input type="checkbox"/> State or Federal Government issued ID (applicants 18 + must provide) <small>Visit fcgov.com/reducedfee for specific documents accepted</small>
---	--	---

Applicant Signature (Required) _____ Date _____
I verify the information stated on this application is true.

Adult Age 18 + Affidavit Signature _____ Date _____
I am a U.S. citizen or legal permanent resident, or otherwise lawfully present in the United States (not required if applying for children only).

Additional Adult Age 18 + Affidavit Signature _____ Date _____
I am a U.S. citizen or legal permanent resident, or otherwise lawfully present in the United States (not required if applying for children only).

INTERNAL STAKEHOLDER COMMENTS

SERVICE AREA DIRECTOR COMMENTS

NAME: Kelly DiMartino

TITLE: Deputy City Manager

1. Please provide any comments you may have on the evaluation report's findings or lessons learned.

I found the structure of the report to be very helpful, with both individual program and cross-city findings. Of particular note to me was that low-income people are not considered a unique consumer of City services. I think this shift in thinking has the potential to drive numerous service delivery improvements.

The findings specific to the Recreation reduced-fee program were also insightful. I appreciate the recognition of the significant improvements that have been made to the application process. Additionally, the findings regarding privacy risk help illuminate the need for further process change.

2. Please provide any comments you may have on the evaluation report's recommendations.

My bias is to move toward the cross-city recommendations, acknowledging that it may take additional resource to make this happen. With this Council's focus on equity and inclusivity, the timing seems good to implement the recommendation regarding establishing strategic city-wide goals. Further consideration is needed regarding the best way to do this, and who would lead that effort.

3. Please provide any additional comments you may have.

Job well-done! The evaluation provided valuable documentation and insights to consider as we look to further improve the effectiveness of these programs. While I was part of the team that agreed upon this defined project scope, I believe an important next step will be to conduct a "review lite" of other reduced-fee programs, particularly in Cultural Services and Transportation.

NAME: Jacqueline Kozak-Thiel

TITLE: Chief Sustainability Officer

1. Please provide any comments you may have on the evaluation report's findings or lessons learned.

I think one of the greatest impacts of this work will be the paradigm shift of how we understand and serve our low-income residents as a distinct segment of our community (with different needs, access points, etc.).

2. Please provide any comments you may have on the evaluation report's recommendations.

I am especially excited about the recommendation for how a coordinated strategy and dedicated resource could result in achieving socio-economic outcomes and council's priority of a streamlined approach to low income offerings and increased participation.

3. Please provide any additional comments you may have.

As always, this was so thorough and well done. I think it will have tremendous insight for low income programs that are currently in design, such as broadband.

NAME: Mike Beckstead

TITLE: Chief Financial Officer

1. Please provide any comments you may have on the evaluation report's findings or lessons learned.

All comments have been shared at meetings and the majority have found their way to this document.

2. Please provide any comments you may have on the evaluation report's recommendations.

There are several recommendations (i.e., combining the UTR with the IQAP) that can be directly pursued by the FSA. Others will require a central point-person to pursue to avoid having each of the three rebate programs develop individual solutions to common problems. This includes the online application, central-point of access, and unified marketing.

3. Please provide any additional comments you may have.

Great work and an outstanding report. Thank you.

PROJECT TEAM COMMENTS

UTILITIES AFFORDABILITY PORTFOLIO: Jamie Gaskill, Senior Supervisor; Lisa Schroers, Utilities Affordability Program Specialist

1. Please provide any comments you may have on the evaluation report's findings or lessons learned.

The need for a city-wide strategy and program to address the needs of low-income community members is ever-increasing. The working-poor is a growing population that needs consideration when designing and implementing future iterations of low-income offerings.

It appears that many of the [City's] programs were created to fit a "need at the time" rather than as part of a strategic plan. The program staff, the community members and the community as a whole would benefit from a more strategic approach.

The findings regarding WHO is experiencing poverty in Fort Collins is helpful for us to direct our efforts going forward.

While we were not surprised by the findings about the Utilities Affordability Portfolio we are pleased that community partners have great awareness of the UAP. We will continue to build on that awareness and will work with agencies to connect their clients to additional UAP offerings such as building retrofits.

2. Please provide any comments you may have on the evaluation report's recommendations.

In Utilities we view low-income customers to be a unique customer segment and dedicate resources to supporting programs that serve the low-income population.

The UAP team is already implementing many of the recommendations in the report. Actions underway include:

- Development of a strategic plan with measurable goals and objectives
- The strategic plan is accompanied by a robust outreach and engagement plan that targets existing and new partner agencies as well as direct-customer outreach. Additionally, the outreach and engagement plan includes collaboration with other city departments that offer low-income programs.
- Analysis of the impacts of eliminating MAP and encouraging customers to enroll in LEAP/IQAP instead
- Feasibility analysis of auto-enroll of CFCU customers who are LEAP qualified into IQAP

3. Please provide any additional comments you may have.

FINANCIAL SERVICES REBATE PROGRAM: Jennifer Poznanovic, Senior Manager, Sales Tax/Revenue

1. Please provide any comments you may have on the evaluation report's findings or lessons learned.

Appreciate the thorough evaluation done to review income qualified rebates/programs across three City departments for a more holistic approach. Already aware of findings for the finance rebates but appreciate the well-researched and formalized report.

2. Please provide any comments you may have on the evaluation report's recommendations.

Great take-away to recognize and focus on a new customer segment across the City for low-income residents. Collaboration across departments, more resources and time will be needed to achieve many recommendations.

In the near term, looking forward to focusing on the grocery and property tax rebates out of finance with an elimination of the utility rebate in lieu of the newer IQAP program out of Utilities.

3. Please provide any additional comments you may have.

In the two years that I have been at the City, the Income Qualified Working Group and the program evaluation have led to a better understanding of programs across the City with more collaboration and breaking down silos.

RECREATION DEPARTMENT: Bob Adams, Director; Janice Saeger, Financial Analyst

1. Please provide any comments you may have on the evaluation report's findings or lessons learned.

I appreciated the acknowledgement of the unique target demographics and purpose of each rebate program, whether to ease the cost of living in Fort Collins (basic needs) or accessibility to quality of life opportunities (culture and recreation).

2. Please provide any comments you may have on the evaluation report's recommendations.

Centralization would offer greater efficiency for all programs with the correct level of resourcing in staff and technology, however it may be challenging to increase cross-participation in programs because of each individual's situation, desires, and needs. This ties back to developing a strategic City-wide goal of what is to be achieved with the rebate programs as a whole.

Recreation has designed its reduced fee program in support of Strategic Objective 1.3 - Improve accessibility to City and Community programs and services to low- and moderate-income populations. (This objective has had many similar iterations over the years) The practical application of this objective means anyone who meets the income qualifications receives the benefits of the reduced fee program and is not turned away. As a revenue-generating department this can/does have resourcing implications as the program expands.

If all program income qualifications are tied to AMI through centralization, consideration should be made to increase the percentage of AMI used so as not to exclude a number of Recreation's current participants in the program.

3. Please provide any additional comments you may have.

No additional comments.

STAKEHOLDERS, INTERVIEWS AND REVIEWERS

INTERNAL INTERVIEWS, STAKEHOLDERS

Aimee Housh, Specialist, Utilities Customer Connections, Fort Collins Utilities
Amy Resseguie, Senior Communications Specialist, Community & Public Involvement
Ben Belt, Accounts Receivable / Billing Coordinator, Fort Collins Utilities
Beth Sowder, Director, Social Sustainability Office
Blake Schlup, Accounts Receivable / Billing Coordinator, Fort Collins Utilities
Bob Adams, Director, Recreation Department
Dianne Tjalkens, Specialist, Social Sustainability
Jacqueline Kozak-Thiel, Chief Sustainability Officer, Sustainability Services Area
Jamie Gaskill, Senior Supervisor, Utilities Customer Connections, Fort Collins Utilities
Janice Saeger, Financial Analyst II, Recreation Department
Jenne Loffer, Senior Supervisor, Customer Support, Fort Collins Utilities
Jennifer Poznanovic, Senior Manager, Sales Tax/Revenue
Jolee Sawyer, Senior Supervisor, Customer Support, Fort Collins Utilities
Kelly DiMartino, Deputy City Manager, City Manager's Office
Kendal Dawson, Business Support I, Fort Collins Utilities
Kevin Gertig, Utilities Executive Director, Fort Collins Utilities
Lance Smith, Director, Financial Planning and Analysis, Fort Collins Utilities
Lisa Schroers, Utilities Affordability Program Specialist, Fort Collins Utilities
Mike Beckstead, Chief Financial Officer, Financial Services
Peggy Streeter, Financial Analyst II, Planning, Development and Transit Administration
Pete Iengo, Senior Specialist, Public Engagement, Fort Collins Utilities
Rachel Spingob, Manager, Payroll, Accounting and Treasury
Rachel Wagner, Coordinator, Customer Connections, Fort Collins Utilities
Randy Reuscher, Lead Analyst, Utility Rate, Fort Collins Utilities
Ryan Malarky, Assistant City Attorney II, City Attorney's Office
Salina Hemmen, Business Support III, Recreation Department
Stan Suppes, Accounts Receivable / Billing Coordinator, Fort Collins Utilities
Sue Jordanger, Accounts Receivable / Billing Coordinator, Fort Collins Utilities
Taylor Blomquist, Public Engagement Specialist, Customer Connections, Fort Collins Utilities
Tracy Brann, Senior Supervisor, Accounts Receivable / Billing, Fort Collins Utilities
Wendy Williams, Assistant City Manager, City Manager's Office
Zachary Delissio, Supervisor, Recreation Department

EXTERNAL INTERVIEWS, FOCUS GROUPS, SURVEY RESPONDENTS

Colorado LEAP Program: Melinda Bennett, Eric Crosby
The Family Center, Deirdre Sullivan
Emma Chavez, CARE Program at CSU
Enrique Hernandez, Energy Outreach Colorado
Food Bank of Larimer County
Harry Love, Volunteer Income Tax Assistance
Larimer County Human Services Department, Laura Sator, Vanessa Fewell
Neighbor to Neighbor
Project Self Sufficiency: John Kinnaird, Stephanie Alley, Hannah Dahl, Neva Menchaca,
UCHealth: Deanna O'Connell, Jill Taylor, Laurie Zenner, Colette Thompson, Eileen Hendee,
 JoAnn Herkenhoff, Karen Ramirez, Julie Knighton

CITY OF FORT COLLINS FC LEAN FACILITATORS

David Suckling, Fort Collins Utilities
Jami McMannes, Recreation Department
Marcy Yoder, Senior Manager, Neighborhood Services
Rik Johnson, Planning, Development and Transportation
Roland Guerrero, Lead Specialist, FC Lean, Financial Services

RECEIVED DRAFT REPORT

Beth Sowder, Director, Social Sustainability Office
Bob Adams, Director, Recreation Department
Ingrid Decker, Senior City Attorney, City Attorney's Office
Jacqueline Kozak-Thiel, Chief Sustainability Officer, Sustainability Services Area
Jamie Gaskill, Senior Supervisor, Utilities Customer Connections, Fort Collins Utilities
Janice Saeger, Financial Analyst II, Recreation Department
Jeff Mihelich, Deputy City Manager
Jennifer Poznanovic, Senior Manager, Sales Tax/Revenue
Kelly DiMartino, Deputy City Manager, City Manager's Office
Kevin Gertig, Utilities Executive Director, Fort Collins Utilities
Lisa Schroers, Utilities Affordability Program Specialist, Fort Collins Utilities
Mike Beckstead, Chief Financial Officer, Financial Services
Ryan Malarky, Assistant City Attorney II, City Attorney's Office
Evaluation Core Team members: Kathy Collier, Dave Lenz, Tyler Marr, Terri Runyan, Jennifer Selenske, Crystal Shafii, Victoria Shaw, Jo Cech, Adam McCambridge, Dean Klingner

RECEIVED FINAL REPORT

All persons who received Draft Report, plus:

Aimee Housh, Specialist, Utilities Customer Connections, Fort Collins Utilities
Amy Resseguie, Senior Communications Specialist, Community & Public Involvement
Ben Belt, Accounts Receivable / Billing Coordinator, Fort Collins Utilities
Carrie Daggett, City Attorney
Caryn Champine, Director, Planning Development and Transportation
Darin Atteberry, City Manager
Jacqueline Kozak-Thiel, Chief Sustainability Officer, Sustainability Services Area
Jeff Swoboda, Chief of Police
Jenne Loffer, Senior Supervisor, Customer Support, Fort Collins Utilities
Jolee Sawyer, Senior Supervisor, Customer Support, Fort Collins Utilities
John Stokes, Deputy Director, Community Services
Kendal Dawson, Business Support I, Fort Collins Utilities
Lance Smith, Director, Financial Planning and Analysis, Fort Collins Utilities
Nina Bodenhamer, City Give Director
Peggy Streeter, Financial Analyst II, Planning, Development and Transit Administration
Pete Iengo, Senior Specialist, Public Engagement, Fort Collins Utilities
Rachel Spingob, Manager, Payroll, Accounting and Treasury
Salina Hemmen, Business Support III, Recreation Department
Stan Suppes, Accounts Receivable / Billing Coordinator, Fort Collins Utilities
Sue Jordanger, Accounts Receivable / Billing Coordinator, Fort Collins Utilities
Taylor Blomquist, Public Engagement Specialist, Customer Connections, Fort Collins Utilities
Tom DeMint, Poudre Fire Authority, Fire Chief



**PERFORMANCE & PROGRAM
EVALUATION** 

MINUTES

CITY OF FORT COLLINS • BOARDS AND COMMISSIONS



ENERGY BOARD

September 8, 2022 – 5:30 pm
222 Laporte Ave – Colorado Room

ROLL CALL

Board Members Present: Alan Braslau (remote), Steve Tenbrink, Dan Gould, Marge Moore (remote), Emilio Ramirez (remote), Jeremy Giovando (remote), John Fassler, Bill Becker, Sidra Aghababian

Board Members Absent:

OTHERS PRESENT

Staff Members Present: Christie Fredrickson, Adam Bromley, Brian Tholl, John Phelan, Leland Keller (remote), Honore Depew (remote), Cyril Vidergar (remote), Heather Young, Shannon Ash, Lance Smith (remote), Kendall Minor

Members of the Public: Tom Loran, Rich Stave

UTILITIES AFFORDABILITY PROGRAM PROPOSED CHANGES

Shannon Ash, Affordability Programs Manager
Heather Young, Senior Manager, Public Engagement
(attachments available upon request)

Staff is wrapping up the pilot year for the Utilities Affordability Portfolio (UAP) and plans to go to City Council in November seeking program adoption.

The goal of the UAP is to provide assistance to low-income customers through reduced rates, one time/emergency payment assistance, and conservation practices. The Income Qualified Assistance Program (IQAP) is roughly a 23% rate reduction. Fort Collins Utilities customers are qualified and approved through the state's Low-income Energy Assistance Program (LEAP), and automatically enrolled in the City's IQAP based on their LEAP approval. Board member Aghababian asked how customers know to enroll in LEAP? Ms. Ash said it is part of both the state's and the City's local outreach.

Based on pre-COVID numbers, an estimated 8,000 households could qualify for the Utilities Affordability Programs. In 2020 Utilities staff reached about 2000 households with the programs, leaving an opportunity for up to 6000 households to reduce utility burdens. Staff is planning additional targeted outreach in the community, as well as in-person application sessions. After 2021, the Utility removed their own additional application step and began auto-enrollment with LEAP qualification, and saw enrollment increase 133%.

Staff completed an Arrears Analysis and found when a customer is not disconnected, the Utility saves approximately \$24.00 in the avoided disconnect through printing, mailing, and staff costs. Staff is exploring whether customers on IQAP are less likely to be disconnected for non-payment because of the reduced rate and because they are more engaged with staff.

Vice Chairperson Becker wondered if the City's U+2 ordinance could be a barrier for those who are eligible, as renters may not want to disclose how many people are living in their household. Ms. Young noted that on the LEAP application, only one person in the family or household must meet the income qualification.

Energy use from IQAP participants initially increased by 2.9% on average (220 kWh/year). Staff believes the increase likely reflects that households are no longer as critically concerned about paying their energy bills and initially choosing to keep their homes at a more comfortable temperature. Interestingly, by year three of enrollment both IQAP and non-IQAP participants had similar energy use.

MINUTES

CITY OF FORT COLLINS • BOARDS AND COMMISSIONS



ENERGY BOARD

REGULAR MEETING

In 2021, City Council asked staff to ensure the 23% rate reduction is still sufficient. Staff found that since 2018, average electric bills have increased more than average income, so going forward staff is proposing 25% reduction to keep the benefit whole and retain its value. Staff recognizes the rate reduction is not a static thing and hopes that if the program is adopted, they could perform better rate projections to stay up with the difference annually.

While there isn't a separate fund to cover IQAP, it is absorbed by rate payers across all classes (residential and commercial); each Utility fund contributes to the program, except for stormwater. Staff is proposing the portfolio is funded through the Operations & Maintenance budget because it is and should be viewed as a required service for Utility customers. Given current and projected participation numbers and a 25% rate reduction, this program would have minimal impact to future rate increases. Staff hopes future updates on the impact of this program would be included in annual rates and fees updates

Board member Braslau noted that staff should be looking for other ways to qualify customers, especially given the large gap in potential participants versus actual, LEAP is not capturing everyone. Ms. Ash said staff agrees, there are customers being missed who do not qualify for LEAP but may qualify for the City's program. Staff is looking for workarounds that would not violate any federal rules around double-dipping; staff is currently working with Housing Catalyst to obtain a list of people who might also qualify for IQAP.

**Board member Fassler moved the Energy Board support of the Income-Qualified Assistance Program becoming an adopted Utility program.
Board member Braslau seconded the motion.**

Discussion:
None.

The motion passed unanimously, 9-0.

MINUTES

CITY OF FORT COLLINS • BOARDS AND COMMISSIONS



AFFORDABLE HOUSING BOARD

REGULAR MEETING

October 6, 2022 4:00-6:00pm

Remote/Online via Zoom due to COVID-19

DRAFT

CALL TO ORDER

At 4:01 PM the meeting was called to order by John Singleton

1. ROLL CALL

- a. **Board Members Present:** John Singleton, Bob Pawlikowski, Seth Forwood, Kristin Fritz, Sheila Seaver-Davis and Stefanie Berganini joined in progress.
- b. **Board Members Absent:** Jennifer Bray
- c. **Staff Members Present:**
 - Sue Beck-Ferkiss, Staff Liaison – City of Fort Collins
 - Meaghan Overton, Social Sustainability – City of Fort Collins
 - Emily Olivo, Neighborhood Services – City of Fort Collins
 - Heather Young, Utilities – City of Fort Collins
 - Shannon Ash, Utilities – City of Fort Collins
 - Taylor Reynolds, Minutes – City of Fort Collins
- d. **Guests Present:**
 - Marilyn Heller
 - Lisa Cunningham
 - Maggie, Palace Construction

*****Excerpt Related to this Resolution Begins Below*****

5. NEW BUSINESS

c. Income-Qualified Assistance Program (Utilities) – Heather Young & Shannon Ash

- Utilities is seeking Council approval to make the Income-Qualified Assistance Program (IQAP) an adopted program and follow up on existing program structure on November 1st.
- The IQAP pilot program launched in 2018 and was set to expire in 2021. An extension was granted (with changes) through 2022.
- There are three ways in which Utilities hopes to help income-qualified customers lower their utility costs: payment assistance, efficient homes, and efficient practices.
- Many customers are approved through the Low-Income Energy Assistance Program (LEAP) (60% State AMI or below) and provided an approximate 23% rate reduction.

AFFORDABLE HOUSING BOARD

REGULAR MEETING

- After auto enrollment (through LEAP application) began in 2021, the number of program participants increased by 128%.
- The pilot program was originally extended because of the difficulty of measuring program impact during the pandemic when conditions were changing and to see the impact of the auto enrollment on participation.
- Customer surveys indicate that program participants have an increased quality of life, are able to save for other expenses and budget on a fixed income, experience less stress due to bills, and are educated on ways to conserve energy usage.
- City staff are recommending an increased rate reduction for IQAP from 23% to 25% (evaluating every 3-5 years) based on cost burdens calculated alongside LEAP benefits.
- The IQAP is intended to decrease income disparities and energy inequities in our community and help low-income residents as utility rates continue to increase due to inflation and changeover to carbon neutral energy sources.
- DISCUSSION:
 - How can we support programs like IQAP, that benefit low-income residents with minimal impact to costs or services, and help intergrade them City-wide?
 - The Utilities department has had great success with income qualified programs because of their conservation emphasis in addition to the community needs they are addressing.
 - How is the City addressing the concerns for increased utility costs in the switch to all electric?
 - As renewable energy technology improves, the hope is that costs will decrease. Until then, the rising costs are a concern for all residents.
 - Are residents who earn 60% AMI or less automatically enrolled in LEAP?
 - Residents must apply for LEAP benefits, it is not automatic enrollment; however, those who qualify for LEAP are automatically enrolled in IQAP.
 - There are households that do not qualify for LEAP, including those who are undocumented or receive housing vouchers. City staff are working to ensure that anyone who is eligible knows about and can apply for reduced utility rates.

Stefanie Berganini moved to that the Affordable Housing Board strongly advocate that City Council adopt the Income Qualified Assistance Program as a Utility program.

Bob Pawlikowski seconded. Approved 5-0.

MINUTES

CITY OF FORT COLLINS • BOARDS AND COMMISSIONS



Excerpt from **Unapproved DRAFT** MINUTES WATER COMMISSION REGULAR MEETING

October 20, 2022, 5:30 p.m.

1. **Income-Qualified Assistance Program Feedback**

Shannon Ash, Affordability Programs Manager, and Heather Young, Community Engagement Manager, presented on the Income-Qualified Assistance Program that aims to serve the community with a reduced rate program and education opportunities for low-income customers and to seek approval to bring it to Council.

Discussion Highlights

A Commissioner commented that in a past presentation, they had been led to believe that it would be nearly impossible to reach 2,000 participants, but it seems to be projected to exceed that number by 2023. The Commissioner added that the cost to run this program for Utilities is much higher than the \$415,000 figure presented, as it also includes staff effort and salaries. A Commissioner inquired about the qualifications, to which Ms. Young clarified that customers were auto-enrolled through the Colorado Low-income Energy Assistance Program (LEAP), a state-funded program. Ms. Ash clarified for a Commissioner that unclaimed funds are added to the payment assistance fund.

Commissioner Steed moved that the Water Commission recommend City Council approve to support the Income-Qualified Assistance Program becoming an adopted Utility program.

Commissioner Tarry seconded the motion.

Vote on the Motion: it passed, 5-1

Commissioner Primsky opposed the motion as the program may continue to encourage people to be dependent on government programs and not be resourceful in other ways. He also opposed as there was no real detailed application that was specific to the program itself. He would like to add that there should be a robust review process, as ratepayers should not support participants who may practice irresponsible spending, especially by looking at the projected spending for the program.



Utilities Income-Qualified Assistance Program



Pilot Wrap-Up and Program Adoption Discussion

Heather Young, Sr. Community Engagement Manager

11-01-2022



Shannon Ash

Affordability Programs Manager



Colleen Bannon

Project Analyst



Matthew Netherby

Lead Rep, Customer Support

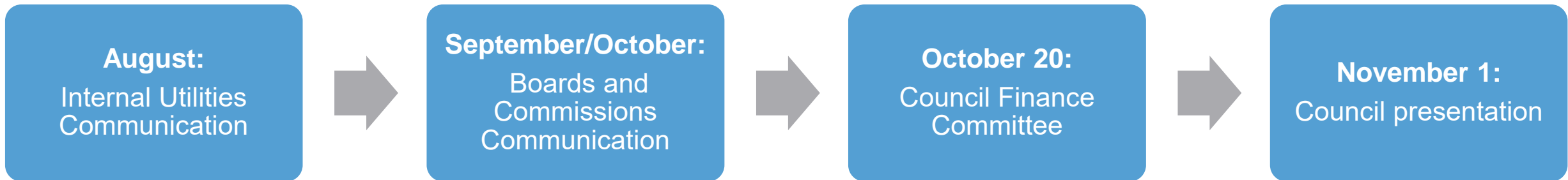


Heather Young

Community Engagement Manager

- Seeking Council approval to make the Income-Qualified Assistance Program (IQAP) an adopted program (yes, adopt ordinance or no, don't adopt)
- Follow up on existing program structure

2022 Timeline





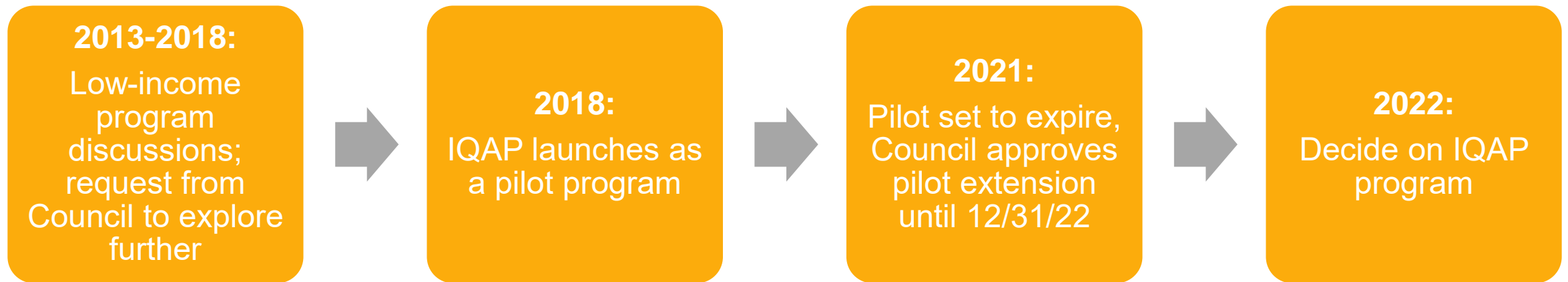
- **Neighborhood Livability and Social Health (NLSH) 1.3**
 - Improve accessibility of City and community programs to low- and moderate-income residents, and increase participation in services to eligible income-qualified residents.



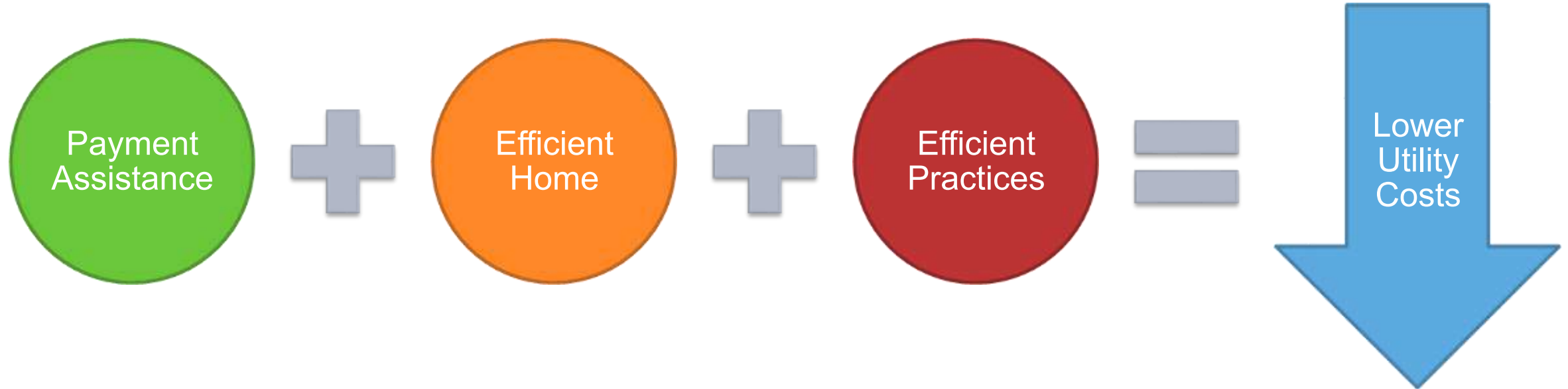
- **Our Climate Future**
 - Big Move 7 – Healthy Affordable Housing: Everyone has healthy, stable housing they can afford
 - Big Move 12 – 100% Renewable Energy: Everyone in the community receives affordable, reliable, 100% renewable electricity, including from local sources



Background



How we help income-qualified customers reduce utility costs:





Payment Assistance

Income-Qualified Assistance Program

~23% rate reduction on electric, water, and wastewater services

Customers are approved through the Low-income Energy Assistance Program (LEAP)

Customers are automatically enrolled/renewed in IQAP based on LEAP approval

Customers must be at 60% State Median Income or lower

Colorado State Median Income (60%) - 2022

Number in Household	Income Limit
1	\$33,109
2	\$43,297
3	\$53,484
4	\$63,672
5	\$73,860
6	\$84,047

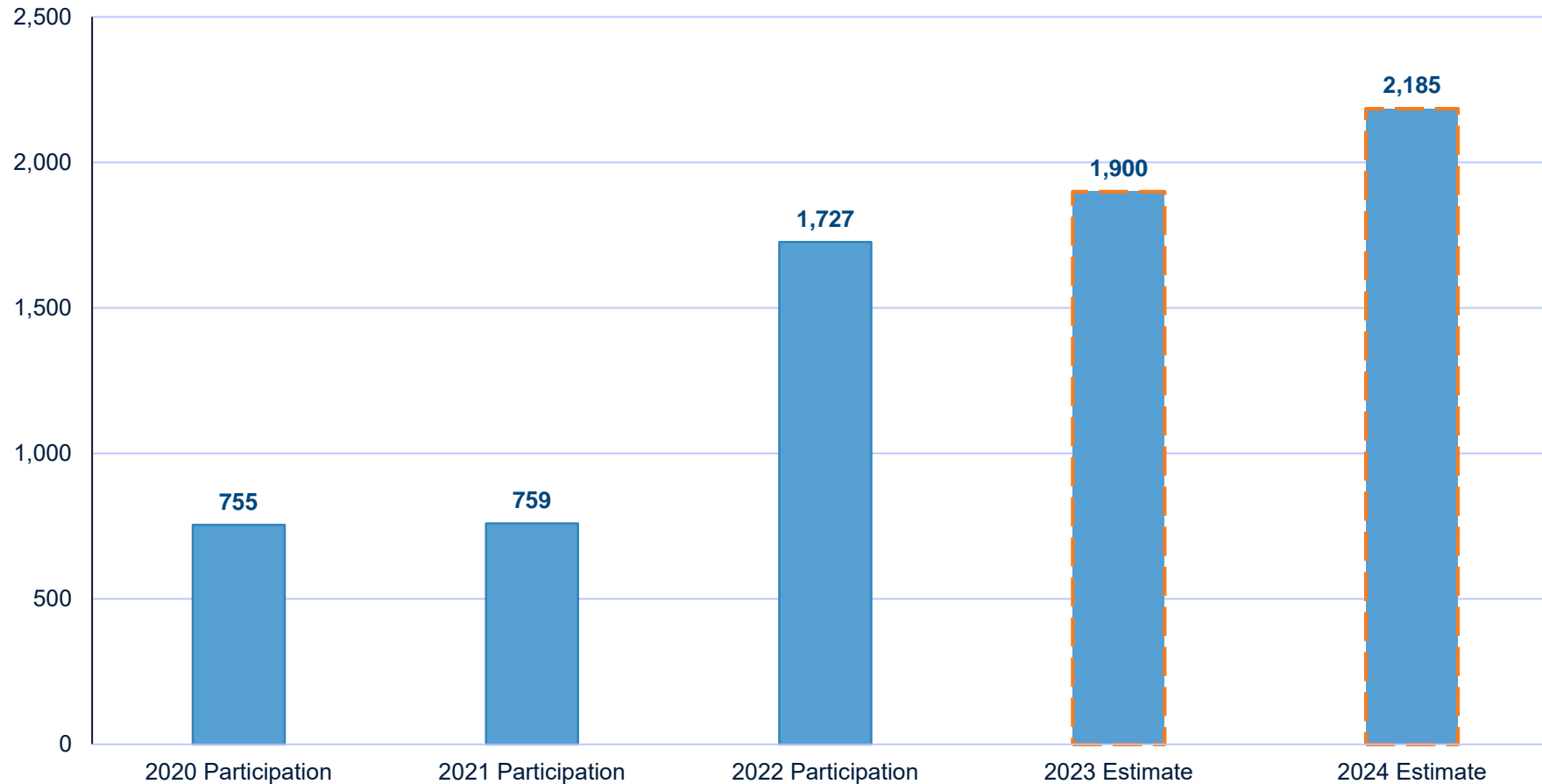
Larimer County Area Median Income (60%) - 2022

Number in Household	Income Limit
1	\$45,120
2	\$51,540
3	\$57,960
4	\$64,380
5	\$69,540
6	\$74,700

According to the 2020 Census, 16% of Fort Collins residents live in poverty.

[census.gov/quickfacts/fortcollinscitycolorado](https://www.census.gov/quickfacts/fortcollinscitycolorado)

IQAP Participants



- Assumes a 10% increase in program participation for 2023 and a 15% increase in 2024.
 - Estimated total reach is 10,000 households using a city-wide poverty rate of ~16%, based on 2021 Census Bureau data combined with controlling for the student population in Fort Collins (City Rebates Eval Report, 2019).
- present, there are nearly 70,000 households in our electric service area.

- **Engagement**
 - Monthly Utilities Insights newsletter
 - Customer surveys
 - Direct customer engagement at events and through targeted outreach
 - Participation in efficiency programs
- **Outreach**
 - Increased outreach for the 2022-2023 LEAP season. Events planned at the following:
 - La Familia
 - CSU (staff and off-campus students)
 - Northside Aztlan Community Center
 - Senior Center
 - Old Town Library
 - CARE Housing

September 2022 | Issue 9

UTILITIES INSIGHTS

Small changes. Big Differences

City of Fort Collins Utilities

Monthly newsletter for Fort Collins Utilities customers with tips to save energy and water to lower utility bills.

Renters can reduce energy use, too! Whether you own or rent, these tips will help you save.

LAUNDRY

Switch from hot to warm water when using your washing machine. This alone can cut energy use in half! Switch to cold water to save even more.

UPGRADES

Receive free energy efficiency upgrades: Both you and your landlord fill out applications.

- CO Affordable Residential Energy: fcgov.com/CARE
- Weatherization Assistance Program: fcgov.com/WAP

WATER HEATER

Turn the water heater temperature down to 120°, as recommended by the Department of Energy. For most household water heaters, this switch can save between \$30 and \$60 per year.

TRACK USE

Sign up for My Energy to track energy use, find new ways to save, and earn rewards that can be used in stores. Learn more: fcgov.com/portals

*Turn off your sprinkler system by **Oct. 1!***
Take the pledge at fcgov.com/off.

Winterize your system a little earlier than normal this fall. Lawns will come back healthy and green in the spring.

Eligible residential Fort Collins Utilities water customers who pledge and turn off their sprinklers will be entered into a drawing for **\$50 off your water bill!**

fcgov.com/UAAP | utilitiesaffordability@fcgov.com | 970-212-2900
 Auxiliary aids and services are available for persons with disabilities, V/TCO 711

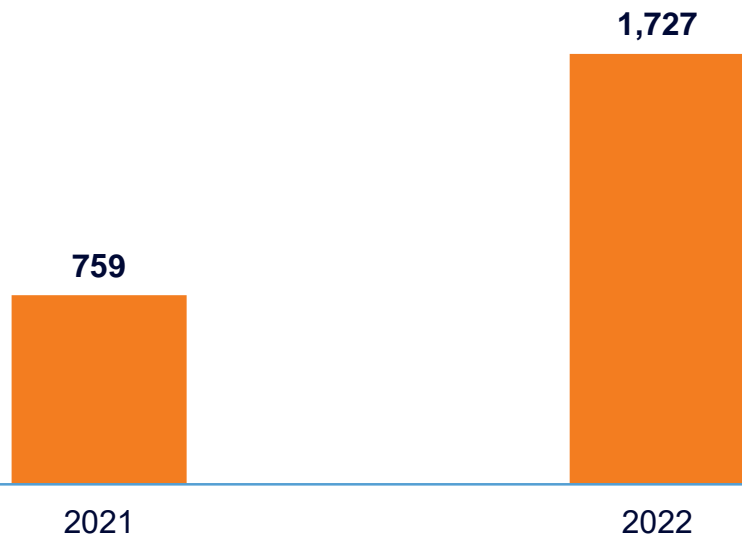


Program Update

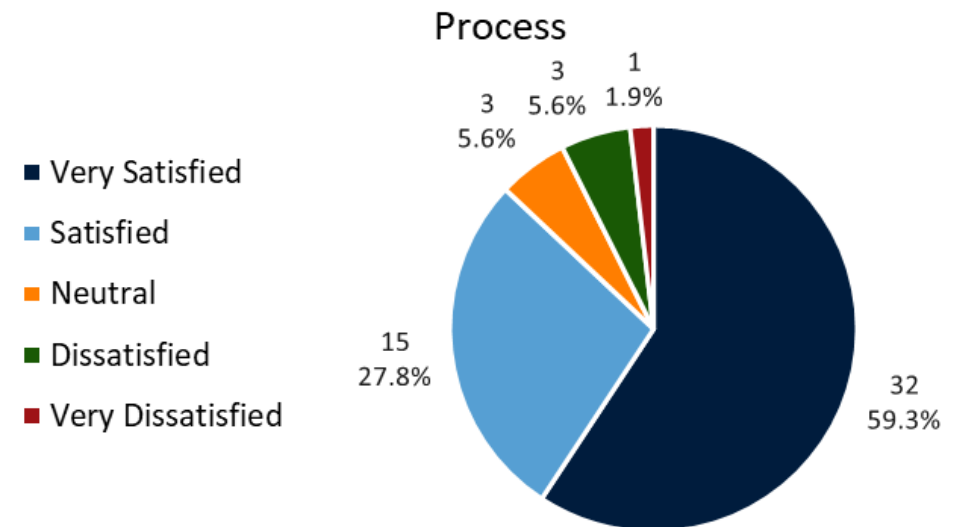
**In 2021, we removed the IQAP application.
Now, customers enroll in LEAP and staff enrolls them in IQAP.**

- Enrollment has increased 128%
- One less application for customers to fill out
- Less staff time to process
- 87% of auto-enroll customers are satisfied or very satisfied in the ease of auto-enrollment

Average IQAP Participation

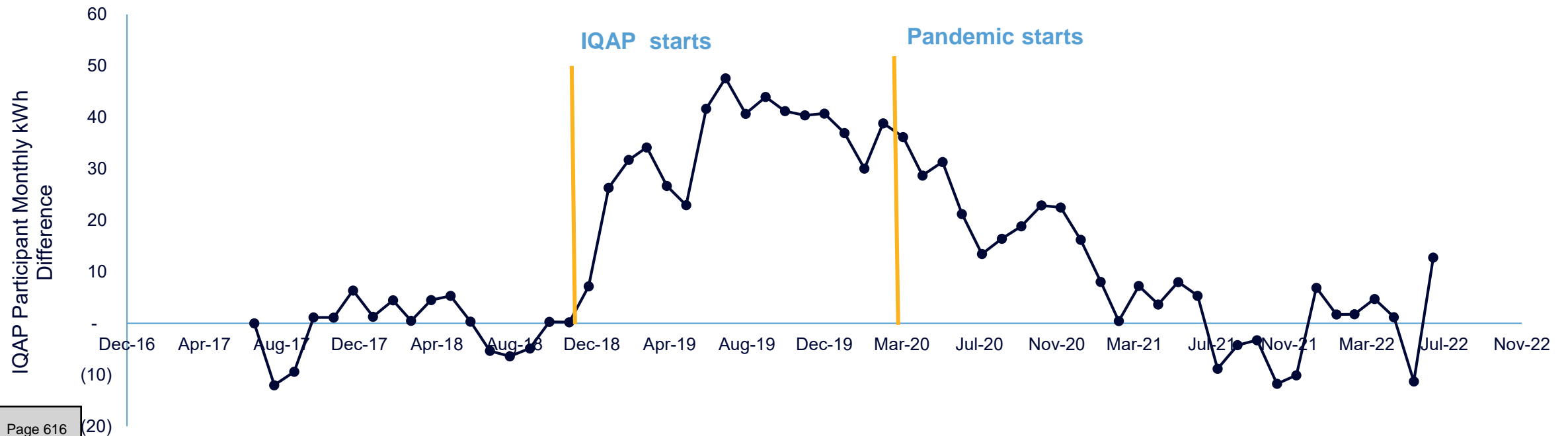


Level of Satisfaction with IQAP Auto-Enrollment Process



Energy Use Analysis

- Energy use from auto-enroll IQAP participants initially increased by 2.9% on average (220 kWh/year).
- This increase likely reflects that households are no longer as worried about paying their energy bills and are choosing to keep their homes at a more comfortable temperature.
- By year three of enrollment, both IQAP and non-IQAP participants had similar energy use.



Customer Survey

Every year, participants in IQAP are offered an opportunity to complete a program survey. Participants are asked questions such as, “What has been the biggest benefit of receiving the IQAP utility bill discount?” and, “Is there anything you would like to change about the Income-Qualified Assistance Program?”

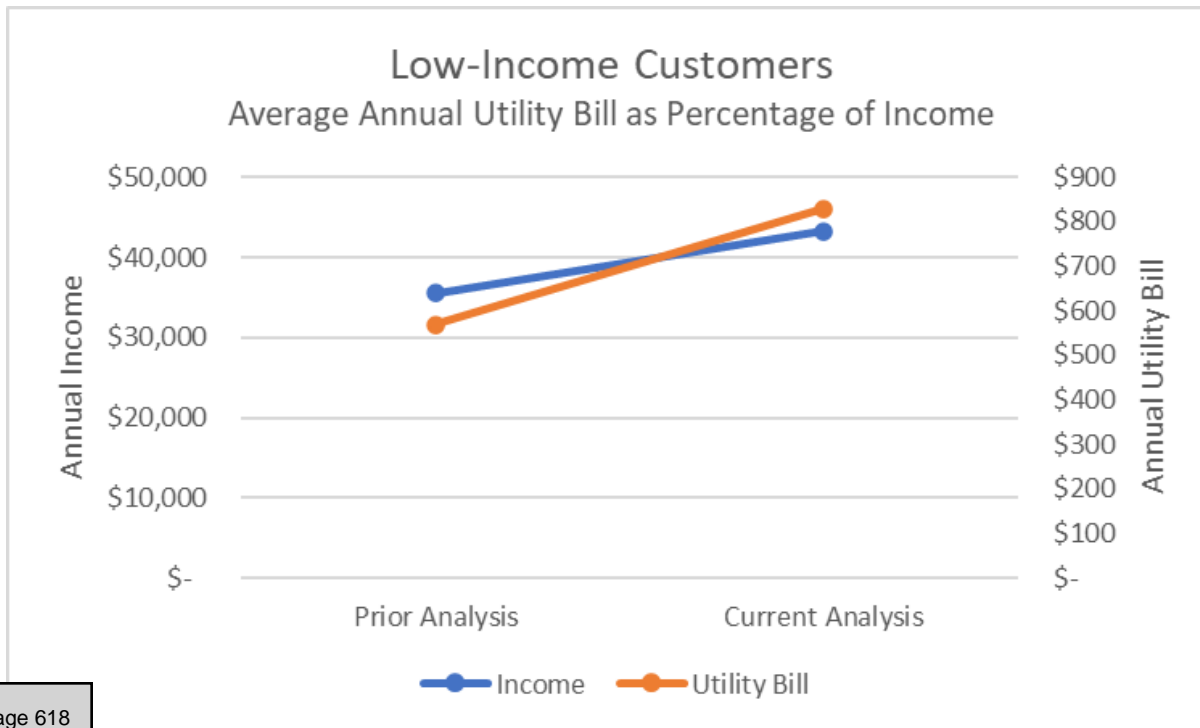
Benefit responses included:

- increased quality of life
- being able to save money for other expenses
- decreased stress with paying bills
- being educated on ways to conserve energy
- budgeting on a fixed income

When asked about changes they would like to see to the program, a larger discount was listed repeatedly.

"The IQAP program is an integral and essential part of our lives. Being on a fixed income is difficult and this program makes it easier to continue to live in this beautiful city we have called home for many decades. We use the money we save each month to buy essentials such as food, insurance, fuel, clothing, shoes. We do not waste it or spend it frivolously. Thank you for offering the IQAP."

- In 2021, Council requested that we evaluate whether a 23% rate reduction is still sufficient
 - Methodology: Aim for low-income customers to spend a similar percentage on utilities as someone who makes 100% of area median income
 - Takes LEAP benefit and gas bills into consideration
- Recommendation: Increase rate reduction to 25% moving forward, evaluate every 3-5 years



Why? Since 2018, utility bills have increased at a higher rate than income.

	23% rate reduction (current)	25% rate reduction (proposed)
Average annual discount/customer	\$220.50	\$240
Average annual Utilities cost*	\$392,000	\$415,000

**Based on 1,727 enrolled participants. Prior projections estimated that 2,000 customers would be enrolled during the pilot phase. Total cost is nominal (0.3% of \$138M), would minimally impact other Utilities customers.*

With a 25% rate reduction, customers would save an average of \$20/month on their Utilities bill.

Group	Outcome
Energy Board – June 25, Sept. 8	Supportive of this program
Affordable Housing Board – Oct. 6	Supportive of this program
Council Finance Committee – Oct. 20	TBD
Water Commission – Oct. 20	TBD



Question for Discussion

- Income disparity and energy inequity exists in our community. Contributing factors include race, ethnicity and low-quality housing.
 - “High energy burdens and energy insecurity are well-documented and pervasive national issues. Even in 2017, a time of economic prosperity, well over one-quarter of all U.S. households experienced a high energy burden.” (1)
- Additional factors:
 - Energy costs increase as we work towards carbon neutrality
 - Climate change = hotter temps = more energy use
- Utility costs continue to increase at a faster rate than income, locally and nationally.
 - Some customers are on fixed incomes, especially seniors.
 - Inflation means people have to spend more of their income on basic needs like utilities.
 - Without access to heating, cooling, and water, unpaid utility bills can have dire health impacts.
 - “It’s higher prices. It’s heat waves and increasing needs for energy.” (2)

- IQAP creates parity within the residential rate class as to the percentage of household income committed to utility bills, compensating for income differences between low-income customer and customers who earn 100% of AMI
- The nominal financial impact to Utilities by not recovering a portion of each participant's monthly utility bill is offset by administrative efficiency through:
 - Timely billing payment (i.e. customers regularly pay their remaining bill without Utilities engaging in collections or payment plans)
 - Increased participation in conservation programs, e.g., LCCC retrofits and/or CARE Program, that make low-income customer dwellings more efficient and reduce utility costs across the residential rate class
 - Extended reach of Utilities conservation and efficiency education that affects user habits in households that historically do not participate in these efforts
- Combined program education and incentives allows Utilities to pursue environmental goals more aggressively.

- Supporting low-income customers and providing energy equity aligns with the policies of Fort Collins Utilities and the City of Fort Collins.
 - As a municipal utility provider, we aim to offer equitable service to all customers, yet a significant portion of our customers are not receiving equitable service.
 - Utilities serve a unique role where we provide foundational services to community members, and, by offering these services at a reduced rate, we can ease some of the burden of this disparity.
- Future updates on the impact of this program would be included in rates and fees updates.



- Adopting the Income-Qualified Assistance Program:
 - Aligns with existing priorities.
 - Invests in our community – the total financial cost is small compared to the customer and community impact.
 - Would have minimal impact to future rate increases, given current and projected participation numbers and a 25% rate reduction.
 - Is a responsible use of rate payer dollars because IQAP builds on existing benefits through LEAP, leveraging this partnership to help share the cost.



- Should the Income-Qualified Assistance Program become an adopted Utilities program?
 - Yes, adopt ordinance
 - No



THANK YOU!





One-Time Payment Assistance

- Payment Assistance Fund
- Utilities Pandemic Assistance
- Neighbor to Neighbor Funding



Reduced Rates

- Income-Qualified Assistance Program
- Medical Assistance Program
- Digital Equity Rate



Retrofit Programs

- Larimer County Conservation Corps Water and Energy Program
- Colorado Affordable Residential Energy



Outreach

- Utilities Insights Newsletter
- Direct customer engagement
- Outreach to agencies



One-Time Payment Assistance

- Payment Assistance Fund

- Can receive funding once per season (Oct. 1 – Sept. 30)
- Bills must be past due
- 80% of Area Median Income
- Energy Outreach Colorado matches funds 1:1
- Contact partner agencies to receive funding:
 - Neighbor to Neighbor – 970-484-7498
 - Catholic Charities – 970-484-5010
 - La Familia/The Family Center – 970-221-1615
 - Discover Goodwill – 1-888-775-5327
 - CSU (students and staff only) – 970-491-8051

Funding source	Where to apply	Customers served	Number of customers served (2020/2021)	Amount distributed (2020/2021)	Average per customer	Utilities funds remaining
Utilities Pandemic Assistance	Fort Collins Utilities	Residential and commercial	647	\$296,386	\$458	\$466,712
Consolidated Appropriations Act	Neighbor to Neighbor	Residential, income-qualified, renters	898	\$261,734	\$291	?
Payment Assistance Fund – Energy Outreach Colorado	La Familia Neighbor to Neighbor Catholic Charities Discover Goodwill CSU	Residential, income-qualified	1,443	\$562,380	\$390	\$333,961
CARES Act	Fort Collins Utilities	Residential and commercial	1,423	\$575,910	\$405	\$0
Total			3,528	\$1.4 million	\$405.71	\$1.1 million



Reduced Rates

- Income-Qualified Assistance Program
- Medical Assistance Program
- Digital Equity Rate

Income-Qualified Assistance Program	Medical Assistance Program	Digital Equity Rate
Launched in 2018 with Time-of-Day electric rates	Launched in 2012	Launched with Connexion
~23% rate reduction	~23% rate reduction	\$19.95/month rate
<p>Qualifications:</p> <ul style="list-style-type: none"> • Approved through the Low-income Energy Assistance Program (LEAP) • Automatically enrolled/renewed in IQAP based on LEAP approval • 60% State Median Income 	<p>Qualifications:</p> <ul style="list-style-type: none"> • Medically necessary electric equipment or air conditioning • Physician certification • 60% Area Median Income 	<p>Qualifications:</p> <ul style="list-style-type: none"> • 60% Area Median Income



Retrofit Programs

<p>Larimer County Conservation Corps Water and Energy Program</p>	<p>Colorado Affordable Residential Energy</p>
<p>Basic inspection of home, appliances, windows, toilets and heating/cooling system</p>	<p>Comprehensive upgrades available for air sealing, insulation, HVAC, windows and appliances</p>
<p>Install efficiency measures</p>	<p>Assessment and efficiency measures installed</p>
<p>Partnership with Larimer County, Loveland utilities</p>	<p>Partnership with Energy Outreach Colorado, Xcel Energy, Platte River Power Authority</p>
<p>Annual program targets:</p> <ul style="list-style-type: none"> • 350 assessments • 175,000 kWh • 1.9M gal water 	<p>Annual program targets:</p> <ul style="list-style-type: none"> • 40 upgrades • 15,000 kWh

Welcome to **Get: FOCO!**

¡Bienvenido a **Get: FOCO!**

An all-in-one application to discounted services offered by the City of Fort Collins for income eligible residents.

- Discounted 1 Gig Internet but Not at Reduced Speed or Service
- An Annual Grocery Tax Rebate
- Reduced Fees for Recreation Programs and Access to City Facilities
- And more!

One application, multiple possible discounts!

Serving full-time residents of Fort Collins with a demonstrated financial need.



Se trata de una aplicación que permite obtener descuentos en los servicios que ofrece la ciudad de Fort Collins para los residentes con derecho a percibir ingresos.

- Internet de 1 Giga con descuento, pero sin reducir la velocidad ni el servicio
- Una rebaja anual del impuesto sobre los alimentos
- Tarifas reducidas para programas de ocio y acceso a las instalaciones de la ciudad
- ¡Y aún más!

¡Obtenga múltiples descuentos posibles con tan solo una aplicación!

Sirviendo a los residentes de Fort Collins de tiempo completo con necesidades financieras demostradas.

fcgov.com/getfoco



fcgov.com/getfoco

Charter Article XII, Sec. 6:

All net operating revenues of the city's utilities shall be held within the respective utility's fund and may be expended only for renewals, replacements, extraordinary repairs, extensions, improvements, enlargements and betterments to such utility, or other specific utility purpose determine by the Council to be beneficial to the ratepayers of said utility.

- When we avoid disconnecting a customer, the utility saves ~\$24/avoided disconnect in printing, mailing, and staff costs.

Process Step	Cost
Send disconnect notice (Printing and mailing)	\$0.60
Actual disconnect	\$6.06
Collect payment	\$5.15
Reconnect service once payment is made	\$6.06
Send customers to collections	\$6.06
Total cost	\$23.93

Low-Income Household Water Assistance Program (LIHWAP) provides funds to assist low-income households with water and wastewater bills.

- The City of Fort Collins is not able to participate in this program due to our current billing system.
- Funds are required to only be applied to the water portion of the customer's bill and our current system does not allow payments to be separated per service.
- A new billing system is in the RFP process and will hopefully include the ability to apply payments to specific utility services.

Colorado's LIHWAP, which began in November 2021, is a temporary, emergency program managed and operated at a state level by the Colorado Department of Public Health, where the state is responsible for processing benefit payments to water service providers. Colorado's LIHWAP provides a one-time benefit payment for a maximum benefit amount of \$2,000. To determine the benefit level, Colorado will consider the amount past due to continue service or the total amount to be paid to the water service vendor to re-establish water service by bringing the household debt balance to zero.

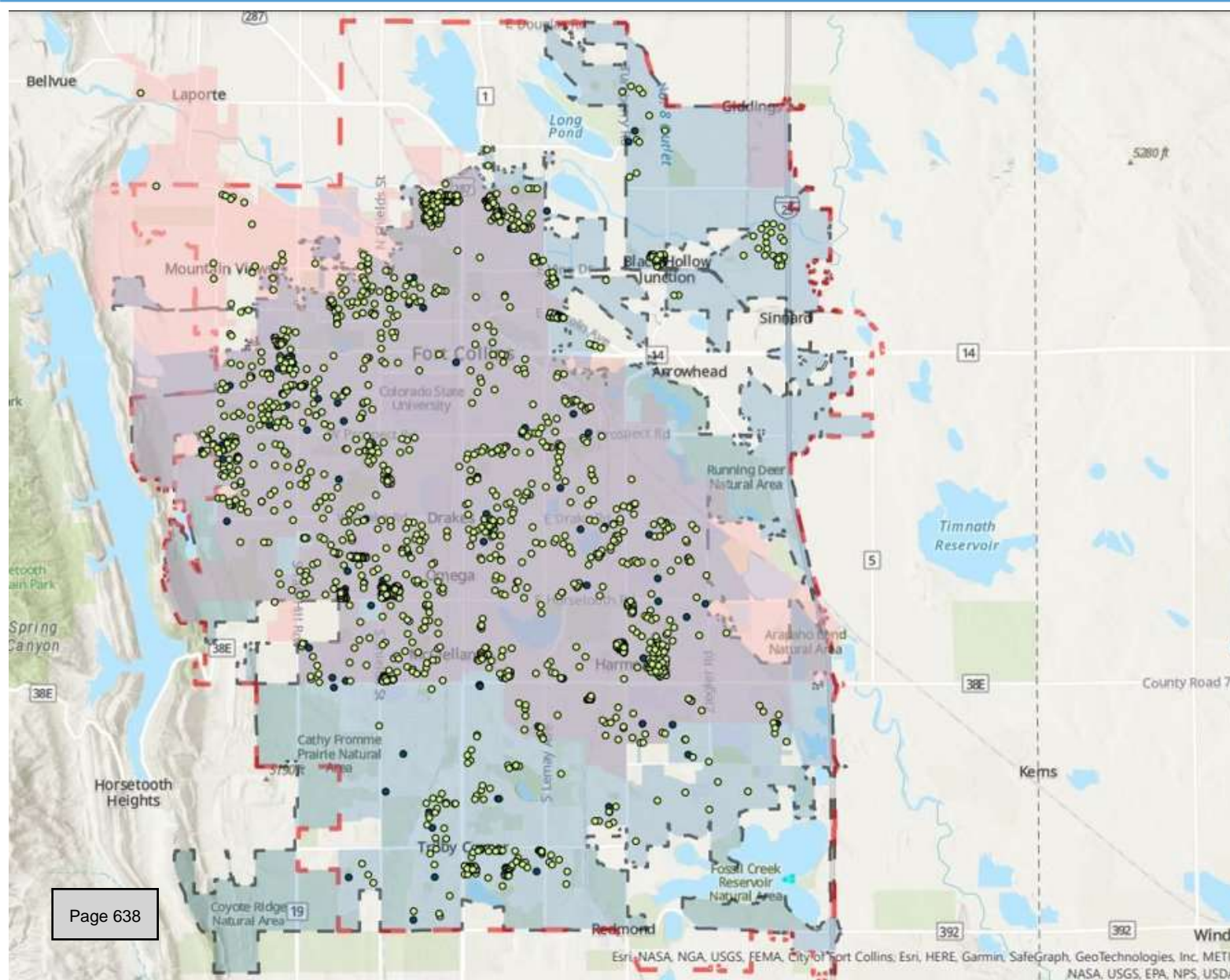
- Enrollment in IQAP provides a year-round discounted rate on water and wastewater.

The Low-income Energy Assistance Program (LEAP) program works to keep communities warm during the winter (November through April) by providing assistance for heating costs, equipment repair and/or replacement of inoperable heating tools. While the program is not intended to pay the entire cost of home heating, it aims to help alleviate some of the burdens that come with Colorado's colder months.

- The City of Fort Collins billing system does not allow for payments to be applied to specific portions of a customer's bill.
- Customers receive an EBT card in the mail for the benefit amount, withdraw the money from the card, and apply it to their bill.
- Customer Care and Technology is requesting to implement a system that would allow EBT cards to be processed as a form of payment.

Legend:

- Blue area: Light and Power service area
- Pink area: Water service area
- Purple area: Both Light and Power and Water service areas
- Green/yellow icons: IQAP customers
- Dark blue icons: MAP customers



For most mobile home parks in Fort Collins, the property manager/owner is the utility customer for water utilities such as stormwater, wastewater, and drinking water, and the resident is the customer for electric. In this case, a park will receive a bill from the utility company for the water services, which they may choose to then re-bill to residents or include these utilities as a part of the monthly rent. Residents that are electric customers will receive their own separate electricity bill from their provider.

If residents are charged individually for water, the following rules apply: Each month, property managers must provide water billing information for the entire mobile home park's monthly water bill, amount owed to the utility provider, and amount paid by park management. Property managers must also provide the formula used to calculate the amount each mobile home resident owes for water. No additional administrative fees for water utility billing are allowed.

If water is included in the rent as an amenity, there are currently no rules regarding transparency of water billing.

Fort Collins Utilities received \$469,000 from Platte River Power Authority and \$381,550 from the American Rescue Plan Act (ARPA) to directly support our customers in need as a result of the pandemic.

As of October 18, 2022, the following has been allocated:

Residential	Commercial
1033 customers	29 customers
\$398,390 total funding spent	\$41,488 total funding spent
\$386 - average per customer	\$1,431 - average per customer

A new program was developed to reach property managers, who will be able to apply for these funds to cover inactive accounts that have been unpaid.

The current PUC requirement on regulated public utilities is as follows: Utilities must offer a **Percentage of Income Payment Program (PIPP)** that is designed to ensure consumers are not paying more than six percent of their monthly income on electric and natural gas bills ...

The income threshold for eligibility for the program sits at 185 percent of the Federal Poverty Level, or 60 percent of the State Median Income. In Colorado, the State Median Income is \$100,760 for a four-member household, making that family qualified at \$60,456.

- Utilities sets rates and fees for each utility to cover the cost of service (electric, water, wastewater)
- Funding is set aside for operating and maintenance expenses.
- Instead of a rate cost, IQAP falls under operating and maintenance expenses.

November 1, 2022

AGENDA ITEM SUMMARY

City Council



STAFF

Noah Beals, Development Review Manager
 Meaghan Overton, Housing Manager
 Caryn Champine, Director of PDT
 Josh Birks, Deputy Sustainability Officer
 Paul Sizemore, Community Development and Neighborhood Services Director
 Beth Yonce, Social Sustainability Director
 Rebecca Everette, Planning Manager
 Brad Yatabe, Legal

SUBJECT

Items Relating to the Adoption of the Land Development Code.

EXECUTIVE SUMMARY

A. Second Reading of Ordinance No. 114, 2022, Repealing and Reenacting Section 29-1 of the Code of the City of Fort Collins to Adopt the Land Development Code and Separately Codifying the 1997 Land Use Code as "2022 Transitional Land Use Regulations".

B. Second Reading of Ordinance No. 115, 2022, Amending the Zoning Map of the City of Fort Collins to Rename all Neighborhood Conservation Low Density, Neighborhood Conservation Medium Density, and Neighborhood Conservation Buffer Zone District to the Old Town Zone District in Conjunction with the Adoption of the Land Development Code.

These Ordinances, adopted on First Reading on October 18, 2022 by a vote of 6-1 (Nay: Ohlson), consider adoption of changes to the City's Land Use Code including renaming to the Land Development Code. The Land Use Code (LUC) Phase 1 Update implements policy direction in City Plan, the Housing Strategic Plan, and the Our Climate Future Plan. Changes are intended to address one or more of the following Guiding Principles:

1. Increase overall housing capacity and calibrate market-feasible incentives for affordable housing
2. Enable more affordability, especially near high frequency transit and priority growth areas
3. Allow more diverse housing choices that fit in with the existing context and priority place types
4. Make the LUC easier to use and understand
5. Improve predictability of the development review process, especially for housing

In conjunction with adoption of the Land Development Code, a conforming change to the zoning map to rename the Neighborhood Conservation Low Density, Neighborhood Conservation Medium Density, and Neighborhood Conservation Buffer Zone District to the Old Town zone district is proposed by means of a rezoning.

At first reading, Council directed that “2022” be added to the term “Transitional Land Use Regulations” to avoid possible confusion with the previous Transitional Land Use Regulations utilized when the Land Use Code was adopted in 1997.

If adopted by Council, staff recommends that the proposed LUC changes and renaming to the Old Town zone district take effect on January 1, 2023.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinances on Second Reading.

BACKGROUND / DISCUSSION

In March 2021, in conjunction with the adoption of the Housing Strategic Plan (HSP), Council unanimously approved an off-cycle appropriation to fund updates to the City’s land use regulations as codified in the Land Use Code (LUC). These updates are focused on reorganization of the LUC to improve usability and clarity and on housing-related changes. A public review draft of the proposed LUC changes has been available since August 2022, and this hearing is the First Reading of an Ordinance that would adopt the proposed LUC changes, including renaming the LUC to the Land Development Code.

Project Overview

The LUC Phase 1 project began in summer 2021. The consultant team selected to support this work includes Metta Urban Design (lead consultant), Peter J. Park City Planning and Design, Cascadia Partners, and Equity Policy Solutions. Over the last 15 months, the project team has approached the LUC updates systematically to ensure that proposed changes align with and advance community and City goals. Community engagement throughout the project provided regular updates and opportunities to consult with members of the public. The diagram below summarizes the LUC update process. Hundreds of pages of policies were synthesized, confirmed, and summarized into five guiding principles that then informed the Diagnostic Report, Drafting Approach, and Proposed LUC Revisions.



Key milestones are briefly summarized below, with a more thorough overview of public engagement in the “Public Outreach” section of this AIS. In addition, the November 2021, February 2022, and June 2022 Work Session materials provide additional detail.

Policy Analysis and Synthesis (July-October 2021): The LUC is the City’s primary regulatory tool for implementing the community’s vision as described in various policies and adopted plans. It was critical to establish a clear understanding of the relationship between the City’s policy priorities and the current LUC early in the process. The City has over 300 pages of adopted policies and information that have informed the LUC Updates that primarily come from the following documents:

- Housing Strategic Plan (HSP)
- City Plan
- Our Climate Future (OCF)
- Transit Master Plan
- Land Use Code Audit (identified opportunities to align with the newly-adopted City Plan)
- Council Priorities (affordable and achievable housing strategies; 15-minute communities)

These documents serve as primary inputs, which were augmented by a series of interviews with City Council and Planning and Zoning Commission Members held in July 2021. Questions focused on the primary policy documents, and the discussions helped inform the project team about policies most relevant to the LUC Code Updates. Community engagement opportunities for the public during this phase of the project included a series of four informational sessions about the LUC update project.

Guiding Principles (November 2021): The LUC Phase 1 update has been informed throughout by five guiding principles, originally presented to Council at the November 9, 2021 Work Session:

1. Increase overall housing capacity and calibrate market-feasible incentives for Affordable housing
2. Enable more affordability, especially near high frequency transit and priority growth areas
3. Allow more diverse housing choices that fit in with the existing context and priority place types
4. Make the LUC easier to use and understand
5. Improve predictability of the development review process, especially for housing

Creating a more equitable code was also a critical priority for the LUC Phase 1 work and has been integrated into each of the guiding principles. An Equity and Opportunity Assessment (EOA) was prepared as a parallel effort to the LUC Phase 1 project and shared with Council in December 2021. Additional equity analysis of the specific proposed code changes has been included in Attachment 2 and Attachment 3. Community engagement opportunities for the public during this phase of the project included three input sessions hosted by the Center for Public Deliberation to gather input on the types of code changes that could best implement the City’s adopted policies and the guiding principles.

Diagnostic Report (January 2022): At its February 8 Work Session, Council reviewed the [LUC Phase 1 Diagnostic Report](#). The Diagnostic Report was completed to identify existing regulatory barriers to housing capacity, affordability, and choice, and outline key findings and recommendations to guide the development of draft LUC language. The Diagnostic Report is centered around the *place types* identified in City Plan. The project team analyzed each place type and conducted pro forma (development) analyses for a range of different prototypes to determine potential future housing capacity, estimate a place type’s affordability range, and identify barriers to housing choice, capacity, and affordability.

Findings from the Diagnostic Report suggested several areas of potential improvement, noting that the current LUC: 1) does not support future Priority Place Types; 2) limits housing capacity; 3) does not prioritize housing capacity, diversity, or affordability along transit corridors; and 4) is difficult to use. Presentations of the Diagnostic Report findings to Boards, Commissions, and community groups and briefing meetings with City Council were key engagement activities during this phase. The Diagnostic

Report also included 15 specific recommendations to address the key findings that Council reviewed in a three-hour work session in June 2022.

LUC Drafting (March-July 2022): This phase of the project was primarily internal as the project team drafted LUC language to address the recommendations in the Diagnostic Report. A thorough legal review of the draft LUC was also completed prior to release of a Public Review Draft in August 2022. To inform both Council and the community about the draft LUC and related engagement opportunities, a memorandum and press release were prepared. An in-depth article in the Coloradoan also summarized work on the LUC Phase 1 updates in June 2022.

Public Review Draft (August-October 2022): A Public Review Draft was posted in August 2022 to the project website (<https://www.fcgov.com/housing/lucupdates>), and the project team has been seeking community input on the proposed changes prior to Council consideration of adoption. A series of four workshops on the proposed LUC changes, 6-10 hours a week of one-on-one office hour meetings (in-person or virtual), Board and Commission presentations, and multiple avenues for members of the public to provide comment have all been available during the public review period. Staff will present a number of additional recommended changes to the Public Review Draft for Council consideration based on input received during this phase.

Proposed LUC Changes: Public Review Draft

The remainder of this AIS describes the proposed code changes contained in the Public Review Draft and recommends several additional changes Council may consider incorporating into the LUC between First and Second Reading. The summary of proposed changes is organized based on the Guiding Principles the changes are intended to support. Specific recommendations from the Diagnostic Report are also included for reference.

Principle: Make the LUC easier to use and understand. The project team has heard from many different groups that the code is hard to understand, inaccessible and cumbersome to navigate. The intent of the proposed LUC reorganization changes is to make the LUC easier to use and understand for all users, including neighbors, customers, staff, decision-makers, and others. These improvements will provide benefits to users by making it easier to understand what is allowed, what can be built, and what can change in a neighborhood. These improvements will also provide common understanding and clarity to users engaged in decision making.

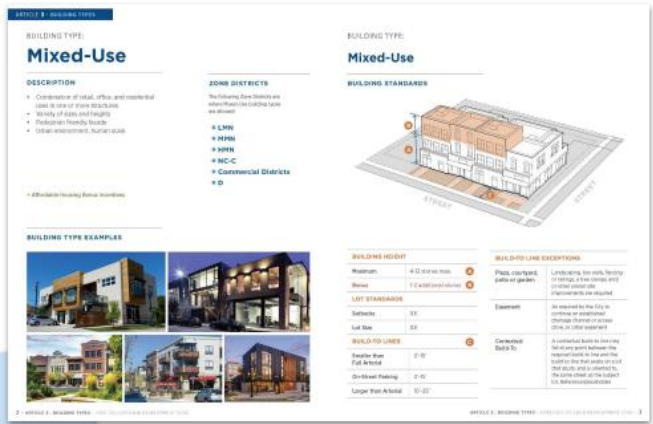
Improvements proposed include:

- Consistent, graphic approach to communicate land use standards
- Change name from “Land Use Code” to “Land Development Code” (Recommendation 14)
- Reorganize content so the most used information is first in the Land Development Code
- Reformat all zone districts to use consistent graphics, tables, lists, and illustrations (Recommendation 12)
- Create a new article (Article 3 – Building Types) to consolidate form standards in one place and develop consistent graphic templates (Recommendation 11)
- Create a new article (Article 4 – Use Standards) to consolidate use standards in one place and reformat into a clear and comprehensive Land Use Table (Recommendation 13)
- Update definitions and rules of measurement for consistency; remove duplicative definitions; consolidate all rules of measurement in Article 7 – Rules of Measurement and Definitions (Recommendation 13)
- Rename some zones and create subdistricts (ex: Neighborhood Conservation District) to improve usability and consolidate similar standards (Recommendation 15)

strations

ypes

ards
ultiple



Principle: Allow more diverse housing choices. The Diagnostic Report suggests that the current LUC does not provide a clear, context-specific framework for infill and redevelopment. Rather, the LUC has many standards that assume a “greenfield” or undeveloped site. This can create challenges for compatibility, as most of the land in the city has already been developed. Additionally, there are very few types of housing that can be approved through a Basic Development Review (BDR) process. Constrained choices for housing contribute to limited housing supply and does not meet the needs of the variety of household types in our community, both today and in the future.

Improvements proposed include:

- Allow Accessory Dwelling Units (ADUs) in all residential and mixed-use zones. Add “cottage court” as a housing type allowed in most residential zones. (Recommendation 1)
- Create a menu of building types and standards that apply to all proposed development. Form standards will be illustrated for ease of use and include (but are not limited to) building height, lot dimensions, massing and articulation, and build-to lines. (Recommendation 1)
- Update the Land Use Table to permit residential developments through a BDR process. (Recommendation 1)
- Adjust standards to enable more small-lot infill development and develop form-based standards to guide compatibility more effectively. (Recommendation 2)
 - In the historic core (Old Town/Neighborhood Conservation Districts):
 - Set a floor area maximum of 2,000 square feet for single-unit detached homes
 - Reduce minimum lot sizes from 6,000 square feet to 4,500 square feet for single-unit detached dwellings; permit multi-unit “missing middle” housing types on lots 6,000 square feet or larger

- Allow “missing middle” housing types including duplex, cottage court, and apartment (triplex and fourplex)
- Allow additional units through affordable housing incentives
- Outside the historic core:
 - Allow “missing middle” housing types including duplex, cottage court, and apartment (triplex and fourplex)
 - Allow additional units through affordable housing incentives
 - ◆ Consolidate duplicative standards
 - ◆ Reduce required setbacks where feasible to allow small-lot infill development (ex: corner lots)
- Update use standards, rules of measurement, and definitions to align with new building types and standards. (Recommendation 3)
 - Define new terms and rules of measurement (ex: detached accessory structure, cottage court, bulk plane)
 - Remove unneeded or duplicative definitions
- Address conflicts with private housing covenants and the City regulations designed to implement adopting housing policies.




Principle: Increase overall housing capacity. Similar to the challenges created by limited housing choices, current regulations constrain housing capacity in certain areas of the City. As a result, the inventory of housing options is not keeping pace with demand. To ensure that Fort Collins has sufficient housing capacity to meet our community’s needs now and into the future, recommendations in the Diagnostic Report suggests several improvements to the ways the LUC currently regulates housing development.

Improvements proposed include:

- Target increases in housing capacity to zones in transit corridors and zones with the greatest amount of buildable land (Recommendation 8)
- Increase maximum density in the LMN zone from 9 to 12 dwelling units per acre (Recommendations 4, 5, and 8)
- Reduce parking requirements for studio, one- and two-bedroom units in multi-unit developments (Recommendations 4, 9, and 10)
- Regulate building size through maximum floor area and form standards instead of units per building (Recommendation 5)
- Regulate density through form standards and building types instead of dwelling units per acre (Recommendation 5)

If Council adopts the housing capacity changes proposed, staff estimates that overall housing capacity will increase by about 53% overall, and by about 63% within a 5-minute walk of current and future transit corridors.

HOUSING CAPACITY REPORT CARD

PERFORMANCE METRIC	EXISTING CODE	PROPOSED CODE	% CHANGE
 Total Housing Capacity Estimated number of units possible to build under zoning standards	25,959 dwelling units	39,725 dwelling units	↑ 53%
 Housing Capacity as Percent of Projected 20-Year Housing Need Estimated capacity compared to total projected housing demand through 2040. ¹	85% of 30,480 units	130% of 30,480 units	
 Housing Capacity in Transit Corridors Estimated number of units possible to build under zoning standards within 5 minute walk of existing and future transit corridors.	5,104 dwelling units	8,299 dwelling units	↑ 63%




Principle: Calibrate market-feasible incentives for affordable housing. The current LUC provides limited incentives for affordable housing development. To encourage production of affordable housing and align with community needs identified in the Housing Strategic Plan, the Diagnostic Report recommended development of more effective incentives for deed-restricted affordable housing. After conducting pro forma and market analyses, significant improvements to affordable housing incentives have been calibrated and proposed.

Improvements proposed include:

- Expand affordable housing incentives to most residential & mixed-use zones (Recommendations 6 and 9)
- Modify income criteria (currently 80% AMI) so incentives help address the most critical shortages in affordable rental (60% AMI or below) and ownership (100% AMI or below) (Recommendations 6 and 9)
- Raise the density bonus incentive in the LMN zone to increase the economic value of the incentive (Recommendations 6 and 9)
- Create height bonus and parking reduction incentives in higher density residential and mixed-use zones (Recommendations 6 and 9)
- Require 50-60 years of deed restriction instead of the current 20 years
- Continue to require a minimum 10% of units to be affordable for any development seeking incentives
- Update definitions for affordable housing, review for consistency. Staff proposes review of all affordable housing terms and definitions and creation of a new affordable housing section within Article 5 to consolidate incentives, definitions, and terms in one place. (Recommendation 7)

If Council adopts the housing affordability changes proposed, staff estimates that capacity for affordable units will increase by about 194%.

HOUSING AFFORDABILITY REPORT CARD

PERFORMANCE METRIC	EXISTING CODE	PROPOSED CODE	% CHANGE
 <p>Capacity for Affordable Units with Bonus Incentives Estimated number of deed-restricted affordable units possible to build if bonus incentives are used in all projects.</p>	1,590 dwelling units (LMN Zone)	4,677 dwelling units (multiple zones)	↑ 194%
 <p>Capacity as Percent of Affordable Rental Unit Shortage Estimated capacity compared to total estimated shortage of rental units affordable to households earning less than 60% of AMI.¹</p>	23% of 6,787 units	68% of 6,787 units	
 <p>Total Housing Capacity with Bonus Incentives Estimated number of total units (market rate and affordable) possible to build if bonus incentives are used in all projects.</p>	32,394 dwelling units	53,106 dwelling units	↑ 64%

Additional Recommended Changes: Between First and Second Reading

The following table outlines additional proposed changes since the Draft Land Development Code was released in early August, based on community and Board and Commission feedback. A compilation of public comments received to date has been included as Attachment 13.

Change #	Feedback	Public Review Draft	Recommendation	
			Staff	P&Z
Article 1				
1	Name change portrays pro-development stance and not preservation as well.	Name proposed to change to the Land Development Code	Change was intended to be inclusive of all that definition of development contains.	Proposed "Land Use and Development Code"
Article 2				
2	The proposed floor area allowance (2,000 sf) in OT zone is overly restrictive. Excludes larger lots from having a bigger house	Floor area for primary structure in OT zone limited to 2,000 sf	Supports 2,400 sf floor area for the primary building in the OT-A and OT-B	Supports 2,400 sf floor area for the primary building in the OT-A and OT-B

3	In the NCB Floor Area is not currently limited. In the new OT-C (name change from NCB) a limit of 2,000 or 2,400 is being proposed	Floor area for primary structure in OT zone limited to 2,000 sf	Consider increase in floor area allowance in OT zone for primary structure to 2,400 sf	Remove limit on primary structure size in the OT-C or permit larger structures on large lots as a % of lot size
4	A 10' setback in the HMN is too small, results in taller buildings shadowing the street	A 10' front setback is a change from the existing code 15' setback	Supports keeping the 15' front setback in the HMN zone district	Supports keeping the 15' front setback in the HMN zone district
5	The setback standard in the HMN zone district helps reduce the impact of taller buildings	A similar setback standard is required for all zone districts, but the existing setback was not included	Supports keeping the existing setback standard in the HMN zone district	Supports keeping the existing setback standard in the HMN zone district
6	Façade articulation wording appears to allow a building color change to count as significant change	This is existing language in the code that was carried over	Supports clarifying color change does not create required façade articulation	Supports clarifying color change does not create required façade articulation
Article 3				
7	The Row House allows parking in the rear of the building, but not clear if the parking can be visible from the public right of way	Parking spaces tucked under the building may still be visible.	Supports eliminating tuck under parking visible from the public right of way	Supports eliminating tuck under parking visible from the public right of way
8	Clarify that the cottage court building type not allow parking within the court.	The proposed code language and graphic shows required parking being behind the houses and not in court.	Supports clarifying parking is not allowed in the court	Supports clarifying parking is not allowed in the court
9	12' maximum driveway entrance in the RL zone district is small for a two-car driveway	The detached suburban house limits the width of a driveway entrance to 12'. This does not limit it from flaring out behind the sidewalk	Supports expanding the maximum driveway width to accommodate two-car driveway	Supports expanding the maximum driveway width to accommodate two-car driveway

10	Unclear if an Accessory Dwelling Unit (ADU) can be built over a garage	The proposed code does not prohibit a combined ADU and garage, but does not explicitly say it is a possibility	Supports clarifying ADU building type can be built with a garage	Supports clarifying ADU building type can be built with a garage
11	Consider allowing more than 45% of primary structure for detached ADUs. Current proposal penalizes those with small houses.	Detached ADU size is limited to 45% of the floor area of the primary structure or 1,000 sf, whichever is smaller	Allow a detached ADU of up to 600 sf. for primary houses that have 1,335 sf of floor area or less. All others must meet the 45% floor area requirement	Supports more floor area for an ADU accessory to smaller houses of 1,335 or less
12	Suggested another building type to highlight missing middle housing.	The proposed building type apartment covers everything from a 3 unit, 4 unit, 5 unit and more	Agreed exploring another building type in the next phase after seeing how the proposed code change is being used	Encourages exploring the benefits of adding another housing type between apartment and duplex
Article 4				
13	If ADUs are allowed in RL, why not duplexes?	Duplexes are not allowed in RL zone	Support creating the same list of uses in the OT-A district and the RL zone district	Support creating the same list of uses in the OT-A district and the RL zone district
14	In the NCB zone district the use Mixed-use dwelling is permitted, this should continue to be allowed in the OT-C	The proposed use table inadvertently did not include mixed-use dwelling in the OT-C	Supports correction to continue to allow mixed-use dwelling in the OT-C	Supports correction to continue to allow mixed-use dwelling in the OT-C
15	The proposed code moving Type 1 and Type 2 reviews for residential projects to a BDR, eliminates a public hearing	This change is part of the goals of this phase to reduce hurdles in the review process for residential projects. At the same time there is a concern that reduced public hearings may reduce neighborhood input	Support change to require a neighborhood meeting early in the BDR process and determine metrics for when a neighborhood meeting would be required. This will allow comments to be received and be addressed during the design process	Not supportive of all residential projects being moved to a BDR process. Supportive for council to direct city staff to adding metrics for requiring a public hearing

Article 5				
16	Extend deed restriction for affordable housing (50 years)	50-year deed restriction	Supports the increase deed restriction to 99 years	Supports the increase deed restriction to 99 years
17	Make the requirements for “substantially varied” building design clearer and more objective	No change from current code	Create table outlining options for meeting requirement for “substantial variation”	Supports the table created.
18	Will parking reductions create impacts to existing neighborhoods?	Incentive for both multi-unit and affordable housing developments include reduction in parking requirements	Would not recommend a change. Reductions were calibrated to create an incentive to provide additional dwellings and affordable dwellings	Encourage Council to consider the impacts of spill over parking vs. the need for additional dwelling units
Article 6				
No additional recommendations				
Article 7				
19	The way “floor area” is measured is very confusing	The new code reduced the number of times it appears but did not change from current code	Adjust measurement of floor area to improve clarity and consistency with new building types	Supports the clarification on how to measure floor area.

Staff plans to revise the Public Review Draft to incorporate revisions and changes after Council consideration at First Reading. The Code document will also be edited for grammar, clarity, and consistency.

The Draft Land Development Code proposes the renaming of the current Neighborhood Conservation Low Density, Neighborhood Conservation Medium Density, and Neighborhood Conservation Buffer zone districts to the Old Town zone district better align the zone district name with the character and purpose of the zoning. To accomplish the renaming, a rezoning ordinance is being presented to make conforming changes to the City’s zoning map.

CITY FINANCIAL IMPACTS

As with any regulatory change, additional work will be needed following adoption to align existing processes and procedures with updated LUC requirements. For this reason, staff recommends an effective date of January 1, 2023 for the proposed LUC changes. This implementation work will not require additional funding but will require utilization of existing staff capacity and departmental resources.

The LUC Phase 1 updates are focused on housing-related changes and LUC reorganization, and multiple phases will be required to update the entire LUC. Accordingly, staff is also planning a LUC Phase 2 update, which will address remaining issues in commercial, industrial, environmental and other areas and will also incorporate LUC changes that are not directly tied to housing. Staff has prepared a Budgeting for Outcomes (BFO) offer to fund the LUC Phase 2 project for the 2023-24 budget cycle.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

Three Boards and Commissions have provided formal recommendations and specific feedback on the draft Land Development Code for Council consideration, as follows:

- **Planning and Zoning (P&Z) Commission:** P&Z has visited with staff on a monthly basis throughout the development of the Draft Land Development Code. On September 28, 2022, P&Z adopted a recommendation in support (5-2 vote, Commissioners Haefele and Hogestad opposed the recommendation of approval) and a list of suggested edits to City Council (Attachment 4). At the same meeting, P&Z adopted a recommendation (6-1 vote, Commissioner Haefele opposed the recommendation of approval) that Council approve the renaming of the neighborhood conservation zone districts to the Old Town zone district to conform with the Land Development Code updates.
- **Affordable Housing Board:** The Affordable Housing Board has invited staff to present updates on the proposed LUC changes on a regular basis over the last year. At their October meeting, the Affordable Housing Board unanimously passed a recommendation to City Council to adopt the proposed LUC changes (Attachment 5).
- **Historic Preservation Commission (HPC):** Staff has presented progress on the LUC updates at several HPC work sessions. At their September hearing, the Historic Preservation Commission unanimously passed a recommendation to City Council to adopt the proposed LUC changes (Attachment 6).

Staff also met with the Economic Advisory Board (January 2022), the Youth Advisory Board (March 2022), the Transportation Board (July 2022), and the Natural Resources Advisory Board (August 2022) to provide project updates and ask for feedback on the proposed LUC changes.

PUBLIC OUTREACH

LUC updates are complex efforts that build on years of planning and community engagement work. Community members regularly identify housing affordability as a top priority for action in citywide engagement efforts, with changes to land use regulation frequently mentioned as an area for improvement.

Because the LUC is the City's one of the City's primary regulatory tools for implementing the community's vision, the LUC Phase 1 Update seeks to respond to high-priority community recommendations identified and described in multiple policies and adopted plans, including:

- City Plan (2019)
- Transit Master Plan (2019)
- Housing Strategic Plan (HSP, 2021)
- Our Climate Future (OCF, 2021)

These adopted plans were developed with input from thousands of residents beginning in 2018 with the launch of the City Plan update. The stories, voices, and priorities of community members shaped the City's adopted policy documents, and these policy documents have served as primary inputs to the proposed LUC changes. A brief summary of relevant engagement findings from previously adopted plans follows:

- *City Plan Engagement (2018-2019):* During the extensive engagement effort for the most recent update to City Plan - which included thousands of residents, more than 175 public events, and numerous Plan

Ambassador and Community Partner hours of small-group meetings - housing affordability was frequently mentioned as a high priority for the future of Fort Collins.

- City Plan kickoff (400+ participants) - “housing access” identified as highest priority focus
- Visioning (769 participants) - When asked what should be prioritized in the City Plan vision, “housing choices, attainability, and affordability” was most frequently mentioned
- Scenarios (1022 participants) - In general, 77.2% of respondents were open to “moderate” or “big” changes to improve housing attainability and provide more housing choices. Community members also supported a greater diversity of housing types in future neighborhoods (74.2%) and in existing neighborhoods (58.7%).
- *Home2Health and Housing Strategic Plan Engagement (2019-2021)*: Home2Health was a two-year, grant-funded project built around partnerships, community dialogue, and capacity building. Approximately 700 people participated over a two-year period. Areas of focus for the HSP identified in the Housing Strategic Plan Fall 2020 Engagement Report included housing equity, choice, creativity, and affordability.
- *Our Climate Future Engagement (2020-2021)*: Engagement for the Our Climate Future (OCF) Plan shaped the development of the plan’s “Big Moves” and “Next Moves.” Housing affordability and healthy housing were key themes in OCF engagement, leading to Big Move 7 – Healthy Affordable Housing. Land Use Code updates were included as one of the Next Moves for implementation to both address housing affordability and help reduce carbon emissions, increase community resilience, and advance more equitable solutions for all community members.
- *Community Survey Results (2021, 2022)*: In the most recent annual Community Survey (2022), housing affordability was the lowest rated characteristic of our community. Only 7% of respondents (620 total responses) rated the availability of affordable quality housing as ‘very good’ or ‘good,’ which is lower than both national and Front Range benchmark data. The 2021 Community Survey results were similar, with 8% of respondents (603 total responses) rating the availability of affordable quality housing as ‘very good’ or ‘good.’ The same survey also asked residents to identify one focus area the City should improve upon in the next few years, and 19% of respondents who provided a written answer cited housing affordability.

The policy and engagement foundation for the proposed LUC changes was further augmented by a 15-month public engagement strategy that sought to confirm the City’s policy direction and seek input from the community about how those policy priorities could be reflected in the draft LUC. A compilation of public comments and an engagement summary from the fall 2021 input sessions has been included as Attachment 13. Key engagement activities included:

- A series of four virtual information sessions in mid-October 2021 to explore housing and demographic trends, planning 101, housing capacity, and housing choice. Recordings of the information sessions are available for all residents to review at <https://www.fcgov.com/housing/lucupdates> and <https://www.fcgov.com/vivienda/usodesuelo>.
- Three community input sessions in late October/November 2021, in collaboration with the Center for Public Deliberation at CSU. Each session focused on a specific place type – suburban neighborhoods, neighborhoods with a mix of housing options, and mixed-use neighborhoods. Participants shared their experiences with housing in these different place types and identified potential changes to consider with LUC updates.
- Four workshops on the Public Review Draft in August, September, and October. The final workshop will be held between First and Second Reading. These sessions include an overview of the proposed changes, Q&A with community members, and opportunities to provide input.

- 6-10 hours per week of one-on-one office hour meetings with members of the project team from August-October 2022. These meetings can be in-person or virtual. Office hours are intended to provide a more casual environment for dialogue and exploration of the proposed code changes with community members who would like to dig deeper into the proposed LUC changes.
- For community members who are not able to engage in the workshops, office hours, or other engagement opportunities, an online comment form and a list of “Frequently Asked Questions” as well as recordings of public workshops are all available on the project website.

This effort has also been informed by two rounds of briefings with Councilmembers and Council work sessions in November 2021 and February 2022, as well as many presentations to Boards and Commissions and community groups. Groups engaged to date include, but are not limited to: Planning and Zoning Commission, Affordable Housing Board, Economic Advisory Board, Historic Preservation Commission, multiple affordable housing providers (e.g. Housing Catalyst, CARE housing, Habitat for Humanity, Neighbor to Neighbor), League of Women Voters, Healthy Larimer Committee, Partnership for Age-Friendly Communities, Fort Collins Chamber of Commerce, and a LUC Phase 1 working group of frequent LUC users who are advising staff on technical code items (see membership list in Attachments).

ATTACHMENTS

First Reading attachments not included.

1. Ordinance A for Consideration
2. Exhibit "A" to Ordinance A
3. Ordinance B for Consideration.pdf
4. Exhibit "A" to Ordinance B.pdf
5. Change 1: Article 1
6. Change 2: Article 2
7. Change 3: Article 2
8. Change 4 & 5: Article 2
9. Change 6: Article 2
10. Change 7: Article 3
11. Change 8: Article 3
12. Change 9: Article 3
13. Change 10 & 11: Article 3
14. Change 12: Article 3
15. Change 13 & 14: Article 4
16. Change 15: Article 5
17. Change 16: Article 5
18. Change 17 & 18: Article 7
19. Public Comment via Email
20. Presentation

ORDINANCE NO. 114, 2022
 OF THE COUNCIL OF THE CITY OF FORT COLLINS
 REPEALING AND REENACTING SECTION 29-1 OF THE CODE OF THE CITY OF
 FORT COLLINS TO ADOPT THE LAND DEVELOPMENT CODE AND
 SEPARATELY CODIFYING THE 1997 LAND USE CODE AS
 “2022 TRANSITIONAL LAND USE REGULATIONS”

WHEREAS, the City of Fort Collins, as a home-rule municipality, is authorized by Article XX, Section 6 of the Colorado Constitution, the provisions of state statutes, and its City Charter to develop and implement policies and ordinances regulating the development of land within the City; and

WHEREAS, on March 18, 1997, by adoption of Ordinance No. 51, 1997, the Council of the City of Fort Collins adopted the Land Use Code referred to in Section 29-1 of the City Code, which was subsequently amended and on December 2, 1997, by adoption of Ordinance No. 190, 1997 the City repealed the Land Use Code so adopted and reenacted the Land Use Code dated December 12, 1997 (referred to herein as the “1997 Land Use Code”); and

WHEREAS, since adoption of the 1997 Land Use Code, the City Council adopted Resolution 2019-048 on April 16, 2019 (later ratified by Ordinance No. 40, 2020) adopting a major update of the comprehensive master plan for the City and its additional components and elements such as the Master Street Plan, subarea plans (the “2019 City Plan”); and

WHEREAS, on March 2, 2021, by adoption of Ordinance No. 033, 2021, City Council adopted the Housing Strategic Plan as an element of the City’s comprehensive plan establishing a goal that all residents have healthy stable housing they can afford and listing 26 housing strategies proposed for implementation to progress toward that goal; and

WHEREAS, the City commissioned the Land Use Code Audit dated January 2020 to align the 1997 Land Use Code with adopted City plans and policies with a focus on housing-related changes, code organization, and equity; and

WHEREAS, changes to the 1997 Land Use Code to implement the 2019 City Plan and the Housing Strategic Plan goals of improving housing supply and affordability are desired; and

WHEREAS, in preparation for a future comprehensive review and rewrite (Phase Two) of the 1997 Land Use Code as contemplated in the 2019 City Plan, reorganization of the 1997 Land Use Code to consolidate standards, eliminate repetition, simplify language, and increase user-friendliness is also desired; and

WHEREAS, in light of the proposed changes to the 1997 Land Use Code, the anticipated continuing work in Phase Two, and to better describe its purpose, the code replacing the 1997 Land Use Code is known as the Land Development Code; and

WHEREAS, City staff has conducted extensive public outreach regarding the Land Development Code including conducting public meetings both remote and in person upon request while offering interpreting services during such meetings, making recordings of public meetings available, answering questions at advertised office hours and by email, maintaining a website with the latest information in the process, outreach to City boards and commissions including the Planning and Zoning Commission, Historic Preservation Commission, Transportation Board, Affordable Housing Board, Natural Resource Advisory, Youth Advisory Board, and multiple Council work sessions; and

WHEREAS, City Council has further determined that the 1997 Land Use Code shall be separately codified as the “2022 Transitional Land Use Regulations” and limited in their application to the review of pending land development applications submitted and determined to be complete and ready for review pursuant to Land Use Code Section 2.2.4 prior to the effective date of the Land Development Code as set forth in this Ordinance; and

WHEREAS, the new Land Development Code, effective January 1, 2023, will replace the 1997 Land Use Code in its entirety; and

WHEREAS, pursuant to City Charter, Article II, Section 7, City Council may enact any ordinance which adopts any code by reference in whole or in part provided that before adoption of such ordinance the Council shall hold a public hearing thereon and notice of the hearing shall be published twice in the newspaper of general circulation, published in the city, one (1) of such publications to be at least eight (8) days preceding the hearing and the other at least fifteen (15) days preceding the hearing; and

WHEREAS, in compliance with City Charter, Article II, Section 7, the City Clerk published in the *Fort Collins Coloradoan* such notice of hearing on October 2, 2022, and October 9, 2022, and

WHEREAS, the attached Exhibit "A" is a copy of the text of the Notice of Public Hearing that was so published and which the Council hereby finds meets the requirements of City Charter, Article II, Section 7; and

WHEREAS, pursuant to City Code Section 1- 14, at least one copy of the [Land Development Code](#) shall be kept on file in the office of the City Clerk available for public inspection, and one copy shall be kept in the office of the chief enforcement officer thereof; and

WHEREAS, on September 28, the Planning and Zoning Commission on a 5-2 vote recommended that City Council adopt the Land Development Code with certain recommended changes; and

WHEREAS, City Council has determined that adoption of the new Land Development Code is appropriate to accomplish the goals set forth above and is in the best interests of the residents of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That Section 29-1 of the Code of the City of Fort Collins is hereby repealed and reenacted to read as follows:

Sec. 29-1. - Cross reference to Land Development Code

Pursuant to the authority conferred by Article II, Section 7 of the Charter, there is hereby adopted by reference the Land Development Code, which shall have the same force and effect as though set forth herein. The Land Development Code may be used, as applicable, to support the implementation of the Code of the City of Fort Collins; and the Code of the City of Fort Collins may be used, as applicable, to support the implementation of the Land Development Code. One copy of the Land Development Code shall be kept on file in the office of the City Clerk and available for public inspection during regular business hours.

Section 3. That the 1997 Land Use Code is hereby repealed and separately codified as the “2022 Transitional Land Use Regulations” and shall be limited in their application to the review of pending land development applications submitted and determined to be complete and ready for review pursuant to Land Use Code Section 2.2.4 prior to the effective date of the Land Development Code as set forth in this Ordinance.

Section 4. That the Land Development Code shall be effective for all land development applications submitted on or after January 1, 2023.

Section 5. That references to the Land Use Code in the Code of the City of Fort Collins and City Council and administratively adopted policy, planning, regulatory, and other documents including, but not limited to, the 2019 City Plan, the Larimer County Urban Area Street Standards, the Stormwater Criteria Manual, Dust Prevention and Control Manual shall be interpreted to refer to the appropriate provisions of the Land Development Code until conforming changes can be made.

Section 6. That penalties for Land Development Code violations are set forth in Land Development Code Section 6.26.4 which states:

6.26.4 CRIMINAL AND CIVIL LIABILITY; PENALTIES

- (A) Except as otherwise specified in this Land Development Code, any person (including, without limitation, the developer of, owner of, or any person possessing, occupying or trespassing upon, any property which is subject to this Code, or any agent, lessee, employee, representative, successor or assign thereof) who violates this Code or who fails to comply with any of its requirements or who fails to comply with any orders made thereunder,

shall be guilty of a misdemeanor and upon conviction shall be subject to the penalties provided in Section 1-15 of the City Code. Each day that such a violation occurs shall constitute a separate offense. Nothing contained herein shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violations of this Land Development Code.

(B) An owner, property manager or occupant commits a civil infraction by violating any provision of Section 5.14.1 of this Land Development Code. Each day during which the limitation on the number of occupants is exceeded shall constitute a separate violation. A finding that such civil infraction has occurred shall subject the offender(s) to the penalty provisions of Section 1-15(f) of the Code of the City of Fort Collins and any or all of the following actions:

- (1) the imposition of a civil penalty of not less than five hundred dollars (\$500.00) and not more than one thousand dollars (\$1,000.00) for each violation;
- (2) an order to comply with any conditions reasonably calculated to ensure compliance with the provisions of Section 5.14.1 of this Land Development Code or with the terms and conditions of any permit or certificate granted by the City;
- (3) an injunction or abatement order; and/or
- (4) denial, suspension or revocation of any city permit or certificate relating to the dwelling unit.

Introduced, considered favorably on first reading and ordered published this 18th day of October, A.D. 2022, and to be presented for final passage on the 1st day of November, A.D. 2022.

Mayor

ATTEST:

Chief Deputy City Clerk

Passed and adopted on final reading this 1st day of November, A.D. 2022.

Mayor

ATTEST:

City Clerk

NOTICE OF PUBLIC HEARING

NOTICE is hereby given of a public hearing to be held before the Council of the City of Fort Collins, Colorado, on the 18th day of October, A.D., 2022 at 6:00 p.m., or as soon thereafter as the matter may come on for hearing, in the Council Chambers at the City Hall, 300 LaPorte Avenue, Fort Collins, Colorado for the purpose of considering the adoption of an ordinance that repeals the existing Land Use Code and adopts by reference the new *Land Development Code*.

Not less than one (1) copy of the new *Land Development Code* has been, and now is on file in the Office of the City Clerk of the City of Fort Collins and is available for public inspection.

The purpose of adopting the new *Land Development Code* by said ordinance is to protect the public health, safety and welfare of the City and its residents by updating the regulation of zoning and development of land within the City to support the adopted goals and policies in City Plan, the Housing Strategic Plan and other City Plan elements, and other Council adopted policy plans.

Individuals who wish to address Council via remote public participation can do so through Zoom at <https://zoom.us/j/98241416497>. (The link and instructions are also posted at www.fcgov.com/councilcomments.) Individuals participating in the Zoom session should watch the meeting through that site, and not via FCTV, due to the streaming delay and possible audio interference.

The City of Fort Collins will make reasonable accommodations for access to City services, programs and activities, and will make special communication arrangements for persons with disabilities. Please call (970) 221-6515 (V/TDD: Dial 711 for Relay Colorado) for assistance.

This notice is given and published by order of the City of Fort Collins, Colorado.

Dated this 2nd day of October, A.D. 2022.

Anissa Hollingshead
City Clerk

Upon request, the City of Fort Collins will provide language access services for individuals who have limited English proficiency, or auxiliary aids and services for individuals with disabilities, to access City services, programs and activities. Contact 970.221.6515 (V/TDD: Dial 711 for Relay Colorado) for assistance. Please provide 48 hours advance notice when possible.

A solicitud, la Ciudad de Fort Collins proporcionará servicios de acceso a idiomas para personas que no dominan el idioma inglés, o ayudas y servicios auxiliares para personas con discapacidad, para que puedan acceder a los servicios, programas y actividades de la Ciudad. Para asistencia, llame al 970.221.6515 (V/TDD: Marque 711 para Relay Colorado). Por favor proporcione 48 horas de aviso previo cuando sea posible.

ORDINANCE NO. 115 2022
 OF THE COUNCIL OF THE CITY OF FORT COLLINS
 AMENDING THE ZONING MAP OF THE CITY OF FORT COLLINS
 TO RENAME ALL NEIGHBORHOOD CONSERVATION LOW DENSITY,
 NEIGHBORHOOD CONSERVATION MEDIUM DENSITY, AND NEIGHBORHOOD
 CONSERVATION BUFFER ZONE DISTRICTS TO THE OLD TOWN ZONE DISTRICT IN
 CONJUNCTION WITH THE ADOPTION OF THE LAND DEVELOPMENT CODE

WHEREAS, the City is adopting the Land Development Code (“LDC”) to replace the Land Use Code that was originally adopted on December 2, 1997, via Ordinance 190, 1997; and

WHEREAS, the LDC will, among other changes, rename all existing Neighborhood Conservation Low Density (“N-C-L”), Neighborhood Conservation Medium Density (“N-C-M”), and Neighborhood Conservation Buffer (“N-C-B”) zone districts to become the Old Town (“OT”) zone district; and

WHEREAS, the renaming is to better align the purpose of the Old Town zone district under the LDC with its name to facilitate public understanding and use of the LDC; and

WHEREAS, the rezoning to effectuate the renaming will change only the name of the zone districts and will not affect the existing Sign District Map or Lighting Context Area Map designations within the zone districts being renamed; and

WHEREAS, whereas the existing N-C-L, N-C-M, and N-C-B zone districts are greater than 640 acres in size and pursuant to Land Use Code Section 2.9.4(H), any rezoning greater than 640 acres in size is a legislative rezoning committed to the legislative discretion of the City Council; and

WHEREAS, the City Planning and Zoning Commission, at its meeting on September 28, 2022, recommended on a 6-1 vote renaming the N-C-L, N-C-M, and N-C-B zone districts to become the OT zone district; and

WHEREAS, the required notice of this rezoning was published in the *Fort Collins Coloradoan* and the text of the notice is attached hereto as Exhibit “A”; and

WHEREAS, the City Council has determined that the proposed rezoning is consistent with the City’s Comprehensive Plan, better aligns the purpose of the zone district with its name under the LDC, and facilitates public understanding and use of the LDC; and

WHEREAS, City Council has considered the rezoning and finds it to be in the best interests of the City and has determined that the N-C-L, N-C-M, and N-C-B zone districts shall hereafter be renamed the Old Town (OT) zone district.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That the Zoning Map of the City of Fort Collins adopted pursuant to Section 1.3.2 of the Land Use Code of the City of Fort Collins, and referenced in LDC Section 6.1.2, is hereby changed and amended to rename all existing Neighborhood Conservation Low Density (N-C-L), Neighborhood Conservation Medium Density (N-C-M), and Neighborhood Conservation Buffer (N-C-B) zone districts to the Old Town (OT) zone district.

Section 3. That the existing Sign District Map and Lighting Context Area Map designations within the existing N-C-L, N-C-M, and N-C-B shall not be affected by the renaming to the OT zone district and shall remain in effect in the same locations within the OT zone district.

Section 4. That the renaming to the OT zone district set forth in this Ordinance shall not go into effect until the effective date of the Land Development Code.

Section 5. That the City Manager is hereby authorized and directed to amend said Zoning Map in accordance with this Ordinance.

Introduced, considered favorably on first reading and ordered published this 18th day of October, A.D. 2022, and to be presented for final passage on the 1st day of November, A.D. 2022.

Mayor

ATTEST:

Chief Deputy City Clerk

Passed and adopted on final reading this 1st Day of November, A.D. 2022.

Mayor

ATTEST:

City Clerk

NOTICE OF PUBLIC HEARING

NOTICE is hereby given that, on October 18, 2022, at 6:00 p.m., or as soon thereafter as the matter may come on for hearing in the Council Chambers in the City Hall, 300 LaPorte Avenue, Fort Collins, Colorado, the Fort Collins City Council will hold a public hearing on the rezoning to rename the existing Neighborhood Conservation Low Density (“N-C-L”), Neighborhood Conservation Medium Density (“N-C-M”), and Neighborhood Conservation Buffer (“N-C-B”) zone districts under the current Land Use Code to the Old Town Neighborhood (“OT”) zone district effective upon the effective date of the new Land Development Code. Because the combined area of the N-C-L, N-C-M, and N-C-B zone districts exceed 640 acres, this is a legislative rezoning pursuant to Land Use Code Division 2.9.

The City of Fort Collins will make reasonable accommodations for access to City services, programs and activities and will make special communication arrangements for persons with disabilities. Please call 970.221.6515 (TDD 224-6001) for assistance.

Dated this 2nd day of October, A.D. 2022.

Anissa Hollingshead
City Clerk

Upon request, the City of Fort Collins will provide language access services for individuals who have limited English proficiency, or auxiliary aids and services for individuals with disabilities, to access City services, programs and activities. Contact 970.221.6515 (V/TDD: Dial 711 for Relay Colorado) for assistance. Please provide 48 hours advance notice when possible.

A petición, la Ciudad de Fort Collins proporcionará servicios de acceso a idiomas para personas que no dominan el idioma inglés, o ayudas y servicios auxiliares para personas con discapacidad, para que puedan acceder a los servicios, programas y actividades de la Ciudad. Para asistencia, llame al 970.221.6515 (V/TDD: Marque 711 para Relay Colorado). Por favor proporcione 48 horas de aviso previo cuando sea posible.

- (N) Encouraging a wide variety of housing opportunities at various densities that are well-served by public transportation for people of all ages, abilities, and income levels to promote diversity.
- (O) Override all existing, or future contravening ~~contracts or restrictive private real estate~~ covenants that do not further the objectives of this Code, specifically regarding implementation of the City’s Housing Strategic Plan.

1.2.3 AUTHORITY

The City Council of the City of Fort Collins has the authority to adopt this Land Development Code pursuant to Article XX of the Colorado Constitution; Title 31, Article 2 of the Colorado Revised Statutes, the Charter of The City of Fort Collins, Colorado, and such other authorities and provisions as are established in the statutory and common law of the State of Colorado.

1.2.4 APPLICABILITY

The provisions of this Code shall apply to any and all development of land, as defined in Article 7 of this Code, within the municipal boundaries of the City, unless expressly and specifically exempted or provided otherwise in this Code. For example, this Code is meant to complement and not override or substitute for the requirements of Chapter 14 of the Code of the City of Fort Collins regarding landmarks. No development shall be undertaken without prior and proper approval or authorization pursuant to the terms of this Code. All development shall comply with the applicable terms, conditions, requirements, standards and procedures established in this Code.

Except as hereinafter provided, no building, structure or land shall be used and no building or structure or part thereof shall be erected, constructed, reconstructed, altered, repaired, moved or structurally altered except in conformance with the regulations herein specified for the district in which it is located, nor shall a yard, lot or open space be reduced in dimensions or area to an amount less than the minimum requirements set forth herein and all other applicable standards of the City or to an amount greater than the maximum requirements set forth herein and all other applicable standards of the City.

This Land Development Code establishes procedural and substantive rules for obtaining the necessary approval to develop land and construct buildings and structures. Development applications for overall development plans, project development plans, and final plans will be reviewed for compliance with the applicable development standards herein and all other applicable standards of the City. Building permit applications will also be reviewed for compliance with the applicable development standards and District Standards and all other applicable standards of the City and will be further reviewed for compliance with the approved final plan in which they are located.

This Land Development Code shall also apply to the use of land following development to the extent that the provisions of this Land Development Code can be reasonably and logically interpreted as having such ongoing application.

1.2.5 MINIMUM STANDARDS

The provisions of this Land Development Code are the minimum standards necessary to accomplish the purposes of this Land Development Code

DIVISION 1.3 LEGAL

1.3.1 RELATIONSHIP TO CODE OF THE CITY

This Land Development Code, although not a numbered Chapter of the Code of the City, is adopted by reference in Chapter 29 of the Code of the City and made part thereof, with the same legal significance as though it were a numbered Chapter. This Land Development Code may be used, as applicable, to support the implementation of the Code of the City; and the Code of the City may be used, as applicable, to support the implementation of this Land Development Code. Particularly, but without limitation, the provisions of Chapter 1 of the Code of the City are incorporated into this Land Development Code by reference.

1.3.2 CONFLICT BETWEEN LAND DEVELOPMENT CODE STANDARDS AND CONFLICT WITH OTHER LAWS

- (P) In the event of a conflict between a standard or requirement contained in Articles 2, 3, or 4 and a standard or requirement in Article 5, the standard or requirement in Article 2, 3, or 4 shall prevail to the extent of the conflict. In the event there is a conflict between standards or requirements contained in Article 2, 3, or 4, the more specific standard or requirement shall prevail to the extent of the conflict. If neither standard or requirement is more specific, the more stringent standard or requirement shall prevail to the extent of the conflict.
- (Q) In the event of conflicts not addressed in (A), if the provisions of this Land Development Code are internally conflicting or if they conflict with any other statute, code, local ordinance, resolution, regulation or other applicable Federal, State, or local law, the more specific standard, limitation or requirement shall govern or prevail to the extent of the conflict. If neither standard is more specific, then the more stringent standard, limitation or requirement shall govern or prevail to the extent of the conflict.

1.3.3 CONFLICTS WITH PRIVATE HOUSING ~~CONVENANTS~~ COVENANTS

No person shall create, cause to be created, enforce or seek to enforce any provision contained in any **contract** or restrictive covenant that has the effect of prohibiting or limiting the City's regulations to implement its housing policies, as supported by the Housing Strategic Plan, including but not limited to provisions that **are** in conflict with provisions in this Code for increased density, height and occupancy.

1.3.4 SEVERABILITY

It is the legislative intent of the City Council in adopting this Land Development Code that all provisions hereof shall be liberally construed to protect and preserve the peace, health, safety and general welfare of the inhabitants of the City. It is the further intent of the City Council that this Land Development Code shall stand, notwithstanding the invalidity of any part thereof, and that should any provision of this Land Development Code be held to be unconstitutional or invalid by a court or tribunal of competent jurisdiction, such holding shall not be construed as affecting the validity of any of the remaining provisions.

SECTION 2.1.6

OT-A

Old Town District, Low

PURPOSE

The Old Town District, Low (OT-A) subdistrict allows single-unit and accessory dwellings.

+ Affordable Housing Development Bonus Incentives

Triplexes are allowed as an Affordable Housing Bonus.



BUILDING TYPES

The following building types are permitted in the OT-A subdistrict:

BUILDING TYPES	UNITS	LOT AREA	FLOOR AREA
Detached House (Urban & Suburban)	1 max.	4500 ft ² min.	2,400 ft ² max.
Duplex	2 max.	4500 ft ² min.	40% of lot area max.
+ Apartment Bldg.	3 max.	4500 ft ² min.	40% of lot area max.
+ Rowhouse	3 max.	4500 ft ² min.	40% of lot area max.
Cottage Court	3 min.	9000 ft ² min.	See Section 3.1.3
ADU	1 max.	N/A	See Section 3.1.9
Detached Accessory Structure	See Section 3.1.8		

+ Affordable Housing Bonus Incentives

Refer to Building Types Article 3 and Use Standards Article 4 for specific definitions.

SECTION 2.1.6

OT-B

Old Town District, Medium

PURPOSE

The Old Town District, Medium (OT-B) subdistrict is intended to preserve the character of areas that have a predominance of developed single-unit and low- to medium-density multi-unit housing and have been given this designation in accordance with an adopted subarea plan.

+ Affordable Housing Development Bonus Incentives

Sixplexes are allowed as an Affordable Housing Bonus.



BUILDING TYPES

The following building types are permitted in the OT-B subdistrict:

BUILDING TYPES	UNITS	LOT AREA	FLOOR AREA
Detached House (Urban & Suburban)	1 max.	4500 ft ² min.	2,400 ft ² max.
Duplex	2 max.	4500 ft ² min.	40% of lot area max.
Apartment Building	5 max.	4500 ft ² min.	70% of lot area max.
+ Apartment Building	6 max.	4500 ft ² min.	85% of lot area max.
Rowhouse	2-3 max. + 4 max. + 5 max.	4500 ft ² min 6000 ft ² min 7500 ft ² min	40% of lot area max. 70% of lot area max. 70% of lot area max.
Cottage Court	3 min.	9000 ft ² min	See Section 3.1.3
ADu	1 max.	N/A	See Section 3.1.9
Detached Accessory Structure	See Section 3.1.8		

+ Affordable Housing Bonus Incentives

Refer to Building Types Article 3 and Use Standards Article 4 for specific definitions.

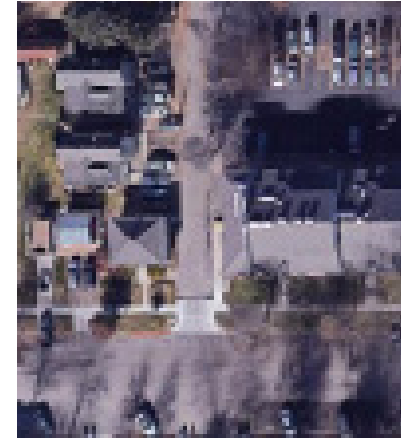
SECTION 2.1.6

OT-C

Old Town District, High

PURPOSE

The Old Town District, High (OT-C) subdistrict is intended for areas that are a transition between Downtown, the CSU campus, and adjacent neighborhoods. Intensive commercial-use areas or high traffic zones have been given this designation in accordance with an adopted subarea plan.



BUILDING TYPES

The following building types are permitted in the OT-C subdistrict:

BUILDING TYPES	UNITS	LOT AREA	FLOOR AREA
Detached House (Urban & Suburban)	1 max.	4500 ft ² min.	2,400 ft ² max.
Duplex	2 max.	4500 ft ² min.	No max.
Apartment Bldg.	3 min. to 6 max. Each Additional Unit	4500 ft ² min. & additional 750 ft ² min. for each unit greater than 3 units	No max.
Rowhouse	2 min. to 3 max.	4500 ft ² min.	No max.
	4 max.	6000 ft ² min.	No max.
	5 max.	7500 ft ² min.	No max.
Cottage Court	5 min.	9000 ft ² min.	See Section 3.1.3
Mixed-Use	3 min. to 6 max. Each Additional Unit	4500 ft ² min. & additional 750 ft ² min. for each unit greater than 3 units	No max.
ADU	1 max.	N/A	See Section 3.1.9
Detached Accessory Structure	See Section 3.1.8		

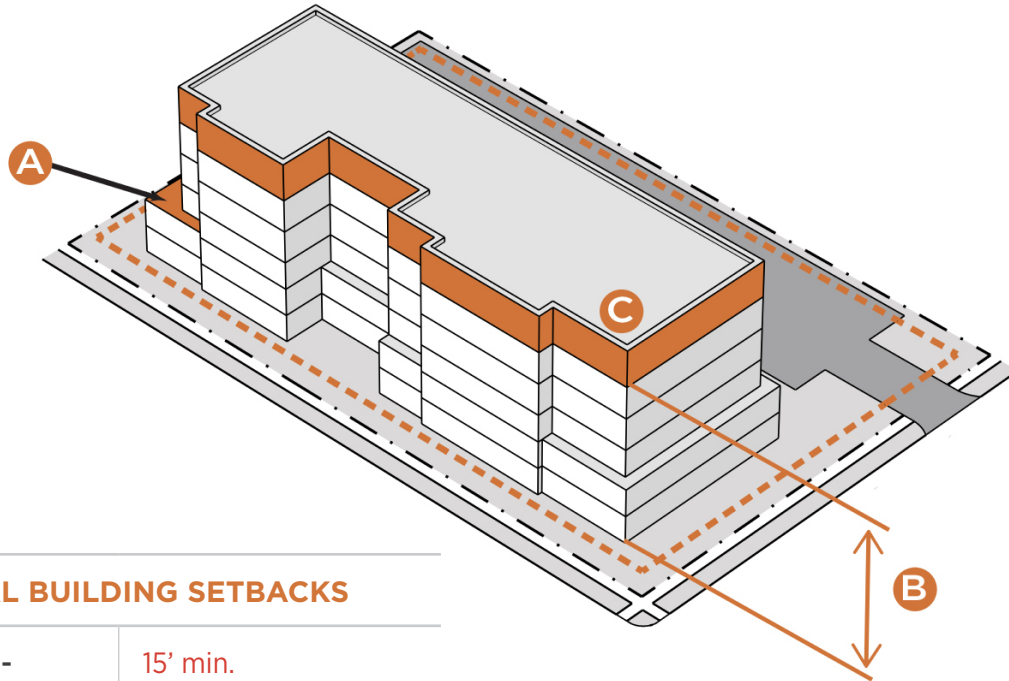
Refer to Building Types Article 3 and Use Standards Article 4 for specific definitions.

SECTION 2.2.3

HMN - High Density Mixed-Use Neighborhood District

DEVELOPMENT STANDARDS

BUILDING PLACEMENT & BUILDING ENVELOPE



RESIDENTIAL BUILDING SETBACKS

Front Setback - from Arterial streets	15' min.
Front Setback - from Non-Arterial streets	9' min.
Rear Setback	8' min.
Side Setback	5' min.

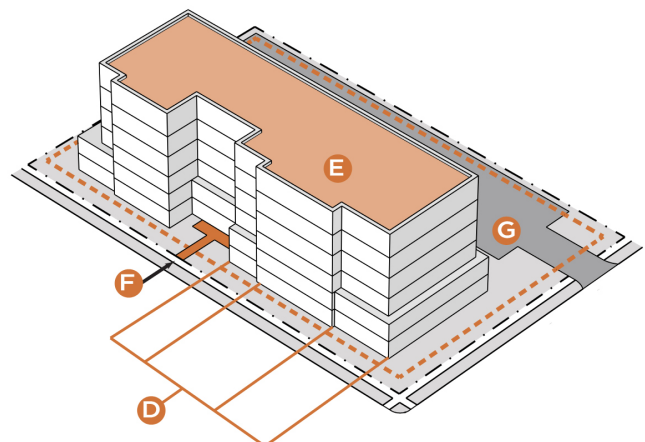
BUILDING HEIGHT

All Buildings	5 stories max. B
Affordable Housing Development Bonus	6 Stories max. C

CONTEXTUAL HEIGHT SETBACK

Properties abutting a zone district with a lower maximum building height shall comply.*

Upper Story Setback	25' min. upper story setback from property line above 2 stories A
Upper Story Setback from Streets	Wall height above 35' shall be set back an additional 1-ft for every 2-ft in height or fraction thereof



Standards for D-Building Mass; E-Roof Design; F-Entrances; G-Parking are on the following page.

* This does not apply to detached units, duplexes, or structures.

SECTION 2.2.1

LMN - Low Density Mixed-Use Neighborhood District

DEVELOPMENT STANDARDS

BUILDING MASS & SCALE

BUILDING MASS

Residential - 4+ Units	Walls >40 ft in width require Variation in Massing and Facade Articulation F
Non-Residential & Mixed-Use	>10,000 sf requires Variation in Massing

Variation in Massing includes:

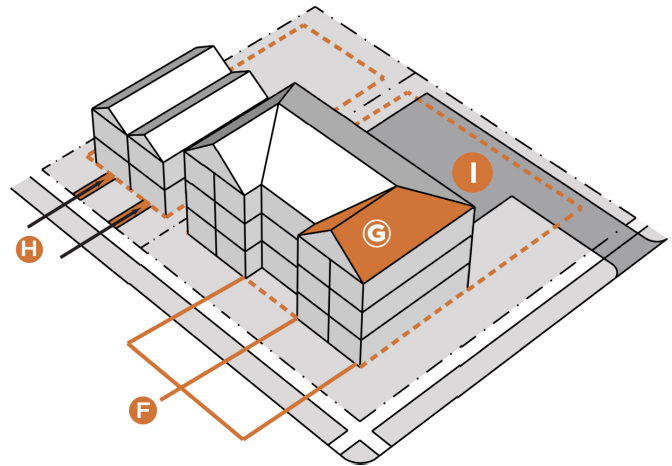
- Massing, wall plane, roof design proportions similar to detached house, so that larger buildings can be integrated into surrounding lower scale neighborhood
- Projections, recesses, covered doorways, balconies, covered box or bay windows and/or other similar features
- Dividing large facades and walls into human-scaled proportions similar to the adjacent single- or two-family dwellings
- Shall not have repetitive, monotonous undifferentiated wall planes.

Facade articulation can be accomplished by offsetting the floor plan, recessing or projection of design elements, or change in materials. ~~and/or change in contrasting colors.~~

ROOF DESIGN

Non-Residential & Mixed-Use	Buildings with a footprint >4000 sf shall have a minimum of 3 Roof Planes Variation in roof plane shall relate to overall massing and facade design
Residential - 4+ Units G	Roof Shape shall be sloped (min pitch 6:12), flat, or curved, and must include 2 Roof Design Elements: <ul style="list-style-type: none"> • Change in roof shape or plane • Variation in height • Flat roof that is stepped or terraced to form usable space, such as a balcony or green roof • Roof element that is directly related to the primary entrance and/or facade articulation

ACCESS & PARKING



ENTRANCES & ORIENTATION

Residential	Varies by Building Type H Clearly identifiable and visible connection from the street and public areas. Incorporate architectural elements and landscaping.
Non-Residential & Mixed-Use	Entrance faces street, opens directly onto adjoining local street

If a building has more than one (1) front facade, and if one (1) of the front facades faces and opens directly onto a street sidewalk, the primary entrances located on the other front facade(s) need not face a street sidewalk or connecting walkway.

PARKING

Non-Residential & Mixed-Use	Rear or Side Yards; Parking shall not be between the primary facade and the street. I
--	--

SECTION 2.2.2

MMN - Medium Density Mixed-Use Neighborhood District

DEVELOPMENT STANDARDS

BUILDING MASS & SCALE

BUILDING MASS

Residential - 4+ Units	Walls >40 ft in width require Variation in Massing and Facade Articulation F
Non-Residential & Mixed-Use	>10,000 sf requires Variation in Massing

Variation in Massing includes:

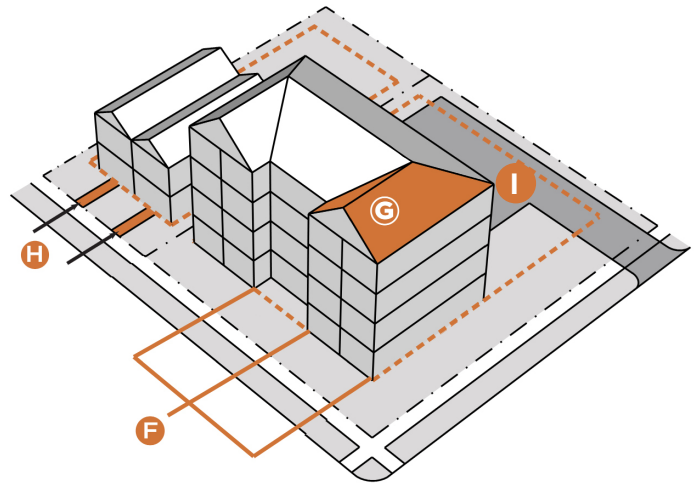
- Massing, wall plane, roof design proportions similar to detached house, so that larger buildings can be integrated into surrounding lower scale neighborhood
- Projections, recesses, covered doorways, balconies, covered box or bay windows and/or other similar features
- Dividing large facades and walls into human-scaled proportions similar to the adjacent single- or two-family dwellings
- Shall not have repetitive, monotonous undifferentiated wall planes.

Facade articulation can be accomplished by offsetting the floor plan, recessing or projection of design elements, or change in materials. *and/or change in contrasting colors.*

ROOF DESIGN

Non-Residential & Mixed-Use	Buildings with a footprint >4000 sf shall have a minimum of 3 Roof Planes Variation in roof plan shall relate to overall massing and facade design
Residential - 4+ Units	Roof Shape shall be sloped (min pitch 6:12), flat, or curved, and must include 2 Roof Design Elements: <ul style="list-style-type: none"> • Change in roof shape or plane • Variation in height • Flat roof that is stepped or terraced to form usable space, such as a balcony or green roof • Roof element that is directly related to the primary entrance and/or facade articulation

ACCESS & PARKING



ENTRANCES & ORIENTATION

Residential	Varies by Building Type H Clearly identifiable and visible connection from the street and public areas. Incorporate architectural elements and landscaping.
Non-Residential & Mixed-Use	Entrance faces street, opens directly onto adjoining local street

If a building has more than one (1) front facade, and if one (1) of the front facades faces and opens directly onto a street sidewalk, the primary entrances located on the other front facade(s) need not face a street sidewalk or connecting walkway.

PARKING

Non-Residential & Mixed-Use	Rear or Side Yards; Parking shall not be between the primary facade and the street. I
--	--

SECTION 2.2.3

HMN - High Density Mixed-Use Neighborhood District

DEVELOPMENT STANDARDS

BUILDING MASS & SCALE

BUILDING MASS	
Residential - 4+ Units	Walls >40 ft in width require Variation in Massing and Facade Articulation D
Non-Residential & Mixed-Use	>10,000 sf requires Variation in Massing

Variation in Massing includes:

- Massing, wall plane, roof design proportions similar to detached house, so that larger buildings can be integrated into surrounding lower scale neighborhood
- Projections, recesses, covered doorways, balconies, covered box or bay windows and/or other similar features
- Dividing large facades and walls into human-scaled proportions similar to the adjacent single- or two-family dwellings
- Shall not have repetitive, monotonous undifferentiated wall planes.

Facade articulation can be accomplished by offsetting the floor plan, recessing or projection of design elements, or change in materials. ~~and/or change in contrasting colors.~~

ROOF DESIGN	
Non-Residential & Mixed-Use	Buildings with a footprint >4000 sf shall have a minimum of 3 Roof Planes Variation in roof plan shall relate to overall massing and facade design
Residential - 4+ Units E	Roof Shape shall be sloped (min pitch 6:12), flat, or curved, and must include 2 Roof Design Elements: <ul style="list-style-type: none"> • Change in roof shape or plane • Variation in height • Flat roof that is stepped or terraced to form usable space, such as a balcony or green roof • Roof element that is directly related to the primary entrance and/or facade articulation

ACCESS, PARKING & SITE DESIGN

ENTRANCES & ORIENTATION	
Residential	Varies by Building Type Clearly identifiable and visible connection from the street and public areas. F Incorporate architectural elements and landscaping.
Non-Residential & Mixed-Use	Entrance faces street, opens directly onto adjoining local street

If a building has more than one (1) front facade, and if one (1) of the front facades faces and opens directly onto a street sidewalk, the primary entrances located on the other front facade(s) need not face a street sidewalk or connecting walkway.

PARKING	
Non-Residential & Mixed-Use	Rear or Side Yards; Parking shall not be between the primary facade and the street. G

SITE DESIGN	
Front Yards	Building design, in conjunction with site design, shall include structured elements to mark the transition from the public street to doorways. Examples of such elements are porches, pediments, pergolas, low walls or fencing, railings, pedestrian light fixtures and hedges.
Outdoor Activity	Buildings and extensions of buildings shall be designed to form outdoor spaces such as balconies, terraces, patios, decks or courtyards.

SECTION 3.1.4

Rowhouse

SITE ACCESS



ACCESS & CIRCULATION

Off-Street Parking - Alley Access	Behind dwelling	A
Off-Street Parking - No-Alley Access	12' max. driveway width	

- Off Street Parking area shall not be visible from the street or shared court the primary entrance faces.

ENTRANCES

B

Primary Entrance Orientation	Toward street or shared court
Architectural Features	Required
Porch Dimensions	6' deep min. x 8' length min.

- For new construction on rear area of a lot that consists of frontage on two (2) streets and an alley, frontage shall face street.
- Architectural features include porch, portico or similar feature.
- Porch Depth is as measured from the building facade to the posts, railings and spindles

SECTION 3.1.3

Cottage Court

SITE ACCESS



ENTRANCES	
Primary Entrance Orientation*	Toward street or shared court
Architectural Features	Required
Single-Unit Detached	6' deep min. x 8' length min. A
Single-Unit Attached	4' x 4' min. covered porch or stoop required** B

*For new construction on rear area of a lot that consists of frontage on two (2) streets and an alley, frontage shall face street.

**Porch Depth is as measured from the building facade to the posts, railings and spindles.

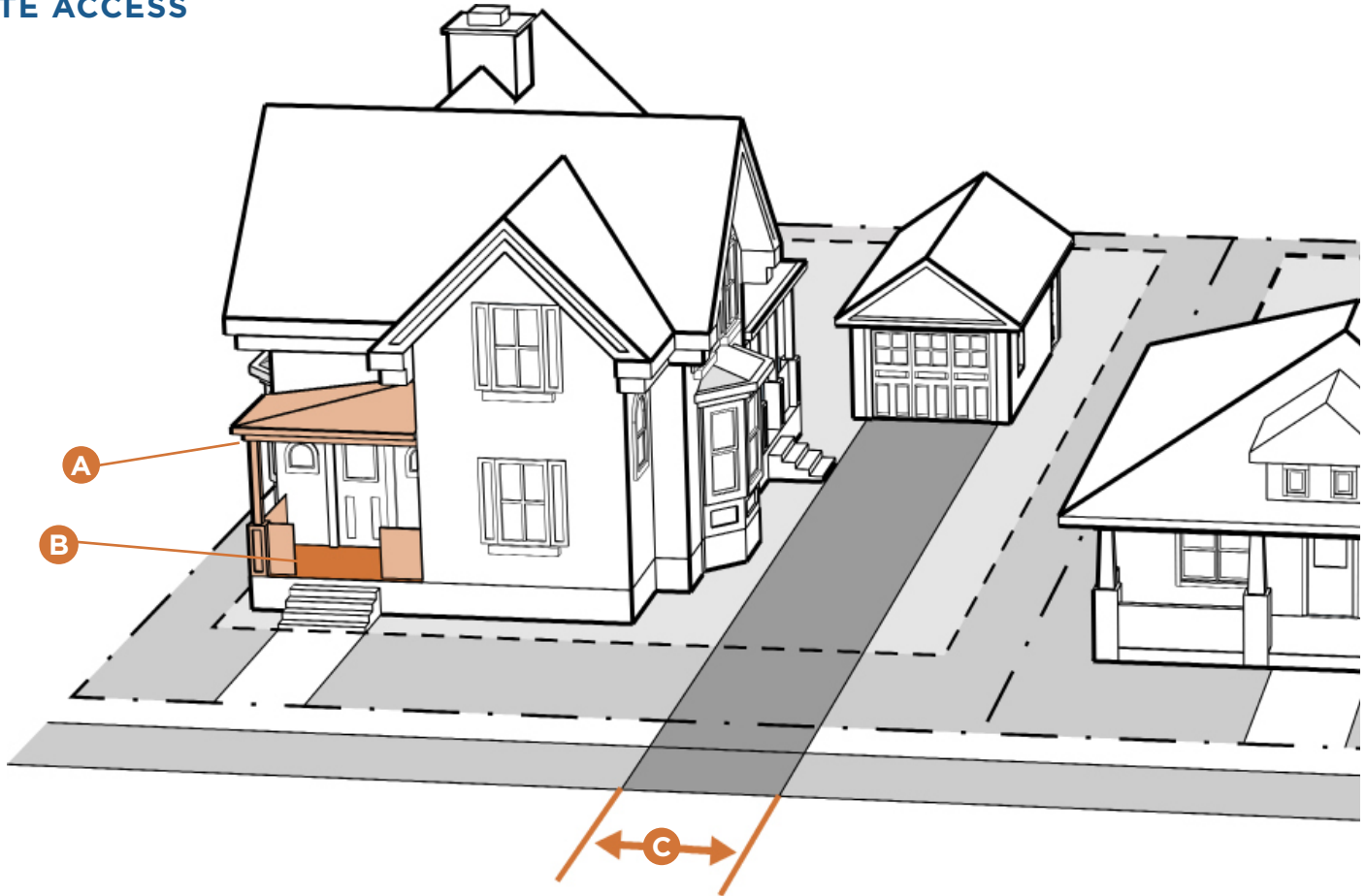
ACCESS & CIRCULATION	
Walkways	Shared pathways C
Off-Street Parking - Alley Access	Behind street fronting dwelling
Off-Street Parking - No-Alley Access	12' max. driveway width, 1 driveway / lot D
Parking Ratio per number of bedrooms	1 or less br: 1.0 E 2 br: 1.50 3 br: 2.00 4 br: 2.50

■ Off-street parking area shall be prohibited within the court.

SECTION 3.1.6

Detached House, Urban

SITE ACCESS



ENTRANCES

Primary Entrance Orientation	Towards front wall of building*
Architectural Features	Required A
Porch Dimensions	6' deep min. x 8' length min. B

OFF-STREET PARKING

Alley Access	Behind dwelling
No-Alley Access	12' max. driveway width C

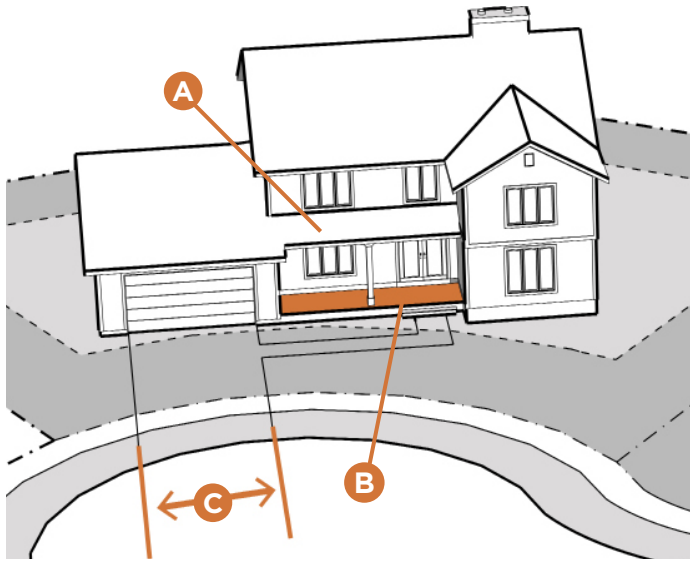
■ Except in RL, the maximum driveway width is 18'.

*Unless required for handicap access.

SECTION 3.1.7

Detached House, Suburban

SITE DESIGN



ENTRANCES

Primary Entrance Orientation	Towards front wall of building*
Architectural Features	Required by District A
Porch Dimensions**	6' deep min. x 8' length min. B

*Unless required for handicap access.
 **When required by zone district.

ACCESS & CIRCULATION

Off-Street Parking	12' max. driveway width C
---------------------------	----------------------------------

■ Except in RL, the maximum driveway width is 18'.

GARAGE LOCATION

Street-Facing Garage Setback	Recessed 4' behind a porch or front facade
-------------------------------------	--

SECTION 3.1.9

Accessory Dwelling Unit (ADU)

DESCRIPTION

- Full living amenities
- Accessory to a Duplex or Detached House
- New construction or built from existing detached accessory building
- Min & Max. square footage
- Subordinate to and compliments the primary dwelling (architecture, materiality)

BUILDING STANDARDS

Accessory Dwelling Unit (ADU), detached

- Free-standing structure
- Unattached to proposed or existing primary dwelling
- Does not share a common wall or roof with primary dwelling
- Behind front wall of primary dwelling
- **May include garage, shed or other accessory space**

Accessory Dwelling Unit (ADU), attached

- Attached to the existing primary dwelling
- Shares at minimum one (1) common wall with primary dwelling
- Main entrance located interior to the primary dwelling.

ZONE DISTRICTS

Allowed in all zone districts where there is an existing:

- detached house;
- duplex; or
- non-residential use operating in a detached house.

ADU SETBACKS

ADU detached, Setback from Primary Dwelling	5' min.
Side & Rear Setback	Per Zone District standards

ADU HEIGHT (Maximum)

ADU Height	1.5 stories / 28' max.
Bulk Plane	Per Zone District standards

ADU FLOOR AREA

Detached ADU with or without non-habitable space (Rear Lot)	New construction	Primary Building $\leq 1,335 \text{ ft}^2$	600 ft^2 max.*
		Primary Building $> 1,335 \text{ ft}^2$	1,000 ft^2 max. / or 45% of primary dwelling unit. (whichever is less)*
	Existing accessory structure**		800 ft^2 max.***
Attached ADU	Located on a floor level at or above grade	45% of primary dwelling unit	
	located on floor level below grade	100% of the floor level	

*Max. floor Area includes garage, shed or other accessory space.

**Legal structure upon the adoption of the LDC.

***not include non-habitable space.

SECTION 3.1.10

Residential Cluster

(3) Setbacks

Setbacks for attached, detached and accessory buildings in a Residential Cluster

Building	Front	Interior Side	Street Side	Rear
Detached	15' min	5' min	15' min	8' min
Attached	10' min	0' min	15' min	8' min
Detached Accessory	Behind primary building	5' min	15' min	8' min

(4) Outbuildings relating to agricultural use are allowed to remain and, if included, shall be applied toward the total allowed residential density in the development.

(5) Dwelling Units. The maximum number of dwellings are indicated in the following table.

Units per Acres in a Residential Cluster

Zone District	Max. Dwelling Units	Acres
UE	2	1
RUL	1	10
RF	1	1

(D) The design of the cluster development shall be appropriate for the site, as demonstrated by meeting all of the following criteria:

(1) The preservation of significant natural resources, wildlife habitat, natural areas and features such as drainage swales, rock outcroppings and slopes, native vegetation, open lands or agricultural property through maintenance of large, contiguous blocks of land and other techniques. Residual land shall be designed to achieve the maximum amount of contiguous open space possible, while avoiding the creation of small, isolated and unusable areas.

(2) The provision of additional amenities such as trails, common areas or access to public recreational areas and open space. Residual lands shall not include any street rights-of-way or parking areas.

(3) The protection of adjacent residential development through landscaping, screening, fencing, buffering or similar measures.

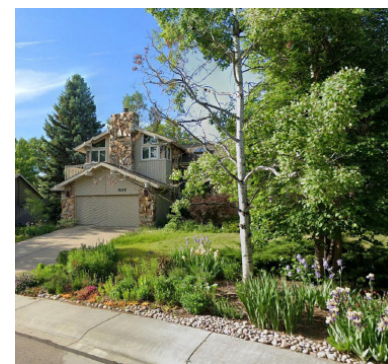
(4) The layout of lots to conform to terrain and minimize grading and filling, including the preservation of natural features such as drainage swales, rock outcroppings and slopes.

(5) The indication of any areas where Farm Animals will be allowed, including any mitigation features needed to buffer these areas from surrounding uses.

SECTION 2.1.4

RL - Low Density Residential District

EXISTING CONDITIONS



BUILDING TYPES

The following building types are permitted in the RL District:

BUILDING TYPES	# OF UNITS	LOT AREA
Detached House (Urban & Suburban)	1 max.	6000 ft ² min.
Duplex	2 max.	6000 ft ² min.
+ Apartment Bldg.	3 max.	6000 ft ² min.
+ Rowhouse	3 max.	6000 ft ² min.
Cottage Court	3 min.	9000 ft ² min.
ADU	1 max.	N/A
Detached Accessory Structure	See Section 3.1.8	

+ Affordable Housing Bonus Incentives

Refer to Building Types Article 3 and Use Standards Article 4 for specific definitions.

SECTION 3.1.2

Apartment Building

DESCRIPTION

An apartment building is a residential building that has three (3) or more housing units. Apartment buildings are typically medium to large in size because the units are placed side-by-side and/or stacked vertically. Apartment buildings have a variety of architectural styles but are usually at least 2 stories tall and have common entries that face the street.

ZONE DISTRICTS

The following Zone Districts allow Apartment building:

- **RL** ● **CCR**
- **LMN** ● **CG**
- **MMN** ● **D**
- **HMN** ● **HC**
- **OT** ● **CS**
- **NC** ● **CL**
- **CC** ● **E**
- **CCN** ● **Overlay Districts**

BUILDING TYPE EXAMPLES



Source: Fort Collins



SECTION 3.1.3

Cottage Court

DESCRIPTION

Cottage Court complexes are a grouping of residential units that are organized around a shared courtyard accessible to all residents. Some cottages face the street while others face towards the courtyard. The cottages are usually smaller in scale with friendly architectural styles that provide a neighborhood feel, such as porches or stoops for each residential unit.

ZONE DISTRICTS

The following Zone Districts allow cottage court building types:

- **RL**
- **LMN**
- **MMN**
- **OT**
- **HC**
- **E**
- **D**
- **Overlay Districts**

BUILDING TYPE EXAMPLES



SECTION 3.1.4

Rowhouse

BUILDING STANDARDS

A rowhouse consists of 2-8 residential units that are placed side-by-side and share walls. Rowhouses are typically narrow and 2-3.5 stories tall, with each home having its own entrance that usually faces the street. It is common for homes in rowhouses to have porches and some may have an attached or detached garage behind each unit.

ZONE DISTRICTS

The following Zone Districts allow Rowhouse building types:

- **RL**
- **UE**
- **LMN**
- **MMN**
- **HMN**
- **OT**
- **NC**
- **D**
- **CC**
- **CCN**
- **CCR**
- **CG**
- **CS**
- **CL**
- **HC**
- **E**

BUILDING TYPE EXAMPLES



SECTION 3.1.5

Duplex

DESCRIPTION

A duplex consists of one building with two (2) side-by-side residential units that both face the street or two (2) units that are stacked vertically. A duplex is commonly 1.5 to 2 stories and usually features porches, stoops, and pitched roofs, so it can look like a medium to large detached house and fit in well with single-unit neighborhoods. Other types of duplexes may not face the street, such as over-the-garage duplexes or basement duplexes.

ZONE DISTRICTS

The following Zone Districts allow Duplex building types:

- RL
- LMN
- MMN
- OT
- NC
- CC
- CCN
- CCR
- CG
- CS
- CL
- HC
- E

BUILDING TYPE EXAMPLES



*Use (+) Button on left hand window of table to expand Use Categories

	RESIDENTIAL DISTRICTS						MIXED-USE DISTRICTS					COMMERCIAL DISTRICTS									DOWNTOWN DISTRICTS						EMPLOYMENT, INDUSTRIAL, OTHER							
	RUL	UE	RF	RL	OT-A	MH	LMN	MMN	HMN	OT-B	OT-C	CC	CCN	CCR	CG	CG-CAC	CS	NC	CL (RA)	CL (OA)	HC	H. CORE	CA/C /NM	I/R	RC	CN	EC	E	I	POL	T			
RESIDENTIAL USES																																		
Single Unit Dwelling	■	■	■	■	■		■	■		■	■		▣	▨			▣		■	■	▨							■	▨					△
Single Unit Attached Dwelling		▣		■	■		■	■		■	■	▣	▣	▣	▣		▣	▣	■	■	▨		▣	▣		▣	■/■	▨						△
Two Unit Dwelling		■		■	■		■	■		■	■	▣	▣	▣	▣		▣	▣	■	■	▨		▣			■/■	▨							
Multi-Unit Dwelling				■	■		■	■	■	■	■	▣	▣	▣	▣		▣	▣	▣	▨	▨	■/■	▣	▣		▣	▨	▨						
Mixed-Use Dwelling Units							■	■	■	■		■	■	■	■	■	■	■	■	■	■	■	▣	▣		▣	▣	■						
Accessory Dwelling Unit	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■		
Short Term Primary Rentals		▣					▣	▣	▣	▣	▣	▣	▣	▣	▣	▣	▣		▣	▣	▣	▣	▣	▣	▣	▣	▣	▣	▣	▣	▣	▣		
Short Term Non-Primary Rentals												▣	▣	▣	▣	▣		▣	▣	▣	▣	▣	▣	▣	▣	▣	▣	▣	▣	▣	▣			
Fraternity & Sorority Houses								▨	▣		▨	▨							■	▣														
Extra Occupancy Houses					▣		▣	■	■		■	■	■	■	■		■	■	■	■		■/■	■/■	■/■		■/■	■/■	■	■				△	
Manufactured Housing Community					▣		▨																					▨				△		
Group Homes		▣	▨	▨	▨	▣	▣	▣	▣	▣	▣	▣	▣	▣	▨	▣	▣	■	▣	▨	▣	▨	▨		▣	▣	▨					△		
Shelter for victims of domestic violence	■	■	■	■	■	■	■	■	■	■	■	■	■	■					■	■	■	■	■	■		■/■	■/■	■					△	

■ Basic Development Review
▣ Type 1 (Administrative Review)
▨ Type 2 (Planning and Zoning Commission)
△ Additional Use Standards
■ Minor Amendment
▣ Building Permit
▣ License

- (D) **Compliance.** To achieve compliance, all Affordable Housing built under the standards of this Code shall provide the following:
- (1) Certification Letter. The applicant shall submit a notarized affidavit to the Director that provides how the development meets the affordability standards above and administrative requirements. Upon review and acceptance of the affidavit in consultation with the Director of the Social Sustainability Department, the Director will provide a letter certifying that the development meets the standards stated above and any administrative requirements (Certification Letter). This letter is required to be submitted as part of the building permit application before a building permit can be issued for the development but is not required to as a part of a land use review.
 - (2) Qualified Preservation Partner (QPP). If applicable, the Certification Letter shall identify the Qualified Preservation Partner.
 - (3) Covenant/Deed Restriction. The units will be required by binding legal instrument acceptable to the City, providing rights of enforcement to the City, and duly recorded with the Larimer County Clerk and Recorder, to be occupied by and affordable to low-income households for at least ~~ninety-nine (99)~~ ~~fifty (50)~~ years. This covenant shall be recorded prior to issuance of a building permit for the development. There will be language placed in real estate sales documents, acceptable to the City, clearly noticing the deed restriction as part of the sale, and containing a continued requirement of notice in all future sales.
- (E) **Timing of Development.** The construction of the affordable dwelling units or spaces shall occur before the construction of the market rate units, or at no case less than on a proportional basis, according to the same ratio as the number of affordable units bears to the number of the market rate units.
- (F) **Annual Reporting.** The applicant or Qualified Preservation Partner shall provide annual documentation to the Director, who shall provide a copy to the Director of the Social Sustainability Department, relating to the affordable dwelling units in the development. This documentation must commence no later than thirty (30) days following issuance of a Certificate of Occupancy (CO) for the affordable dwelling units and will include, at minimum, the following:
- (1) Occupancy and demographic report;
 - (2) Rent report (annually at minimum and at any time the applicant/owner proposes to increase rents);
 - (3) Reporting required for compliance as part of a City funding award for affordable units shall satisfy the requirements of this subsection; and
 - (4) Any further documentation/verification the City may deem necessary to verify the validity of the affordable housing reporting, including, but not limited to, seeking direct verification from tenants/owners of affordable units.
- (G) **Monitoring and Enforcement.**
- (1) Monitoring. The Director in consultation with the Director of Social Sustainability Department shall periodically monitor and verify the commitments made by the applicant or Qualified Preservation Partner in the Declaration of Covenants, Conditions and Restrictions. Upon reasonable notice to the applicant or Qualified Preservation Partner, the applicant or Qualified Preservation Partner shall provide information to the City sufficient to verify the following:
 - (a) Compliance with all Affordable Housing Requirements as set forth in this Division.
 - (b) The affordable dwelling units are occupied by households earning income as required in the Declaration of Covenants, Conditions and Restrictions.

(k) Apartment Building containing more than 12 units per building

(l) Manufactured Housing.

(4) For any development containing repeated building types (excluding clubhouses/leasing offices) there shall be a minimum number of distinct designs as shown in the table below:

Minimum number of distinct designs for repeating Building Types in a development project	
Repeating Building Types	Distinct designs
5 to 7	2
8+	3

(a) For all developments, there shall be no more than two (2) similar buildings placed next to each other along a street or major walkway spine.

(b) Distinctly different building designs shall provide significant variation in:

Distinct Building Requirements	
Varies in either:	
Footprint size; or	30% difference in square footage from another building.
Shape	Square
	Rectangle, 40ft difference from the longest side compared to the longest side of another building.
	Other Polygons, 40ft difference from the longest side compared to the longest side of another building.
And includes variations in at least three of the following building elements:	
Element	Components of the element
Exterior finish materials	Brick, Wood, Stone, Metal, or Other Material
Window Combinations/Placement	Size and/or Pattern
Entrance feature	• Recessed or Covered • Portal Size • Location on building elevation • Lighting
Roof forms	Flat, Pitch, or Overhang greater than 4ft
Patio/balcony size	30% Difference in Square Footage
Upper story step-back (above 2nd story)	10ft min. Step-Back on all Sides
Building Height	12ft min Difference in Height
Vertical building module	3 min.

- ~~Footprint size and shape; and~~
- ~~Architectural elevations and entrance features, within a coordinated overall theme of roof forms, massing proportions and other characteristics. To meet this standard, such variation shall not consist solely of different combinations of the same building features.~~

(5) For development that contains Detached House and Duplex building types found in Article 3, there shall be model variety and variation among buildings as indicated in the following table:

Minimum number of Detached house and Duplex models	
Number of dwelling units	Distinct models
11 to 99	3
100+	4

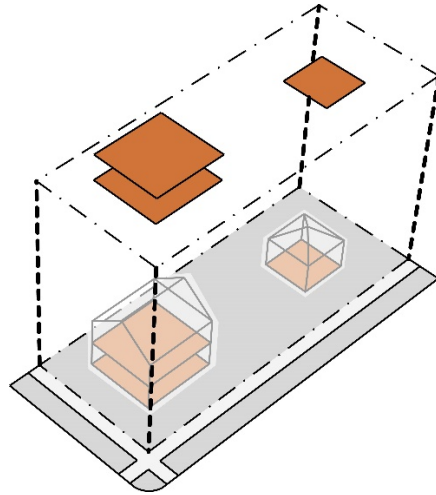
- (a) The applicant shall include, in the application for approval of the project development plan, documentation showing how the development will comply with the model variation.
- (b) Each housing model shall have at least three (3) characteristics which clearly and obviously distinguish it from the other housing models, which characteristics may include, without limitation, differences in floor plans, exterior materials, roof lines, garage placement, placement of the footprint on the lot and/or building face.
- (c) An applicant for a Building Permit for these building types shall affirm and certify in the application that the dwelling which is the subject of the Building Permit does not adjoin a lot with the same housing model, if on the same block face.

(6) Development that contains Row House building type containing more than two (2) dwelling units shall comply with the following requirements:

- (a) For any development containing at least three (3) and not more than five (5) buildings (excluding clubhouses/leasing offices), there shall be at least two (2) distinctly different building designs. For any such development containing more than five (5) buildings (excluding clubhouses/leasing offices), there shall be at least three (3) distinctly different building designs. For all developments, there shall be no similar buildings placed next to each other along a street or street-like private drive. Building designs shall be considered similar unless they vary significantly in footprint size and shape.
- (b) Building designs shall be further distinguished by including unique architectural elevations and unique entrance features, within a coordinated overall theme of roof forms, massing proportions and other characteristics. Such variation among buildings shall not consist solely of different combinations of the same building features.

(D) **Relationship of Dwellings to Streets and Parking.** Development projects containing residential buildings shall place a high priority on building entryways and their relationship to the street. Pedestrian usability shall be prioritized over vehicular usability. Buildings shall include human-scaled elements, architectural articulation, and in projects containing more than one (1) building, design variation.

Floor area shall mean the gross floor area of a building as measured along the outside walls of the building and shall be calculated to include each floor level.



Floor area shall be calculated as follows:

- (A) In all zone districts except in the Old Town zone district Floor area calculations shall not include open balconies, the first seven hundred twenty (720) square feet of garages or other enclosed automobile parking areas, basements and one-half (½) of all storage and display areas for hard goods.
- (B) In the Old Town Zone district floor area shall be calculated to include the floor area of the following spaces and building elements.
- (1) One hundred (100) percent of the floor area of the following spaces and building elements:
- (a) The total floor area of all principal buildings as measured along the outside walls of such buildings; and including
 - (b) each finished floor level at and above grade; and
 - (c) ~~Or~~ unfinished floor levels at and above grade excluding unfinished attic space; and
 - plus the total floor area of the ground floor of any accessory building larger than one hundred twenty (120) square feet, plus that portion of the floor area of any second story having a ceiling height of at least seven and one-half (7½) feet located within such accessory building on the lot.
 - (d) ~~B~~basement floor areas where any exterior basement wall is exposed by more than three (3) feet above the existing grade at the interior side lot line adjacent to the wall; and
 - (e) ~~R~~roofed porches, balconies and breezeways that are enclosed on more than two (2) sides; and
 - (f) attached carports, garages and sheds; and
 - (g) ~~D~~etached accessory buildings larger than one hundred and twenty (120) square feet, including the area of the uppers story having a ceiling of height of seven and one-half (7½) feet. **Detached accessory building floor area shall not be calculated into the allowed floor area of the primary building.**
- (2) Two hundred (200) percent for the floor area of the following spaces and building elements:

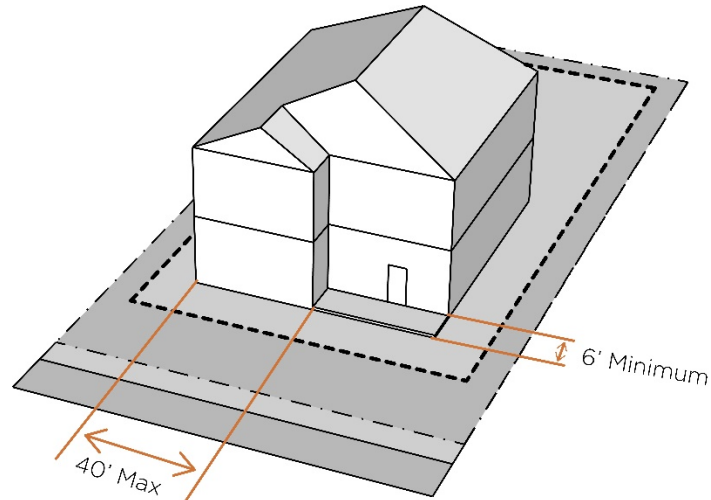
(a) High volume spaces on the first or second floor where the distance between the floor and the ceiling or roof rafters directly above is greater than fourteen (14) feet.

~~(3) The first two hundred fifty (250) square feet of a detached accessory building, provided that it is located behind a street-fronting principal building and is separated from such principal building by at least ten (10) feet, shall not be included.~~

Floor Area Ratio (FAR) shall mean the amount of gross floor area of all principal buildings on a lot or block, as the case may be, divided by the total area of such lot, or the block size, respectively, on which such buildings are located. For mixed-use blocks, the residential square footage shall be added to the commercial development for a total block FAR.

Front Facade Design. At least one (1) front façade feature from the menu below shall be included to promote pedestrian orientation and compatibility with the character of the structures on the block face:

(A) *Limited 2-story facade.* Two-story front-facade width is no more than 40', with any remaining two-story front facade setback an additional six (6) feet.



(B) *1-story element.* The portion of the facade closest to the street is one-story, with any two-story facade setback an additional six (6) feet from the street.

Dust control manual shall mean the dust control and prevention standards enacted to protect air quality adopted under Chapter 12 of the City Code.

Dwelling shall mean a building with habitable space used exclusively for residential occupancy and for permitted accessory uses. The term dwelling shall not include hotels, motels, homeless shelters, seasonal overflow shelters, tents or other structures designed or used primarily for temporary occupancy with the exception of short term primary and non-primary rentals.

Dwelling, multi-unit shall mean a dwelling containing three (3) or more dwelling units, not including hotels, motels, fraternity houses and sorority houses and similar group accommodations.

Dwelling, single-unit shall mean a dwelling containing no more than one (1) dwelling unit.

Dwelling, single-unit attached shall mean a single-unit dwelling attached to one (1) or more dwellings or buildings, with each dwelling located on its own separate lot.

Dwelling, single-unit detached shall mean a single-unit dwelling that is not attached to any other dwelling or building by any means, including mobile homes and manufactured housing situated on a permanent foundation.

Dwelling, two-unit shall mean a dwelling containing two (2) dwelling units.

Dwelling, two-unit attached shall mean a two-unit dwelling attached to one other two-unit dwelling with each such two-unit dwelling located on its own separate lot.

Dwelling unit shall mean habitable floor space intended for the exclusive use of a single household with a single kitchen, or including a second kitchen pursuant to Section 5.3.26(E)(8).

Elderly shall mean a person sixty (60) years of age or older.

Electronic message center, or EMC, shall mean the portion of an on-premise ground or wall sign that is capable of displaying words or images that can be electronically changed by remote or automatic means.

Employees shall mean the total number of persons reasonably anticipated to be employed in a building or on land during normal periods of use.

Enclosed mini-storage shall mean a building containing separate, individual, private storage spaces, that may be of various sizes, and that are rented pursuant to individual leases for varying periods of time.

Entertainment facilities and theaters shall mean a building or part of a building devoted to showing motion pictures or dramatic, musical or live performances.

Exhibit hall shall mean a privately owned building or part of a building devoted to the routine display for public viewing (but not sale) of works of art or other similar articles or collectibles of enduring interest or value, and where such display is intended, in part, to serve the educational and cultural needs of the community as a whole.

Existing limited permitted use shall mean any use that was permitted for a specific parcel of property pursuant to the zone district regulations in effect for such parcel on March 27, 1997, that is not specifically listed as a permitted use under the zone district regulations of the zone district of this Code in which the parcel of property is located, and that physically existed upon such parcel on March 27, 1997. Such use is permitted in the various zone districts established in Article 2 under the limitation that such use shall constitute a permitted use only on such parcels of property.

Extent reasonably feasible shall mean that, pursuant to the City's determination, under the circumstances, reasonable efforts have been undertaken to comply with the regulation, that the costs of compliance clearly outweigh the potential benefits to the public or would unreasonably burden the proposed project, and

From: [Taylor Meyer](#)
To: [Noah Beals](#)
Cc: [Kevin Noble](#)
Subject: [EXTERNAL] Land Use Code Change - Questions
Date: Thursday, October 20, 2022 11:20:45 AM
Attachments: [image002.png](#)

Hi Noah,

I have a concern about the new land use code in relation to a project I am working on right now at 700 E Elizabeth. Under the current code for the NCL Zone district the FAR is allowed to be 30% of the total. The lot is 21,052 sq ft so the FAR is 6315. The existing house is just about 2000 sq ft and the detached accessory structure is about 1800 sq ft. This means under the existing code we could add another 2500 sq ft to the house but under the new code we won't be able to add anything to the existing house. (Though I understand the benefit under the new code would be that we could turn the accessory structure into an ADU.)

This code change dramatically affects what can be done on this project. We will strive to submit for permit before Jan 1st but there many things out of our control that can delay a design schedule. Will there be any leniency for submitting for permit under the existing LUC after Jan 1st if the new code is adopted by city council on Jan 1st?

I have some additional general questions about the propped LUC that aren't necessarily related to the project I describe above:

- On the LUC updates website I see this:

"Note: The geographic boundaries of zone districts are NOT changing with these proposed updates. In some cases, zone districts have been re-named. To find information about zoning for specific parcels, please visit [FC Maps](#)."

When I visit FC Maps and click on specific parcels I do not see any information about the change from one zone district name to another name. Also, Article 2 does not explain the change from one district name to another. How do we connect the dots here, how do we translate the old zone districts to the new zone districts?

- I hear a lot of critique from the community about how strict and limiting the proposed 2000 sq ft restriction will be for houses in the Old Town Districts. And as you can see in the example I outlined above, the new floor area limit dramatically affects what options are available. This change affects some properties very differently than other properties. Is there any discussion about revising this constraint from the new LUC?
- In Article 2 the Old Town Zone Districts say that Detached Houses are limited to 2000 sq ft. But In Article 7 the definition of Floor Area section (B) for Old Town Zone districts says that floor area is calculated by including the principal buildings AND the accessory buildings. These two sections seem to be in direct conflict with each other.
- Furthermore with the definition of Floor Area in the Old Town Districts, will the calculation of

the 2000 sq ft limit for a house need to include the floor area of an attached garage or is this area excluded from the calculation?

Thank you for taking the time to review my questions and concerns.

TAYLOR MEYER

Architect
AIA, NCARB, LEED AP BD+C
Passive House Tradesperson

VFLA ARCHITECTURE + INTERIORS

419 Canyon Avenue, Suite 200
Fort Collins, CO 80521
Phone: 970.224.1191
Direct: 970.498.2964

108 East Lincolnway
Cheyenne, WY 82001
Phone: 307.635.5710

Visit our new website!



Please consider the environment before printing this e-mail.

From: [Whedbee House](#)
To: [Noah Beals](#); steve.nelson14r@gmail.com
Subject: [EXTERNAL] RE: Opposition to Planned 2,000 SF Residence Limit
Date: Tuesday, October 25, 2022 2:05:10 PM

Hello Noah
Thank you for your reply and the update on the Code.
I appreciate your time.
Best Regards,
Patty

1316 Whedbee Street
Patty Huntley/Steve Nelson
Mobile: (970) 481-4446
Email: whedbee.house@outlook.com

From: Noah Beals <nbeals@fcgov.com>
Sent: Monday, October 24, 2022 3:31 PM
To: whedbee.house@outlook.com; steve.nelson14r@gmail.com
Subject: RE: Opposition to Planned 2,000 SF Residence Limit

Hello Patty and Steve,

Thanks for the emails, we will get this information to Council for their consideration. On Oct 18th Council did approved the changes include in the Phase 1 Land Use Code update. As you mentioned these changes did include a limit on single unit detached housing in the OT zone district. At the first reading Council also approved an edit to increase this limit to 2,400sf of allow floor area for the primary building. Additional, Council directed an edit to the definition of Floor Area to clarify that detached accessory structures are not included in the primary building floor area limitation. Detached Accessory buildings have a separate allowance.

It is understood this does put limits on larger lots that do not exist in the current code. The goal of this update to incentives large lots to be reserved for more than 1 dwelling to increase overall housing capacity in the City.

Council is scheduled to hear this item again on 2nd reading at the Nov 1st, 2022 regular meeting. J

Regards,

Noah Beals, AICP
Development Review Manager | City of Fort Collins
nbeals@fcgov.com | 970.416.2313 direct

To Fort Collins City Council

Hello –

I understand that the Fort Collins Land Use Code is being revised. An item I oppose is the provision limiting a home footprint to 2,000 square feet within established neighborhoods of the City.

In my case, we are planning home construction to account for the following contingencies, which cannot be accommodated by the contemplated 2,000 SF limit:

- A core element of our home design is to accomplish an age in place goal for me and my spouse, and this requires additional floor space for hallways and clearance into and within individual rooms on the main (ground) level
- We are engaged in space planning that will allow my elderly mother to move into the home with us
- My spouse and I both have professional office space needs that are home-based

We live in the Midtown area of the City on a 13,000 SF lot, which affords significant room for building expansion without impinging on required set-backs. Yet the contemplated limitation does not account for larger lot sizes. I believe that distinction should be addressed.

Thanks for the opportunity to comment.

Best Regards,

Patty Huntley
1316 Whedbee Street
Fort Collins CO 80524

From: [Julie L Stackhouse](#)
To: [Meaghan Overton](#); [Noah Beals](#)
Subject: [EXTERNAL] Fwd: A notice of possible interest
Date: Thursday, October 27, 2022 7:56:37 AM
Attachments: [PastedGraphic-1.tiff](#)

This was forwarded to me through a member of the League of Women Voters. It is unfortunate that the writer did not attend one of the public outreach sessions.

All the best,



Begin forwarded message:

From: Trish Warner <trishwarner27@gmail.com>
Subject: **Fwd: A notice of possible interest**
Date: October 27, 2022 at 7:26:30 AM MDT
To: Barb Irelan <irelanjohnbarb@gmail.com>, Judy Filusch <filusch@msn.com>, Vonne Zdenek <vlzmcg@gmail.com>, Deb Bobowski <bobowski.col@gmail.com>, Isabel Derbes <isabelderbes@gmail.com>, Marilyn Heller <mmhellers@gmail.com>, Trish Warner <trishwarner27@gmail.com>, Carol Rush <crush@frii.com>, Irene Josey <iruniej@gmail.com>, RUTH E LONG <relong46@comcast.net>, Julie Stackhouse <stackjl@me.com>, Karyl Rice <karylwildrice@gmail.com>, Joyce DeVaney <jdevaney6@comcast.net>, Nancy McDuffie <mcduffien@rocketmail.com>

----- Forwarded message -----

From: **Jane Hamburger** <mjbhamburger@gmail.com>
Date: Wed, Oct 26, 2022 at 4:49 PM
Subject: A notice of possible interest
To: trishwarner27@gmail.com <trishwarner27@gmail.com>

Hi Trish, I don't know if this is of interest to some of your team. The public review process for housing projects stood out to me.

Jane

Land Use Codes Changing in Ft. Collins: Do you live in Old Town or near

CSU? If you live in Old Town or near CSU, please be aware that a significant zoning change is under serious consideration by the City that will probably affect you. This has not been effectively publicized, but the changes being considered will affect large parts of Old Town neighborhoods. At the bottom are some links for you. Key goals by the City are to increase housing density and capacity in the interest of creating more affordable housing. > Three neighborhood districts in the general Old Town area will be combined into one neighborhood district ("Old Town"). Are you in one of these districts? If so you should be aware of this. > If you would like to add on to your home, your home (+ new addition) may not exceed 2400 sq ft. > Housing options in Old Town neighborhoods will now include duplexes, triplexes, and apartment buildings. This includes neighborhoods that were designated as single-family housing in the prior land use code. > The public review process for housing projects will be less accessible by the public. All housing projects will be approved through what is called Basic Development Review. This means that city staff (the director of the Community Development and Neighborhood Services Department) is the final decision-maker and there is no public hearing for a housing project. > While these changes are fully supported by the development community, there is no requirement that developers contribute in any way toward solving the affordable housing situation. Important dates: The first reading of the "Land Development Code" (formerly the Land Use Code) was October 18. City Council will vote finally on the new Land Use/Development changes on Nov 1. These changes are focused on the long term and the new code could be in effect for 30 years, as the old one was. If enacted it will change housing and neighborhoods in Old Town significantly. November 1: Second reading and City Council votes on this issue. Make your Voice Heard Now: contact your City Council Representative, Write to the Mayor, attend the Nov 1, 2022 City Council meeting and speak at public comment. Links: Descriptions of the proposed zoning by zone (see p. 10 for a useful map) https://www.fcgov.com/housing/files/article-2_-draft_ldc.pdf?1664220537 Project page with updates <https://www.fcgov.com/housing/lucupdates> How to participate in a City Council meeting <https://www.fcgov.com/council/councilcomments> Who is my council person? <https://www.fcgov.com/cityclerk/district-boundaries>



Item 21.



Land Use Code Phase 1 Updates: First Reading

Noah Beals | Development Review Manager
Meaghan Overton | Housing Manager

Does Council wish to adopt Ordinances 114-2022 and 115-2022 for the proposed Land Development Code on Second Reading?



October 18th Council approved changes included in the Phase 1 Update to the Land Use Code

And amendment to the Zoning Map for the following name changes:

NCL = OT-A

NCM = OT-B

NCL = OT-C

Council reviewed the 19 recommendations of the Planning and Zoning Commission.

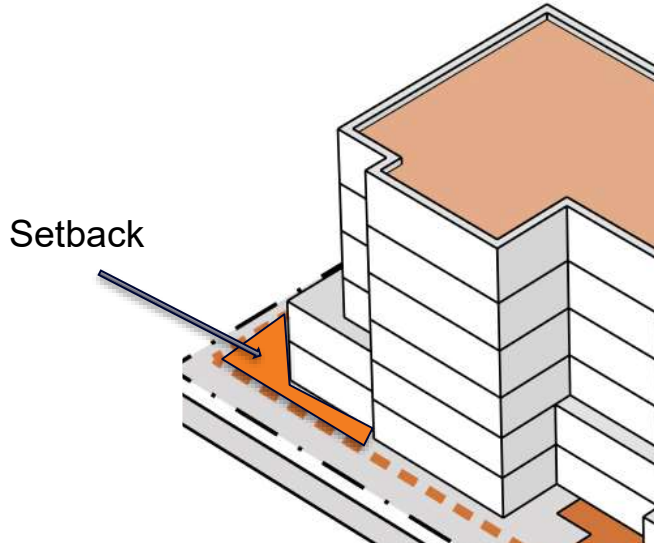
And approved 15 of those recommendations.

Change #	Council Edit	Additional Edit	Section number
Article 1			
1		Clarifying terminology	1.2.2 and 1.3.3
Article 2			
2	Approved 2,400 sf floor area for detached house in OT-A and OT-B		2.1.6 OT-A Building Types and OT-B Building Types
3	Approved 2,400 sf floor area for detached house in OT-C and Density edits for other building types		2.1.6 OT-C Building Types
4	Approved in the HMN zone district the Front setback to be 15'		2.2.3 Residential Building Setbacks
5	Approved existing upper story setback to be retained in the HMN zoned district		2.2.3 Contextual Height Setback
6	Approved clarification to Façade articulation to ensure building color change does not count as significant change		2.2.1, 2.2.2, and 2.2.3 Development Standards

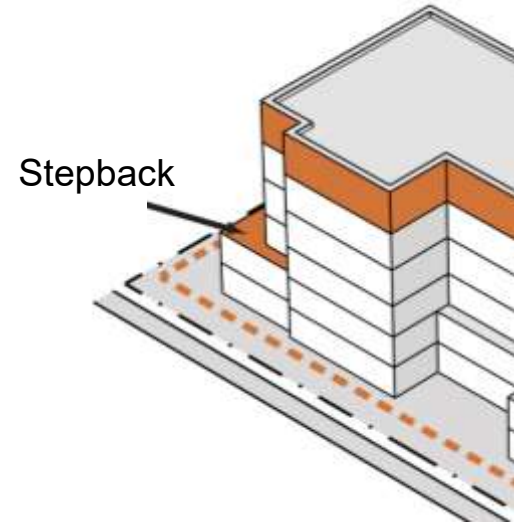
Article 3			
7	Approved clarification the Row House prohibits parking areas to be visible from the public right of way		3.1.4 Access & Circulation
8	Approved parking areas are prohibited in the courts of Cottagae Court building type.		3.1.3 Access & Circulation
9	Approved driveway in the RL zone district to be increased to 18'		3.1.6 and 3.1.7 Off-Street Parking
10	Approved clarification that an ADU can be built in connections with other accessory space		3.1.9 Building Standards
11	Approved the max floor area for and ADU accessory to primary buildings 1335 sf or less.		3.1.9 ADU Floor Area
12		Existing Standards for Cluster Development were not visible in the previous draft	3.1.10 Design Standards (D)(4) and (5)

Article 4			
13	Approved the same list of uses for OT-A and RL including ADU and Two-unit dwellings		4.2 Table of Primary Uses
14	Approved OT-B to retain Mixed-Use Dwelling as a permitted use		4.2 Table of Primary Uses
Article 5			
15	Approved Deed Restriction for Affordable Housing Development to be changed to 99 years		5.2.1(D)(3)
16	Approved Clarification requirements for “substantially varied” building design		5.3.2(C)(4)(b)

Article 6			
No additional recommendations			
Article 7			
17	Approved Clarification and Edits to the definition of Floor Area		7.1.2 Floor Area
18		Correct Code Reference	7.2.1 Dwelling Unit



Measured from the property line



Measured from the lower story

Does Council wish to adopt Ordinances 114-2022 and 115-2022 for the proposed Land Development Code on Second Reading?



November 1, 2022



AGENDA ITEM SUMMARY

City Council

STAFF

Marcy Yoder, Neighborhood Services Manager
John Feyen, Police Assistant Chief
John Duval, Legal

SUBJECT

First Reading of Ordinance No. 136, 2022, Repealing and Reenacting Article IX of City Code Chapter 20 Concerning Public Nuisances and Making Conforming Changes to City Code Section 19-3.

EXECUTIVE SUMMARY

The purpose of this item is for Council to consider the adoption of a new public nuisance ordinance (PNO) that allows for a clearer, broader definition of public nuisance and adds new enforcement mechanism for abating public nuisances and chronic nuisance properties. The new PNO will allow staff to address the current community issues and nuisance situations more effectively.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

BACKGROUND / DISCUSSION

Introduction

The City adopted in 2000 an ordinance for the abatement of public nuisances (PNO) to address the nuisance issues being experienced at that time with few significant amendments to the PNO since then. Many of the issues were in residential areas and were focused on noise nuisances and other nuisances outlined in the Code Chapter 20, such as tall weeds and grasses, rubbish, inoperable vehicles, etc.

Those issues continue to exist, but we have seen an expansion of nuisance issues that include drug-related activities, gatherings that result in assaults, firearms being discharged, animal control issues, fire code issues including illegal fireworks and outdoor burning, building code violations, abandoned buildings, and obstruction of sidewalks and streets.

The proposed Ordinance would repeal the current PNO and reenact a new PNO which, if adopted, will expand the scope of public nuisances, add new enforcement tools, and simplify the administrative process for utilizing these tools.

History of Current Public Nuisance Ordinance

Originally developed in early 2000, the purpose of the current PNO was to remedy chronic problems at properties in Fort Collins using a civil abatement process where citing specific, individual nuisance violations of the Code were found to be ineffective in abating the chronic problems that were adversely affecting neighborhoods

The current PNO ordinance in Municipal Code generally provides for the following enforcement steps to be taken before the civil abatement process can be used:

1. The City first identifies a property that might be becoming a public nuisance. This could happen in one of several ways, including complaints from neighbors or a neighborhood group, a large number of nuisance violations (resulting in citations issued) which begin to show a pattern to a staff member, or the police department noticing a chronic problem and calling it to the attention of the Code Compliance staff.
2. The Code Compliance Case Manager then collects data about the potential nuisance property to determine how serious and chronic the problem is in comparison to similar properties in the City. If the property has multiple violations, the City Attorney's Office would also help to decide whether cause exists to file a civil abatement action in Municipal Court.
3. Notice is sent by mail to the property owner and/or tenants when the City begins the process of monitoring a location as a possible public nuisance. This initial letter notifies of the possibility of a public nuisance violation, informing the parties that two (2) more additional violations within 12 months (3 total) or 4 additional violations within 24 months (5 total) could result in the filing of a public nuisance action. During this time, the Case Manager would encourage the owner to work with the City, any tenants, and possibly neighbors to develop a voluntary mitigation/abatement plan or agreement to avoid future problems.

The focus of the current PNO has been to work with property owners to voluntarily resolve nuisances; however, if the owner is unwilling to resolve the problem through an abatement plan, the PNO provides the City with only the ability to file a civil abatement action against the owner in Municipal Court. Remedies would then be limited to obtaining a civil abatement order to compel the owner to abate the nuisance and a civil judgment to recover the City's costs in pursuing the civil abatement process.

This might include such things as ordering a particular tenant to be evicted, clean-up the property, or order that a certain person not engage in a certain kind of behavior. The process can also potentially result in a misdemeanor charge if someone knowingly ignored or disobeyed the Court's order. For example, if someone was ordered by the Court to clean up a property and did not follow the order, that person could then be prosecuted in Municipal Court, but only after the City has obtained the civil abatement order.

In practice, the utilization of the current PNO has been limited in recent years. This is partly a result of Code Compliance's focus on and high success rate of achieving voluntary compliance in the correction of most nuisance violations. Most of Code Compliance's cases do not ultimately result in the issuance of citations. However, more recently the scope of nuisance types that can be addressed in the current PNO is not broad enough to address the current community issues. Additionally, the prior case management process for public nuisance actions has proven to be administratively burdensome due to the requirements around tracking and individualized noticing to property owners for each violation that occurred that can form the basis for the current civil abatement action.

City staff has therefore recently analyzed the current PNO and determined that an update to it is necessary in order to address the current nuisance issues and to add new processes and enforcement tools that are more practical from both an enforcement and administrative standpoint. For example, this includes expanding the proposed PNO to apply to "nuisance activities" that include criminal violations under the City's Code and state law and building and fire code violations.

Research

A review of other cities' public nuisance and chronic nuisance property ordinances was conducted to gain a better understanding of how other jurisdictions are addressing and resolving their public nuisances and chronic nuisance properties. The jurisdictions we contacted in Colorado were Boulder and Parker. The Town of Parker is currently the only other jurisdiction in the state with a chronic nuisance property ordinance. Outside of Colorado, we reviewed the chronic nuisance ordinances in the following cities: Cincinnati, OH; Kansas City, MO; Spokane, WA; Seattle, WA; Portland, OR; Elgin, IL; Springfield, IL; and Milwaukee, WI.

Jurisdiction	Definition of chronic nuisance property
Parker, CO	3 or more occasions where nuisance activity is observed in 60 days or 7 or more in 12 months
Cincinnati, OH	3 or more nuisance activities occurred at the premises in a 30-day period
Kansas City, MO	3 or more police responses to nuisance activity in 30 days, 7 or more in 180 days
Spokane, WA	3 or more nuisance activities observed on a property in 60 days, 7 or more in 12 months
Seattle, WA	3 or more nuisance activities exist or have occurred on a property in 60 days, 7 or more in 12 months
Portland, OR	3 or more nuisance activities exist or have occurred on a property in 30 days
Elgin, IL	3 or more instances of any one or any combination of nuisance activity in 12 months based upon 3 separate factual events that have been independently investigated
Springfield, IL	3 or more separate inspections or incidents w/in 24 months that have been the source of 3 or more violations as determined by an admin hearing officer; OR 2 or more of certain criminal activities in a 60-day period or 3 or more in a 365-day period
Milwaukee, WI	3 or more responses from the police department for "nuisance activities" in 30 days

Based on our findings, we determined the appropriate threshold to establish a chronic nuisance property is 3 or more nuisance activities exist or have occurred on a property within a 90-day period or 7 or more nuisance activities within a one-year period.

Proposed Public Nuisance Ordinance

- *Public Nuisance, Chronic Nuisance Property, & Nuisance Activity*

The proposed PNO regulates two types of nuisances: (i) a "public nuisance"; and (ii) a "chronic nuisance property". The existence of each of them depends on the occurrence or existence of multiple or continuing "nuisance activities" on a property.

A "nuisance activity" is defined in the PNO to include 66 categories of various criminal and civil violations happening on the property that individually or in combination result in either a public nuisance or chronic nuisance property. These nuisance activities include:

- civil infractions under the City Code, such as tall weeds and grass, rubbish, and inoperable motor vehicles;
- minor misdemeanor violations under the City Code, such as unreasonable noise, bodily waste, and

nuisance gatherings;

- more serious misdemeanor violations under the City Code, such as resisting arrest, assault, disorderly conduct, and building and fire code violations; and
- misdemeanors and felonies under State law, such as criminal mischief, assault, harassment, arson, firearms offenses, and drug-related offenses.

A “public nuisance” is more generally defined, while the definition of a “chronic nuisance property” is tied to a certain number of nuisance activities occurring on a property within a set period.

A “public nuisance” exists when repeated nuisance activities (meaning more than one) have occurred on the property or a continuing nuisance activity exists on it causing an unreasonable risk of harm or injury to the public health, safety, or welfare. This would include circumstances where the nuisance activities are unreasonably injuring, damaging, annoying, inconveniencing, or disturbing the peace of members of the public with respect to their: (i) comfort, health, repose, or safety; or (ii) free use and comfortable enjoyment of their property and of sidewalks, streets, or other public spaces near the offending property.

A “chronic nuisance property” exists when:

- 3 or more nuisance activities have occurred on the property within 90 days, or 7 or more nuisance activities have occurred within 1 year, with each activity occurring on a separate day, but not applicable to a property having multiple residential units under common ownership (i.e., apartment complex);
- there are multiple residential units on the property under common ownership and 6 or more nuisance activities have occurred within 90 days or 10 or more nuisance activities have occurred within 1 year, with each activity occurring on a separate day;
- 2 or more nuisance activities involving drug-related activity have occurred on the property within 30 days, with each activity occurring on a separate day; or
- the property is an “abandoned property” and any number of nuisance activities have occurred or exist on it. An “abandoned property” is defined as a property where no one is asserting or claiming any ownership or legal control over it.

- *Enforcement Tools*

The proposed PNO is designed to provide the City with alternative tools for enforcement depending on the circumstances.

The most basic of the tools is to provide the property owner and others in possession of the property, such as tenants, with written notice of the existence of the public nuisance or chronic nuisance property. The purpose of the notice is to give the owner and others noticed the opportunity to abate the nuisance activities promptly and voluntarily or to work with the City in coming up with a plan to do so.

If the notice is unsuccessful in getting the cooperation of the person(s) responsible for the property, the next step might be to issue a citation to the noticed persons for a civil infraction. The punishment for the infraction would be a penalty assessment of \$250 for the first offense, \$500 for a second offense within 60 days, \$1,000 for a third offense within 120 days, and \$2,000 for fourth and subsequent offenses within 1 year. If the person cited does not voluntarily pay the penalty assessment stated in the citation, the civil infraction would be tried in Municipal Court.

If the notice and any citations for the penalty assessment civil infraction are unsuccessful in remedying and stopping the nuisance activities, the next step might be to consider issuing a citation to the property owner or other responsible persons for a misdemeanor offense. This offense would be subject to the City’s same maximum penalties it imposes for other misdemeanors, which are a fine and court surcharge not to exceed \$3,000 or 180 days in jail, or both.

Whether the responsible persons are cited for a civil infraction or misdemeanor offense, each separate day a public nuisance occurs or exists on a property, or the property continues to be a chronic nuisance property, is considered a separate infraction or offense.

If the notice and any citations for the civil infraction and misdemeanor offense are unsuccessful, the tool remaining in the PNO would be for the City to file a civil abatement action in Municipal Court against the property owner and any other responsible persons. Under this civil proceeding, the City would be asking the Court to issue temporary and permanent abatement orders requiring the owner and other responsible persons to abate the public nuisance or chronic nuisance property. The Court would be able to enforce its order under its contempt powers. Also, if an abatement order is issued and the person against whom it is directed fails to obey it, that is considered a misdemeanor violation under which the person could be arrested and prosecuted.

The City may also ask for the Court in the civil action to impose a civil penalty of not less than \$100 but not more than \$1,000 for each day the public nuisance or chronic nuisance continued to exist after the City served the initial notice to abate these conditions of the property. The City will then be entitled to a judgment for this civil penalty amount plus all its other costs, including attorney fees, that it incurred in pursuing its remedies under the PNO.

- *Other Significant PNO Provisions*

The proposed PNO continues to include important and significant provisions that exist in the current PNO. These include:

- Preserving for the City's code enforcement officers the legal authority to enter the property to abate nuisances without a warrant when authorized under the Fourth Amendment.
- Preserving for code enforcement officers the legal authority to obtain a search warrant to inspect the property and abate a nuisance consistent with the Fourth Amendment.
- Stating that the PNO is not intended to limit or prohibit the City or anyone else to pursue other remedies to abate a nuisance as are available under any other laws.
- Preserving City's ability to file a lien against the property for the costs the City incurs in abating a nuisance.

The proposed PNO also adds new significant provisions, and these are:

- Describes the proof standards to be applied by the Municipal Court in determining whether an alleged nuisance activity occurred on the property – in criminal proceedings proof beyond a reasonable doubt and in civil proceedings proof by a preponderance of the evidence.
- States that misdemeanor and civil infraction violations under the PNO will be strict liability offenses not requiring proof of culpable mental state, making these offenses easier to prove.
- States the City is not required in proving a nuisance activity to prove that any person was cited, held liable for, or convicted in any court of the civil or criminal charge underlying the nuisance activity. However, the City will still be required to prove that the nuisance activity occurred by other evidence.
- States that if a person is held liable for or convicted in the courts for the charge underlying the nuisance activity and that decision is final, this is to be deemed conclusive evidence by the Municipal Court in proceedings under the PNO that the nuisance activity occurred, but the City will still be required to prove the activity occurred on the property.

- Allows the Municipal Court to consider as a mitigating factor in proceedings under the PNO that the defendant was the victim or person harmed by the nuisance activity or activities forming the basis for the public nuisance or chronic nuisance property, but only if the Court also finds: (i) the defendant or someone acting on their behalf promptly reported the nuisance activity to law enforcement; and (ii) at the time of the activity, the defendant had reasonably effective means in place to prevent nuisance activities occurring on the property or to manage them if prevention not reasonably practicable. These means may include security cameras, security services, fencing, on-site personnel, and any other services, equipment, or facilities having as their function to prevent nuisance activities from happening on the property.

Under Article VII, Section 1 of the City Charter, any new rules of procedure to be used in Municipal Court can only be adopted by City Council if recommended by the Chief Municipal Judge. Chief Judge Jill Heuser has reviewed the provisions in the PNO pertaining to the rules of procedure to be used in civil abatement actions under the PNO. Judge Heuser is recommending to the Council that it adopt these provisions.

Conclusions

Staff recommends the adoption of the proposed PNO as it will allow the City to more readily address the types of nuisance issues that the community is currently experiencing.

CITY FINANCIAL IMPACTS

None.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

None.

PUBLIC OUTREACH

Not applicable.

ATTACHMENTS

1. Ordinance for Consideration
2. Presentation

ORDINANCE NO. 136, 2022
OF THE COUNCIL OF THE CITY OF FORT COLLINS
REPEALING AND REENACTING ARTICLE IX OF CITY CODE CHAPTER 20
CONCERNING PUBLIC NUISANCES
AND MAKING CONFORMING CHANGES TO CITY CODE SECTION 19-3

WHEREAS, in 2000, the City Council adopted Ordinance No. 28, 2000, to add Article IX to Chapter 20 of the Code (“Article IX”) to establish a process for abating public nuisances by the City filing a civil action in Municipal Court asking the Court to issue civil orders requiring the property owner or others responsible to abate the public nuisance; and

WHEREAS, the aim and focus of Article IX was primarily to add an enforcement tool to those already available to address nuisances on privately-owned properties, such as noise violations, rubbish accumulation, tall weeds and grass, inoperable motor vehicle, and similar activities that affected the health, safety, and welfare of nearby properties and the public in general; and

WHEREAS, the intent was to use this enforcement tool for those properties having chronic-public-nuisance problems that were not being resolved by the then existing enforcement tools; and

WHEREAS, there have not been any significant amendments to Article IX since 2000, so the only tool it currently provides is the civil abatement process: and

WHEREAS, since 2000 the City’s population has grown from just over 118,000 to over 170,000 and with this growth has come increased crime, including a significant increase in the number, severity, and dangerousness of activities on and conditions of privately-owned properties that threaten and harm the health, safety, and welfare of nearby properties, neighborhoods, and the public in general; and

WHEREAS, these more recent problematic activities and conditions have included the occurrence of more serious crimes, such as unlawful drug use, firearm violations, assaults, harassment, human wastes, and similar offenses; and

WHEREAS, Article IX has proven ineffective in preventing or abating these activities and conditions on properties due to its narrow scope, its lack of alternative enforcement tools, and because it has proven difficult to apply and use administratively as an enforcement tool; and

WHEREAS, City staff has researched what other communities experiencing nuisance problems similar to the City’s have used as enforcement tools to prevent and abate these newer types of nuisances; and

WHEREAS, based on that research, City staff is recommending this Ordinance to expand the type of enforcement tools the City may use, to expand the type of activities and conditions on

properties that constitute nuisance activities, and to provide enforcement processes that are administratively easier to use; and

WHEREAS, Chief Municipal Judge Jill Hueser has also reviewed the provisions of this Ordinance pertaining to the rules of procedure to be used by the Municipal Court in the civil abatement process and, pursuant to Section 1 of Charter Article VII, she has recommended to City Council that it adopt these provisions; and

WHEREAS, the Council has determined, and now finds, that the adoption of this Ordinance is necessary for the health, safety, and welfare of the public.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That Article IX of Chapter 20 of the Code of the City of Fort Collins is hereby repealed and reenacted to read as follows:

ARTICLE IX. PUBLIC NUISANCES

Division 1. General

Sec. 20-110. Legislative purpose.

The abatement of local public nuisances for the protection of public health, safety, and welfare is a matter of purely local and municipal concern. The purpose of this Article is to eliminate public nuisances. The remedies provided in this Article are designed to eliminate public nuisances by removing property from a condition or conditions that either create an immediate need for abatement to protect the public health, safety, or welfare, or lead to consistent and repeated violations of state or municipal law. Another purpose of this Article is to require persons owning, leasing, or otherwise in control of property to be vigilant in preventing public nuisances on and in their property, to make them responsible for the use of their property by themselves, occupants, and trespassers, and to otherwise deter public nuisances.

Sec. 20-111. Definitions.

Unless the context clearly requires otherwise, the following words, terms, and phrases, when used in this Article, shall have the meanings ascribed to them in this Section:

Abandoned property means a property over which the person owning, leasing, or otherwise in control of the property, or the agent of such person, no longer asserts control due to death, incarceration, or any other reason, and which property is either unsecured or subject to occupation by trespassers or other unauthorized individuals.

Abate means to bring to a halt, eliminate, prevent, or, where that is not reasonably practicable, to suppress, mitigate, or reduce.

Abatement agreement means a written contract between the City and a person owning or leasing a property on which there is a public nuisance or that has become a chronic nuisance property, or the agent of such person, in which contract the person agrees to timely take all corrective actions to abate the public nuisance or chronic nuisance property and to prevent them from reoccurring as agreed in the contract. Such corrective actions may include, without limitation and as applicable:

1. Effective tenant screening, leasing, and rule enforcement;
2. Implementing physical improvements for crime prevention;
3. Providing security for the property;
4. Evicting persons responsible for the nuisance activity;
5. Pursuing other remedies available under any lease or other agreement applicable to the property;
6. Promptly reporting nuisance activities to law enforcement; and
7. Regular cleaning, maintenance, and repair of the property and the buildings located on it.

Agent means any person legally authorized to act on behalf of or in place of the owner or lessee of a property, which may include, without limitation, a person providing property management services, a trustee, conservator, and personal representative.

Building means a structure with the capacity to contain, and is designed for the shelter of, humans, animals, or personal property of any kind. *Building* shall include, without limitation, any house, office building, store, warehouse, or any other residential or nonresidential structure of any kind, whether or not such structure is permanently affixed to the ground upon which it is situated, and any trailer, semi-trailer, trailer coach, mobile home, or other vehicle designed or used for occupancy by persons for any purpose.

Chronic nuisance property means:

1. A property where three (3) or more nuisance activities have occurred within a ninety (90) day period or seven (7) or more nuisance activities have occurred within a one (1) year period, with each activity occurring on a separate day, but this shall not include a property on which is more than one (1) residential unit that are all under common ownership;
2. A property that is more than one (1) residential unit that are all under common ownership where six (6) or more nuisance activities have occurred within a ninety

- (90) period or ten (10) or more nuisance activities have occurred within a one (1) year period, with each activity occurring on a separate day.
3. A property where two (2) or more nuisance activities involving drug-related activity have occurred within a thirty (30) day period, with each activity occurring on a separate day; or
 4. Any abandoned property where any number of nuisance activities have occurred or exist.

Code enforcement officer means an individual appointed by the chief of police pursuant to Code § 2-503(b)(2) to enforce the provisions of this Article and City police officers authorized to enforce the Code as provided in § 2-503(b)(1).

Drug-related activity means any activity at a property which is an offense under Part 4 in Article 18 of C.R.S. Title 18, which offenses include, without limitation, the unlawful manufacture, cultivation, growth, production, delivery, sale, storage, possession, use, or giving away of any controlled substance and possession of drug paraphernalia.

Lessee means a person having a possessory interest in a property under an oral or written lease agreement.

Municipal Court or *Court* means the Municipal Court of the City as established in Article VII, Section 1 of the Charter.

Municipal judge means any judge of the Fort Collins Municipal Court appointed by the City Council as provided in Article VII, Section 1 of the Charter.

Notice to abate means a written notice issued by a code enforcement officer as provided in § 20-113.

Nuisance activity means any of the following violations and nuisances occurring or existing on a property and committed by any person, including, without limitation, by an owner, lessee, agent, occupant, or trespasser:

1. Disorderly conduct - Code § 17-124.
2. Social host and underage use or possession of alcohol or marijuana - Code § 17-168.
3. Unreasonable noise - Code § 17-129.
4. Nuisance gatherings - Code §§ 17-131 and 17-132.
5. Camping on private property - Code § 17-182.
6. Violations of the 2021 International Fire Code – Code §§ 9-1 and 9-2.
7. Marijuana cultivation - Code § 12-142.
8. Dwelling unit occupancy limits - § 3.8.16 of the Fort Collins Land Use Code.
9. Animal violations - Divisions 4 and 5 of Code Chapter 4.
10. Hazardous waste disposal - Code § 12-21.
11. Hemp violations - Code §§ 12-222 and 12-23.
12. Abandoned refrigerators and similar items - Code § 17-81.

13. Discharging weapons - Code § 17-101.
14. Throwing of missiles - Code § 17-102.
15. Bodily waste - Code § 17-103.
16. Disturbing the peace - Code § 17-121.
17. Harassment - Code § 17-126.
18. Open container - Code § 17-141.
19. Public nudity - Code § 17-142.
20. Inhaling toxic vapors - City Code § 17-162.
21. Underage possession or use of alcohol - Code § 17-167.
22. Use and possession of marijuana - City Code § 17-191.
23. Use of alcohol for cannabinoid extraction from marijuana - Code § 17-194.
24. Air pollution nuisances - City Code § 20-1.
25. Noise violations - Article II of Code Chapter 20.
26. Exterior property maintenance nuisances - Article III of Code Chapter 20.
27. Weeds, unmowed grasses, refuse, rubbish, outdoor furniture, and outdoor storage nuisances - Article IV of Code Chapter 20.
28. Inoperable motor vehicle violations - Division 2 in Article VI of Code Chapter 20.
29. Parking and vehicle storage nuisances - Article VIII of Code Chapter 20.
30. Care and protection of trees, shrubs, and other vegetation - Division 3 in Article II of Code Chapter 27.
31. Assault - Code § 17-21.
32. Criminal mischief - Code § 17-39.
33. Littering - Code § 17-41.
34. Interference with public officers - Code § 17-63
35. Resisting arrest - Code § 17-64.
36. Theft – Code § 17-36.
37. Activities on the property causing the obstruction of adjacent highways, streets, sidewalks, or any other public place for the passage of individuals or vehicles so as to violate § 17-128 or §§ 1202, 1203, or 1204 of the Fort Collins Traffic Code as adopted in § 28-16.
38. Violations of Open Fire and Burning Restrictions – Article II of Code Chapter 9.
39. Violations of the 2021 International Building Code – Code §§ 5-26(a) and 5-27.
40. Violations of the 2021 International Residential Code – Code §§ 5-26(c) and 5-30.
41. Violations of the 2021 International Property Maintenance Code – Code §§ 5-46 and 5-47.
42. Violations of the Rental Housing Standards – Article VI, Division 1 of Code Chapter 5.
43. Criminal offenses against persons - Article 3 of Title 18 of the Colorado Revised Statutes (C.R.S.), except not including sexual assault defined in C.R.S. § 18-3-402 and stalking defined in C.R.S. § 18-3-602.
44. Crimes of arson - Part 1 of Article 4 in C.R.S. Title 18.
45. Crimes of robbery - Part 3 of Article 4 in C.R.S. Title 18.
46. Theft - C.R.S. § 18-4-401.
47. Crimes against children - Part 4 of Article 6 in C.R.S. Title 18.
48. Harboring a minor - C.R.S. § 18-6-601.
49. Contributing to the delinquency of a minor - C.R.S. § 18-6-701.

50. Crimes related to prostitution - Part 2 of Article 7 in C.R.S. Title 18.
51. Crime of public indecency - C.R.S. § 18-7-301.
52. Crime of indecent exposure - C.R.S. § 18-7-302.
53. Crimes related to child prostitution - Part 4 of Article 7 in C.R.S. Title 18.
54. Resisting arrest - C.R.S. § 18-8-103.
55. Obstructing a police officer, firefighter, etc. - C.R.S. § 18-8-104.
56. Disorderly conduct - C.R.S. § 18-9-106.
57. Harassment - C.R.S. § 18-9-111.
58. Cruelty to animals - C.R.S. § 18-9-202.
59. Unlawful ownership of dangerous dog - C.R.S. § 18-9-204.5.
60. Crimes related to firearms and weapons - Part 1 of Article 12 in C.R.S. Title 18.
61. Unlawful discarding or abandonment of iceboxes, motor vehicle, and similar items - C.R.S. § 18-13-106.
62. Hazardous waste violations - C.R.S. § 18-13-112.
63. Providing tobacco products to underage persons - C.R.S. § 18-13-121.
64. Underage possession and use of alcohol and marijuana - C.R.S. § 18-13-122.
65. Crimes related to controlled substances, marijuana, and other substances - Part 4 of Article 18 in C.R.S. Title 18.
66. Crimes related to burglary and related offenses – Part 2 of Article 4 in C.R.S. Title 18.

Occupant means a person occupying, residing in, or using a property with the consent of the owner or lessee, or of their agent, as applicable, which shall include, without limitation, *invitees*, *licensees*, and *social guests* as these words and term are defined in the Colorado Premises Liability Act.

Owner means a person having a fee title ownership interest in a property.

Person means any individual, corporation, association, firm, joint venture, estate, trust, business trust, syndicate, fiduciary, partnership, limited partnership, limited liability company, and body politic and corporate, and all other groups and combinations.

Property means a contiguous parcel, tract, lot, or other area of land established or described by plat, subdivision, or metes and bounds description in common ownership which is permitted by law to be used, occupied, or designed to be occupied by one (1) or more buildings or uses. *Property* also means any building, or individual residential unit within a building, located on an any such area of land, that is in common ownership, but shall not include such land, buildings, and residential units owned by the Board of Governors of the Colorado State University System or utilized by Colorado State University for the housing of students or faculty or for other educational purposes.

Public nuisance or *nuisance* means any repeated or continuing nuisance activity, or combination of nuisance activities, occurring or existing on a property that creates an unreasonable risk of harm or is injurious to the public health, safety, or welfare, to include, without limitation, a nuisance activity, or combination of nuisance activities, that unreasonably injures, damages, annoys,

inconveniences, or disturbs the peace of members of the public of normal sensibility with respect to their comfort, health, repose, or safety, or with respect to the free use and comfortable enjoyment of their property or of sidewalks, streets, or other public spaces near and around the offending property.

Relative means an individual related by consanguinity within the third degree as determined by common law, a spouse, or an individual related to a spouse within the third degree as so determined and includes an individual in a step or adoptive relationship within the third degree.

Residential unit means any building or portion of a building designed, occupied, or intended for occupancy as separate quarters for the exclusive use of one or more individuals for living, sleeping, cooking, and sanitary purposes.

Trespasser means a person who enters or remains on the property of another person without that other person's consent.

Sec. 20-112. Entry of property and abatement of public nuisance.

(a) A code enforcement officer with probable cause to believe a public nuisance exists on a property may enter onto it without a warrant to inspect and abate any existing public nuisance and prevent the nuisance from recurring provided the same may be accomplished without entering a building on the property, entering the curtilage of a residential building on the property, or entering an area of the property enclosed by a privacy fence or similar enclosure. If the suspected public nuisance is within a building, the curtilage of a residential building, or enclosed by a privacy fence or similar enclosure, a code enforcement officer may enter such areas only with the consent of the owner, lessee, agent, or occupant, as applicable, or after obtaining a warrant as provided in subsection (c) of this Section.

(b) If entry is refused by the owner, lessee, agent, or occupant, as applicable, or they cannot be located after a reasonable effort, the code enforcement officer shall either personally serve the owner, lessee, agent, or occupant, as applicable, if they are located or, if not located, post on the property in a conspicuous location a written notice of intention to inspect not sooner than twenty-four (24) hours after the time specified in such notice. The notice shall state that the owner, lessee, agent, or occupant, as applicable, has the right to refuse entry, and if such entry is refused, inspection may be made only upon issuance of a search warrant by a municipal judge, or by a judge of any other court having jurisdiction.

(c) After the expiration of the twenty-four-hour period from the serving or posting of the notice of intent to inspect, the code enforcement officer may appear before a municipal judge or a judge of any other court having jurisdiction and, upon a showing of probable cause by written affidavit, obtain a search warrant entitling the code enforcement officer to enter the building, curtilage area, or fenced area, as applicable, to inspect the property, abate any nuisance, and prevent the nuisance occurring again. Upon presentation of the search warrant and proper credentials to any persons in possession of the property, or possession of the warrant in the case of an unoccupied property, the code enforcement officer may enter the building, the curtilage

area, or fenced area, as applicable, and may use such reasonable force as may be necessary to gain entry to inspect the property, abate any nuisance, and prevent the nuisance occurring again.

(d) It is unlawful for any owner, lessee, agent, or occupant of the building or on the property to deny entry to a code enforcement officer or to resist reasonable force used by such officer acting pursuant to a search warrant issued pursuant to this Section.

(e) Whenever a public nuisance exists on a property that constitutes an emergency immediately threatening the life or safety of any person or other exigent circumstance exists, a code enforcement officer may enter any building on the property or any other portion of the property without a search warrant as reasonably necessary to abate the public nuisance constituting the emergency and prevent it from occurring again, and the code enforcement officer may use such reasonable force as is necessary to enter the building or onto the property to do so.

Sec. 20-113. Notice to abate.

(a) Upon discovering a public nuisance, a code enforcement officer may issue and serve a notice to abate on the owner or lessee, as applicable, or their agent, directing them to remove and abate the nuisance from the property within the time specified in the notice as follows:

(1) Within twenty-four (24) hours of the issuance of the notice if the nuisance poses an imminent and substantial risk of damaging other property (including personal property of any other person), injuring any individual, or threatening the public health or safety; or

(2) Within seven (7) days for all other public nuisances, or such longer period of time as the code enforcement officer determines is appropriate if, based on the facts and circumstances, the nuisance could not reasonably be abated within seven (7) days.

(b) If the owner, lessee, or agent, as applicable, fails to abate the nuisance within the time stated in the notice to abate, the code enforcement officer may remove or abate the nuisance from the property without delay as provided in § 20-112 or take such other action or actions as are authorized in this Article.

(c) Except as required for issuing a citation for a misdemeanor offense under § 20-125 and a civil infraction under § 20-130, a code enforcement officer and the City may take enforcement action to abate a public nuisance as authorized in this Article and any other provisions of this Code without first serving or posting a notice to abate.

(d) The code enforcement officer may serve the notice to abate by any of the following methods:

(1) Personal service of the notice to the owner, lessee, or agent, as applicable;

(2) Mail a copy of the notice by first class mail to the last known address of the owner as reflected in the records of the Larimer County Treasurer;

- (3) Mail a copy of the notice by first class mail to the owner, lessee, or agent at their last known address(es) within the City's records or as found in other publicly available records; or
 - (4) Post a copy of the notice in a conspicuous place at the entrance of the property or entrance of any buildings on the property.
- (e) The notice to abate shall include:
- (1) A description of the public nuisance;
 - (2) The date by which the nuisance must be abated;
 - (3) A statement that if the nuisance is not abated within the time specified in the notice, the City may take any enforcement action authorized in this Article;
 - (4) A statement that, if the City abates the nuisance at its cost, it will be entitled to recover its actual internal and external costs plus interest as provided in § 20-118; and
 - (5) A statement that, if the City's cost of abatement is not paid, a lien shall attach to the property as provided in § 20-118 until such cost and accrued interest is paid in full.

Sec. 20-114. Remedies under other laws unaffected.

Nothing in this Article shall be construed as limiting or forbidding the City or any other person from pursuing any other remedies available at law or in equity concerning a public nuisance on a property.

Sec. 20-115. Limitation of actions.

- (a) Actions under this Article concerning a public nuisance shall be commenced no later than one (1) year after: (i) the public nuisance or the last in a series of acts or omissions, or combination of both, constituting the public nuisance occurs, or (ii) the notice to abate is served or posted as provided in § 20-113, whichever is later.
- (b) Actions under this Article concerning a chronic nuisance property shall be commenced no later than one (1) year after: (i) the last nuisance activity occurs that causes the property to be a chronic nuisance property, or (ii) the notice of chronic nuisance property is served as provided in § 20-135, whichever is later.
- (c) These limitations shall not be construed to limit the introduction of evidence of acts or omissions that occurred more than one (1) year before such limitation period for the purpose of establishing the existence of a public nuisance, existence of a chronic nuisance property, when relevant to show a pattern of conduct, or for any other purpose.

Sec. 20-116. Effect of property conveyance.

When fee title to a property is conveyed from one (1) person to another or a property is leased or subleased from one (1) person to another, any nuisance activity that occurred or is existing on the property at the time of the conveyance, lease, or sublease which could be used under this Article to prove that a public nuisance exists regarding such property or that the property is a chronic nuisance property, shall not be so used unless a reason for the conveyance, lease, or sublease was to avoid the property being subject to an enforcement action under this Article. It shall be a rebuttable presumption that a reason for the conveyance, lease, or sublease was to avoid the property being the subject of an enforcement action under this Article if: (1) the property was conveyed, leased, or subleased for less than fair market value; (2) the property was conveyed, leased, or subleased to an entity or entities controlled directly or indirectly by the person conveying, leasing, or subleasing the property; or (3) the property was conveyed, leased, or subleased to a relative(s) of the person making the conveyance, lease, or sublease.

Sec. 20-117. Municipal Court jurisdiction.

Pursuant to Article XX, Section 6, and Article VI, Section 1 of the Colorado Constitution, and Article VII, Section 1 of the Charter, the Municipal Court is hereby granted the jurisdiction, duties and powers to hear and decide all causes arising under this Article, and to provide the remedies specified in this Article and in any other applicable provisions of the Code.

Sec. 20-118. Assessment, collection, and lien for abatement costs.

(a) If the City acts under § 20-112, an abatement agreement, or Division 5 of this Article to abate a public nuisance, chronic nuisance property, or any nuisance activity on a property, the owner of the property shall be liable to the City for the City's total internal and external costs incurred in the abatement. The City's internal costs shall be set and assessed under a written schedule of fees approved by the City Manager, which fees shall be based on a reasonable estimate of the City's direct and indirect internal costs to abate a nuisance, as amended from time to time. External costs shall include all amounts the City paid a vendor or contractor to assist in the abatement.

(b) After the abatement is completed, the City shall send the owner of the property an invoice itemizing and totaling the City's internal and external costs for the abatement. The invoice shall be mailed by first class mail addressed to the owner at the address of the property abated and to the last known address of the owner as reflected in the records of the Larimer County Treasurer. The invoice shall also be mailed by first class mail to any known agent of the owner at their last known address(es) within the City's records or as found in other publicly available records. The total costs so invoiced shall be paid to the City by the owner or their agent within forty-five (45) days of the date of the invoice. If not paid when due, the total assessed cost shall accrue interest at the rate of eight percent (8%) compounded annually.

(c) The City's assessed total cost of abatement, as stated in the invoice sent under this Section, plus the interest accruing thereon, shall be deemed a perpetual lien imposed upon the property from the date such assessed cost became due until paid and shall have priority over all other

liens, except general taxes and prior special assessment liens. The Financial Officer, or their designee, is authorized to thereafter certify to the Larimer County Treasurer the list of delinquent assessments so billed, giving the name of the owner as it appears of record, the number of the lot and block and the amount of the assessment plus interest accrued to that date. The certification shall be the same in substance and form as required for the certification of other taxes. The County Treasurer, upon receipt of such certified list, is hereby authorized to place it upon the tax list for the current year and to collect the assessment and interest in the same manner as general property taxes are collected together with any charges as may by law be made by the County Treasurer and all laws of the state for the assessment and collection of general taxes, including the laws for the sale of property for unpaid taxes and the redemption thereof, shall apply to and have full force and effect for the collection of all such assessments and interest.

(d) If the offending property is not subject to taxation or for any other reason, the City may elect alternative means to collect the amounts due pursuant to this Article, including the commencement of a judicial action at law or in equity, to include, without limitation, commencement of a civil action in Larimer County District Court to judicially foreclose the lien and, after judgment, pursue such remedies as are provided by law.

Sec. 20-119. Presumption and owner responsibility.

Any person who has possession or control of a property as an owner, lessee, agent, or occupant where any nuisance activity exists or has occurred shall be presumed under this Article to be the person causing or allowing the nuisance activity unless the circumstances and evidence clearly indicate otherwise. Notwithstanding this presumption and any other provision of this Article, nothing herein shall be construed to release the owner of a property on which there is a public nuisance or that has become a chronic nuisance property from the legal obligations and responsibilities they have under this Article and any other laws to prevent their property from becoming a public nuisance or chronic nuisance property and to abate any nuisance activity occurring or existing on their property.

Sec. 20-120. Strict Liability.

All misdemeanor offenses under this Article and the civil infraction under § 20-130 shall be strict liability offenses requiring no culpable mental state of any type or degree.

Sec. 20-121. Proof of nuisance activities.

In any criminal proceeding under this Article, the City shall have the burden of proving beyond a reasonable doubt that any alleged nuisance activity occurred on the property, including proving all the elements of the offense constituting the nuisance activity except as hereafter provided. In any civil proceeding under this Article, the City shall have the burden of proving by a preponderance of the evidence that any alleged nuisance activity occurred on the property, including proving all the elements of the offense constituting the nuisance activity except as hereafter provided. However, the City shall not be required in either case to prove that a person was cited, held liable for, or convicted in municipal or any state court for the civil or criminal charge underlying that nuisance activity. If, however, a person is held liable for or convicted of

the civil or criminal charge underlying the alleged nuisance activity and such decision is final, that decision shall be deemed by the Municipal Court as conclusive evidence the nuisance activity occurred and the City need only prove the nuisance activity occurred on the property.

Sec. 20-122. Mitigating factor.

If the owner, lessee, agent, or occupant who is a party-defendant in an action under this Article was the victim of or person harmed by the nuisance activity or activities that form the basis for the public nuisance on the property or for the property becoming a chronic nuisance property, the court may take this fact into consideration as a mitigating factor in determining such party's liability or guilt in such action, but only if the court also finds that: (i) the party or someone acting on their behalf promptly reported the nuisance activity or activities to the proper law enforcement agency; and (ii) at the time the activity or activities occurred, the party, or owner or lessee of the property, had reasonably effective means in place to prevent such activity or activities from occurring on the property or to manage them if prevention is not reasonably practicable. These means may include, without limitation, security cameras, security services, fencing, on-site personnel, and any other services, equipment, or facilities that have as their function to prevent, in whole or part, nuisance activities from occurring or existing on the property.

Reserved Sec. 20-123 through Sec. 20-124

Division 2. Criminal Action

Sec. 20-125. Misdemeanor Violation.

(a) It shall be a violation of this Article and a misdemeanor offense subject to the penalties of § 1-15 of this Code for any person to:

- (1) Fail to remove and abate the public nuisance from the property within the time specified in the notice to abate after being served with the notice to abate as provided in § 20-113; or
- (2) Interfere with or prevent, or attempt to interfere with or prevent, a code enforcement officer, other City employee, or City contractor from abating any public nuisance as authorized under this Article.

(b) Each and every day during which any public nuisance continues to exist on a property after the time period for abatement as stated in the notice to abate, shall be deemed a separate offense and prosecutable and punishable as a separate offense.

Reserved Sec. 20-126 through Sec. 20-129

Division 3. Civil Infraction

Sec. 20-130. Penalty assessment.

(a) In lieu of issuing a citation for a misdemeanor violation under § 20-125, a code enforcement officer may issue a civil penalty assessment notice for a civil infraction to any person for failing to abate the public nuisance from the property within the time specified in the notice to abate after being served with the notice to abate as provided in § 20-113.

(b) The civil penalty assessment notice shall be a summons and complaint containing identification of the person cited, description of the public nuisance to be abated, and the applicable civil penalty assessment as set forth below in subsection (f), a requirement that the person pay the assessment or appear in Municipal Court to answer the charge as set forth in the summons and complaint and a waiver of the right to a trial on the offense specified on the summons and complaint.

(c) If the person issued a civil penalty assessment notice chooses to acknowledge their liability, they may pay the specified assessment by mail or in person at the Municipal Court within the time specified in the notice. If they choose not to acknowledge their liability, they may appear as required in the notice. Upon trial, if the person is found liable, the civil penalty assessment imposed shall not be less than the amount set forth in the civil penalty assessment notice but not more than three thousand dollars (\$3,000), as determined by the court, and court costs may be assessed in addition to the penalty assessment.

(d) Civil infractions under this Section shall be enforced and tried in Municipal Court in accordance with the Rules for Civil Infractions in Article V of Code Chapter 19.

(e) Each and every day during which any public nuisance continues to exist on a property after the time period for abatement as stated in the notice to abate shall be deemed a separate civil infraction and prosecutable and punishable as a separate infraction for a penalty assessment under this Section.

(f) The code enforcement officer shall designate in the penalty assessment notice the amount of the civil penalty assessment according to the following schedule:

- (1) For the first infraction at a property, a penalty assessment of two hundred and fifty dollars (\$250);
- (2) For a second infraction at a property within a sixty (60) day period, a penalty assessment of five hundred dollar (\$500);
- (3) For a third infraction at a property within a one hundred and twenty (120) day period, a penalty assessment of one thousand dollars (\$1,000); and
- (4) For a fourth and any subsequent infraction at a property within a one (1) year period, a penalty assessment of two thousand dollars (\$2,000) for each infraction.

Reserved Sec. 20-131 through 20-134

Division 4. Chronic Nuisance Property

Sec. 20-135. Notices for chronic nuisance property.

(a) Upon discovery that a property will become a chronic nuisance property if one more nuisance activity occurs on the property within the requisite time period, a code enforcement officer may issue and serve a written warning notice in the same manner provided for a notice to abate in § 20-113(d). Issuance of this warning notice shall not be a prerequisite to any proceedings under this Division 4.

(b) Upon discovery that a property has become a chronic nuisance property, a code enforcement officer shall issue and serve a notice of chronic nuisance property as provided in subsection (d) of this Section.

(c) The notice of chronic nuisance property is a lawful order. Each directive in it is a separate lawful order, and failure to obey any directive is subject to the penalties set forth in § 20-137.

(d) The notice of chronic nuisance property shall be deemed properly served if personally served on the owner of the property or sent by first class mail to the owner at the owner's address as stated in the records of the Larimer County Treasurer. If the notice is returned as undeliverable, the notice shall be deemed properly served if it is thereafter posted in a conspicuous place on the property. The notice shall contain the following information:

- (1) the street address or a legal description sufficient for identification of the property;
- (2) a factual description of the nuisance activities that have occurred on the property, including the dates of the nuisance activities;
- (3) a statement that the property owner must respond to the notice within ten (10) days of the date of the owner's receipt of the notice or date of the posting, whichever is later, with a written plan to abate the nuisance activities;
- (4) a statement that the owner's requirement to provide a written plan to abate the nuisance is a lawful order, and that failure to provide a written plan and enter into an abatement agreement as described below in § 20-136 could subject the owner to criminal and civil penalties as provided in § 20-137;
- (5) a warning that, if the owner does not respond, as required, or if the nuisance activity is not voluntarily abated to the satisfaction of the code enforcement officer, the City may file a civil action to abate the property as a chronic nuisance property under the provisions in Division 4 of this Article; and

- (6) a statement that the cost of future enforcement at the property as a result of nuisance activities shall be billed to the property owner and could become a lien against the property if not paid as provided in § 20-118.

Sec. 20-136. Agreement to abate chronic nuisance property.

- (a) An owner issued a notice of chronic nuisance property pursuant to § 20-135 shall, within ten (10) days of such receipt or date of the posting, whichever is later, contact the code enforcement officer who issued the notice or other contact individual designated in the notice and enter into an abatement agreement with the City to eliminate the conditions, behaviors, or activities which constitute the nuisance activity at the property.
- (b) If the owner does not timely respond to the notice under subsection (a) of this Section, or the owner does timely respond but the City and owner are unable to agree to an abatement agreement within thirty (30) days of the date of the notice, the City may proceed to abate the nuisance activities using any of the processes and remedies provided for in this Article or to cite the owner for a misdemeanor violation under § 20-137.
- (c) If the owner fails to comply with any of the terms and conditions of the written abatement agreement entered into with the City under this Section, the City may file a civil action in Municipal Court or Larimer County District Court to enforce the abatement agreement in accordance with its terms and conditions.

Sec. 20-137. Misdemeanor Violation.

Any property owner who fails to obey any notice of chronic nuisance property issued by the code enforcement officer under § 20-135 to timely abate a chronic nuisance property or to timely enter into an abatement agreement as provided in § 20-136, is guilty of a misdemeanor and subject to the penalties set forth in § 1-15(a) of this Code. Each day's continuation of a violation or failure to comply is a separate offense.

Reserved Section 20-138 through Section 20-139.

Division 5. Civil Abatement Action

Sec. 20-140. Civil action to abate a public nuisance or chronic nuisance property.

If a public nuisance has not been abated within the time period stated in the notice to abate as provided under § 20-113, or if the property owner does not timely respond to the notice of chronic nuisance property as provided in § 20-136, or if the owner does timely respond but the City and owner are unable to agree to a written abatement agreement within thirty (30) days of the date of the notice as provide on § 20-135, the City may abate the public nuisance or chronic nuisance property using the following procedures and other provisions of this Division 5:

(a) The City Attorney shall initiate the civil action in Municipal Court to have the public nuisance or chronic nuisance property declared as such by the court and for an order enjoining the public nuisance or chronic nuisance property and authorizing its restraint, removal, termination, or abatement.

(b) The action shall be commenced by filing a verified complaint, which may be accompanied by a motion for a temporary abatement order. The action shall be conducted under and governed by the Colorado Rules of Civil Procedure as provided in § 19-3(b) except as otherwise provided in this Article. The burden shall be upon the City to prove the existence of the public nuisance or chronic nuisance property by a preponderance of the evidence and the party-defendant(s) shall have the burden to establish any affirmative defense by a preponderance of the evidence. The rules for discovery and disclosure in this civil proceeding shall be those in Rules 316, 326, 331, and 332 of the Colorado Rules of County Court Civil Procedure and not the rules for discovery and disclosure in the Colorado Rules of Civil Procedure. In addition, no party-defendant may file any counterclaim, cross claim, third-party claim, or set-off of any kind in any action under this Division 5.

(c) The party-defendant(s) to an action commenced under this Section and the person(s) liable for the remedies in this Section may include:

- (1) The property itself;
- (2) Any person owning or claiming any legal or equitable interest in the property;
- (3) All lessees and occupants of the property;
- (4) All managers and agents for any person claiming a legal or equitable interest in the property;
- (5) Any person committing, conducting, promoting, facilitating, or aiding in the commission of the public nuisance or chronic nuisance property; and
- (6) Any other person whose involvement may be useful to abate the public nuisance or chronic nuisance property, prevent it from recurring, or to carry into effect the Municipal Court's orders.

None of these parties shall be deemed necessary or indispensable parties in the action. Any person holding a legal or equitable interest in the property who has not been named as a party-defendant may intervene in the action as a party-defendant. No other person may intervene.

(d) The summons, complaint and, if applicable, the motion for temporary abatement, filed with Municipal Court under this Section may be served by a code enforcement officer.

(e) The civil action under this Division 5 shall be heard by the Municipal Court on all factual and legal issues without a jury.

Sec. 20-141. Abatement orders.

(a) *Issuance and effect of temporary and permanent abatement orders.* The issuance of temporary or permanent abatement orders under this Article shall be governed by the provisions of Rule 65 of the Colorado Rules of Civil Procedure, pertaining to temporary restraining orders, preliminary injunctions and permanent injunctions, except to the extent otherwise provided in this Article, in which event the provisions of this Article shall control. Temporary abatement orders provided for in this Article shall go into effect immediately when served upon the property or party against whom they are directed. Permanent abatement orders shall go into effect as determined by the Municipal Court. No bond or other security shall be required of the City upon the issuance of any temporary abatement order or permanent abatement order.

(b) *Form and scope of abatement orders.* Every abatement order under this Article shall set forth the reasons for its issuance; shall be reasonably specific in its terms; shall describe in reasonable detail the acts and conditions authorized, required or prohibited; shall be narrowly tailored to address the particular kinds of acts or omissions that form the basis of the public nuisance; and shall be binding upon the property, the parties to the action, their attorneys, agents and employees, and any other person named as a party-defendant in the public nuisance action and served with a copy of the order.

(c) *Substance of abatement orders.* Temporary and permanent abatement orders entered under this Article may include:

- (1) Orders requiring any party-defendant to abate the public nuisance or chronic nuisance property;
- (2) Orders authorizing code enforcement officers to take reasonable steps to abate the public nuisance or chronic nuisance property and prevent it from recurring, considering the nature and extent of acts and omissions causing the public nuisance;
- (3) Orders requiring certain named individuals to stay away from the property at all or specific times;
- (4) Orders reasonably necessary to access, maintain, or safeguard the property; and/or
- (5) Orders reasonably necessary to abate the public nuisance or chronic nuisance property and/or preventing them from occurring or recurring; provided, however, that no such order shall require the seizure of, the forfeiture of title to, or the temporary or permanent closure of a property, or the appointment of a special receiver to protect, possess, maintain, or operate a property.

(d) *Temporary abatement orders.*

- (1) The purpose of a temporary abatement order shall be to temporarily abate an alleged public nuisance or chronic nuisance property pending the final determination of a public nuisance or chronic nuisance property. A temporary abatement order may be issued by the

Municipal Court pursuant to the provisions of this Section even if the effect of such order is to change, rather than preserve, the status quo.

(2) At any hearing on a motion for a temporary abatement order, the City shall have the burden of proving that there are reasonable grounds to believe that a public nuisance occurred in or on the property or the property is a chronic nuisance property and, in the case of a temporary order granted without notice to the property owner, that such order is reasonably necessary to avoid some immediate, irreparable loss, damage, or injury to the public interest or any other person or property.

(3) At any hearing on a motion for a temporary abatement order or a motion to vacate or modify a temporary abatement order, the Municipal Court shall temper the rules of evidence and admit hearsay evidence unless the court finds that such evidence is not reasonably reliable and trustworthy. The Municipal Court may also consider the facts alleged in the verified complaint.

(e) *Permanent abatement orders.*

(1) At the trial on the merits of a civil action commenced under this Division, the City shall have the burden of proving by a preponderance of the evidence that a public nuisance is occurring or existing on the property, or the property is a chronic nuisance property. The Colorado Rules of Evidence shall govern the introduction of evidence at all such trials.

(2) Where the existence of a public nuisance or chronic nuisance property is established in a civil action under this Division after a trial on the merits, the Municipal Court shall enter a permanent abatement order requiring the party-defendant(s) to abate the public nuisance or chronic nuisance property and take specific steps to prevent the same from occurring or recurring on the property or in using the property.

Sec. 20-142. Motion to vacate or modify temporary abatement orders.

(a) *General.* When a temporary abatement order against a property owner is in effect, such property owner may file a motion to vacate or modify said order. Any motion filed under this Subsection (a) shall state specifically the factual and legal grounds upon which it is based, and only those grounds may be considered at the hearing. The Municipal Court shall vacate the order if it finds by a preponderance of the evidence that there are no reasonable grounds to believe that a public nuisance was committed in or on the property or that the property is a public nuisance property. The court may modify the order if it finds by a preponderance of the evidence that such modification will not be detrimental to the public interest and is appropriate, considering the nature and extent of the alleged public nuisance or chronic nuisance property.

(b) *Continuance of hearing.* Except for good cause shown by any party, the Court shall not grant a continuance of any hearing set under this Section unless all the parties so stipulate.

(c) *Consolidation of hearing with other proceedings.* If all parties so stipulate, the Municipal Court may order the trial on the merits to be advanced and tried with the hearing on these motions.

Section 20-143. Civil Penalty.

(a) The Municipal Court may impose upon the property owner a civil penalty in the amount of not less than one hundred dollars (\$100) and not more than one thousand dollars (\$1,000.00) per day, payable to City, for each day the courts finds that a public nuisance continued to exist on the property after the time period for the required abatement as stated in the notice to abate provided under § 20-113 or for each day the court finds the property continued to exist as a chronic nuisance property after the property owner does not timely respond to the notice of chronic nuisance property as provide in § 20-136, or the owner does timely respond but the City and owner are unable to agree to a written abatement agreement within thirty (30) days of the date of the notice as provide on § 20-136.

(b) In establishing the amount of any civil penalty requested, the Municipal Court may consider, without limitation, any of the following factors:

- (1) The action or inaction taken by the owner to mitigate or correct the nuisance activities at the property;
- (2) Whether the nuisance activities at the property were repeated or continuous;
- (3) The magnitude or gravity of the nuisance activities;
- (4) The level of cooperation of the owner with the City;
- (5) The cost incurred by the City in investigating and correcting, or attempting to correct, the public nuisance at the property or the chronic nuisance property;
- (6) The disturbance of neighbors; and
- (7) Whether the nuisance activities continued on the property after the City provided the notice to abate or the notice of chronic nuisance property under § 20-135.

Sec. 20-144. Civil judgment.

In any action under this Division in which a public nuisance or chronic nuisance property is established, in addition to the other remedies provided in this Division, the Municipal Court may impose a separate civil judgment on every party-defendant who committed, conducted, promoted, facilitated, permitted, failed to prevent or otherwise let happen any public nuisance in or on the property or for the property to become a chronic nuisance property. This civil judgment shall be for any civil penalties awarded to the City under § 20-143 and to reimburse the City for the City's internal and external costs, as set in the City Manager's approved schedule of fees as provided for in § 20-118(a), the City has incurred and will incur in pursuing the remedies under this Article against the property, which shall include, without limitation, the City's reasonable attorney fees and costs.

Sec. 20-145. Misdemeanor violation and entry order.

(a) The remedies provided in this Division shall be civil and remedial in nature except that, if any person knowingly fails or refuses to abide by a temporary or permanent abatement order issued by the Municipal Court under the provisions of this Division, such person shall be guilty of a misdemeanor and, upon conviction, shall be punished by the penalties provided in § 1-15 of this Code.

(b) In any action filed under the provisions of this Division, if any party-defendant fails, neglects, or refuses to comply with an order of the Municipal Court, the court may, upon the motion of the City, in addition to or in the alternative to the remedy of contempt and the possibility of criminal prosecution, permit the City to enter upon the property to abate the public nuisance or chronic nuisance property, take steps to prevent it from occurring again, and perform such other acts required of any party-defendant in the court's orders.

Sec. 20-146. Stipulated alternative remedies.

(a) The City and any party-defendant to an action under this Division may voluntarily stipulate to orders and remedies, temporary or permanent, that differ from those provided in this Division.

(b) The Municipal Court may accept such stipulations for alternative remedies and may make such stipulations an order of the court, enforceable as an order of the court.

Section 3. That Section 19-3(b) of the City Code is hereby amended to read as follows:

Sec. 19-3. Rules of procedure.

.....

(b) The Colorado Rules of Civil Procedure, as amended, shall govern the procedures in Municipal Court in all civil actions for a cause arising under the Charter, Code and City ordinances and as needed for the Municipal Court to determine whether it has jurisdiction over a cause in a civil action, but not for actions for violations, offenses and infractions of the Charter, Code and City ordinances which are to be governed by the procedures established in Subsection (a) of this Section. In addition, the rules for discovery and disclosure in civil abatement actions under Division 5 in Article IX of Code Chapter 20 shall be those in Rules 316, 326, 331, and 332 of the Colorado Rules of County Court Civil Procedure and not the rules for discovery and disclosure in the Colorado Rules of Civil Procedure. References to the district court in the Colorado Rules of Civil Procedure and references to the county court in the Colorado Rules of County Court Civil Procedure shall be deemed to refer to the Municipal Court.

(c) ~~In addition,~~ The Municipal Court shall liberally construe, administer and apply these adopted rules of procedure as applicable in each civil action to secure the just, speedy and inexpensive determination of that civil action. In these civil actions, the Municipal Court shall be vested with the full authority to provide civil remedies, including, without

limitation, equitable, injunctive and declaratory relief and to award costs and attorney fees to the full extent permitted by law. It shall also have the power in those actions to compel the attendance of witnesses, to punish for contempt of court and to enforce any award of equitable, declaratory or injunctive relief through its contempt power in accordance with the applicable provisions of the Colorado Rules of Civil Procedure, as amended. This Section is not intended to create any new causes of action in the Municipal Court, nor to provide procedures or relief beyond those contemplated by Rule 106(a)(4) of the Colorado Rules of Civil Procedure to actions undertaken strictly within the sphere of matters that are of the City's local or municipal concern.

Introduced, considered favorably on first reading and ordered published this 1st day of November, A.D. 2022, and to be presented for final passage on the 15th day of November, A.D. 2022.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading this 15th day of November, A.D. 2022.

Mayor

ATTEST:

City Clerk



11-1-22

Item 22.

Public Nuisance Ordinance

Marcy Yoder

Neighborhood Services Manager

John Feyen

Police Assistant Chief





Neighborhood Livability & Social Health

- 1.5 Enhance the quality of life in neighborhoods, empower neighbors to solve problems and foster respectful relations.
- Proactive, innovative, and effective code compliance processes are important aspects of attractive neighborhoods.



Safe Community

- 5.7 Reduce incidents of, and impacts from, disruptive and unwanted behaviors with creative approaches that balance compassion and consequences.



- SC 1.1 Provide and expand opportunities for neighborhood safety and involvement by fostering good neighborhood relations, building a sense of community pride, and involvement, promoting safe and attractive neighborhoods, and encouraging compliance with City codes and regulations.
- SC 2.1 Provide high-quality, cost-effective Police Services with an increased focus on neighborhood policing and particular attention to criminal activity, quality-of-life issues, and visible signs of disorder.

Purpose:

To remedy chronic problems at properties where City Code violations occur that annoy and disturb others.
To hold property owners accountable for the use of their properties.

Definition of “Public Nuisance”:

Three or more separate City Code violations at the same property within 12 months or 5 or more within 24 months. Written notice must have been sent to the property owner and tenants within 30 days of each violation, except the last one. The last violation must have occurred at least 45 days after the last notice. Each complaint about a separate violation **must result in the issuance of a municipal court citation.**

Separate violation(s) shall mean any act or omission that constitutes a violation of the Code if the act or omission occurs under any of the following circumstances:

- (1) the conduct of the persons committing the violation was such as to annoy or disturb the peace of the residents in the vicinity of the parcel or of passersby on the public streets, sidewalks and rights-of-way in the vicinity of the parcel; or
- (2) the violation constitutes a public nuisance under any section of this Chapter; or
- (3) the condition of the parcel upon which the violation occurred was, at the time of the violation, injurious or harmful to the health, safety or welfare of the occupants, neighbors thereof or citizens of the City.



Jurisdiction	Definition of chronic nuisance property
Parker, CO	3 or more occasions where nuisance activity is observed in 60 days or 7 or more in 12 months
Cincinnati, OH	3 or more nuisance activities occurred at the premises in a 30-day period
Kansas City, MO	3 or more police responses to nuisance activity in 30 days, 7 or more in 180 days
Spokane, WA	3 or more nuisance activities observed on a property in 60 days, 7 or more in 12 months
Seattle, WA	3 or more nuisance activities exist or have occurred on a property in 60 days, 7 or more in 12 months
Portland, OR	3 or more nuisance activities exist or have occurred on a property in 30 days
Elgin, IL	3 or more instances of any one or any combination of nuisance activity in 12 months based upon 3 separate factual events that have been independently investigated
Springfield, IL	3 or more separate inspections or incidents w/in 24 months that have been the source of 3 or more violations as determined by an admin hearing officer; OR 2 or more of certain criminal activities in a 60-day period or 3 or more in a 365-day period
Milwaukee, WI	3 or more responses from the police department for "nuisance activities" in 30 days

The proposed PNO regulates two types of nuisances: (i) a “public nuisance”; and (ii) a “chronic nuisance property”. The existence of each of them depends on the occurrence or existence of multiple or continuing “nuisance activities” on a property.

A “nuisance activity” is defined in the PNO to include 68 categories of various criminal and civil violations happening on the property that individually or in combination result in either a public nuisance or chronic nuisance property. These nuisance activities include:

- civil infractions under the City Code, such as tall weeds and grass, rubbish, and inoperable motor vehicles; animal control issues
- minor misdemeanor violations under the City Code, such as unreasonable noise, bodily waste, and nuisance gatherings;
- more serious misdemeanor violations under the City Code, such as resisting arrest, assault, disorderly conduct, and building and fire code violations; and
- misdemeanors and felonies under State law, such as criminal mischief, assault, harassment, arson, firearms offenses, and drug-related offenses.

A “public nuisance” exists when repeated nuisance activities (meaning more than one) have occurred on the property or a continuing nuisance activity exists on it causing an unreasonable risk of harm or injury to the public health, safety, or welfare.

This would include circumstances where the nuisance activities are unreasonably injuring, damaging, annoying, inconveniencing, or disturbing the peace of members of the public with respect to their:

(i) comfort, health, repose, or safety; or

(ii) free use and comfortable enjoyment of their property and of sidewalks, streets, or other public spaces near the offending property.

1. A property where three (3) or more nuisance activities have occurred within a ninety (90) day period or seven (7) or more nuisance activities have occurred within a one (1) year period, *
2. A property that is more than one (1) residential unit that are all under common ownership where six (6) or more nuisance activities have occurred within a ninety (90) period or ten (10) or more nuisance activities have occurred within a one (1) year period, *
3. A property where two (2) or more nuisance activities involving drug-related activity have occurred within a thirty (30) day period,* or
4. An abandoned property where any number of nuisance activities have occurred or exist.*

*each activity happening on separate days

The proposed PNO would allow for the City to:

- Written notice to the property owner of the existence of the public nuisance or chronic nuisance property to allow them the opportunity to abate the nuisance activities
- If unsuccessful, a citation is issued to the noticed persons.
 - \$250 for the first offense
 - \$500 for a second offense within 60 days
 - \$1,000 for a third offense within 120 days
 - \$2,000 for fourth and subsequent offenses within a year
- If unsuccessful, the next step could potentially be issuing a citation to the property owner for a misdemeanor offense which the maximum allowable penalty is not to exceed \$3,000 or 180 days in jail or both
- If unsuccessful, the City could file a civil abatement action in Municipal Court against the property owner

- The ordinance is designed as a tool that can be utilized in response to a variety of nuisance issues that are either egregious and/or chronic in nature for both civil and criminal cases.
 - 68 different types of infractions
- Easily applied once a nuisance property has been identified.
- Proof of nuisance activity no longer only when a citation is issued.
- Multiple enforcement tools for addressing the issues identified.

THANK YOU!

