



The fee schedule for the Affordable Housing Linkage Fee is available at www.denvergov.org/affordablehousingfee in accordance with City and County of Denver Ordinance 20160625 (2017 linkage fee) / 20220426 (2022 linkage fee) and Building Code Policy ADMIN 138. The 2017 fee is based on the gross floor area (GFA) of your project, as defined by the Denver Zoning Code. The 2022 fee is based on the gross floor area (GFA) of your project, as defined by the International Building Code. Please note, the 2017 and 2022 linkage fees include specific areas that are excepted from the GFA calculation (see Calculating Your GFA by Use Type) per the definitions of GFA and structure. With some exceptions, payment of the linkage fee will apply to all new construction and to additions to existing structures in all land use categories within Denver.

Applicability: Projects subject to the 2017 linkage fee are concept site development plans submitted on or prior to June 30, 2022, that receive site development plan approval by August 31, 2023, (or December 31, 2023, if subject to LDR or subdivision) and building permit submittals accepted with fees paid on or prior to June 30, 2022, that receive approval by June 16, 2023.

Projects that do not meet the above requirements are subject to the 2022 linkage fee based on the City and County of Denver Ordinance 20220426. The affordable housing linkage fee is based on the gross floor area (GFA) of your project as defined by the International Building Code, not the Denver Zoning Code.

NOTE: Projects providing 10 or more residential dwelling units are subject to the mandatory affordable housing requirements of Ordinance 20220426 and not the linkage fee unless the project includes other uses in addition to dwelling units.

New Construction

- Calculate the GFA for your project by use type and apply the fee schedule imposed for that use.

Adding Square Footage to an Existing Building

- Calculate the GFA of the addition by use type and apply the fee schedule imposed for that use. The fee only applies to the new floor area. You may include GFA for the existing building, but it must be broken out from the new floor area.
- Converting a space where the fee did not apply into a space where the fee does apply counts as adding square footage to the building. For example, the square footage of a garage is exempt from the fee since parking is not included in the calculation of GFA (see page 2). But if the garage is converted into living space, it is considered an addition to the GFA of the structure, and the fee would apply unless the addition is 400 square feet or less to an existing single-family or duplex building.

Submittal Requirements at Time of Building Permit

1. Submit a breakdown of the gross floor area (GFA) by floor and use type, as well as the sum of total gross floor area by use type, as part of the construction documents submitted for building permits. Also indicate the total of the areas not included in the GFA.
 - a. It is the applicant’s responsibility to calculate and provide the GFA. If it is found to not be accurate, the applicant will be responsible for paying any additional linkage fee required.
 - b. The applicant may choose to submit an EHA Compliance Plan Sheet with the construction documents documenting how the GFA is calculated (similar to the requirement for energy code envelope drawings). If the

Abbreviations

- Community Planning and Development **CPD**
- Denver Revised Municipal Code **D.R.M.C.**
- Denver Zoning Code **DZC**
- Gross Floor Area **GFA**
- International Building Code **IBC**
- Large Development Review **LDR**

Gross Floor Area – GFA for 2017 Linkage Fee

The sum of the gross horizontal areas of the several floors of a building, including interior balconies and mezzanines, but excluding exterior balconies. All horizontal dimensions of each floor are measured from the exterior faces of the exterior walls of each such floor.

Definition from DZC §13.3 Definitions of Words, Terms and Phrases.

Gross Floor Area – GFA for 2022 Linkage Fee

The floor area within the inside perimeter of the exterior walls of the building under consideration, exclusive of vent shafts and courts, without deduction for corridors, stairways, ramps, closets, the thickness of interior walls, columns, and other features. The floor area of a building or portion thereof, not provided with surrounding exterior walls shall be the usable area under the horizontal projection of the roof or floor above. The gross floor area shall not include shafts with no openings or interior courts.

Definition from 2018 IBC Chapter 2

NOTE: See exceptions from the GFA in the below Calculating GFA by Use Type



applicant chooses to do so, this sheet should contain the following. If CPD staff believe that the GFA is not accurate upon review of the construction documents provided, the EHA Compliance Plan Sheet will be required.

- i. Small versions of each floor plan with a clearly defined line indicating what is included in the gross floor area calculation
- ii. Provide the total GFA by floor
- iii. Provide the total GFA for the whole structure by use type, using the categories below to calculate the GFA. Projects may have GFA in more than one category.
 1. Single unit, two unit or 9 or fewer multi-unit dwellings of 1600 square feet per unit or less
 2. Single unit, two unit or 9 or fewer multi-unit dwellings of more than 1600 square feet per unit
 3. Other residential uses (e.g., Congregate living)
 4. Commercial, sales, service or repair; civic, public or institutional
 5. Industrial, manufacturing, wholesale and agricultural
2. Only projects submitting for building permits prior to July 7, 2022, are required to submit the PDF version of the affordable housing linkage fee application. Applications submitted for a building permit after July 7, 2022, will provide the necessary information via e-permits and the GFA total(s) provided on the construction documents.

CALCULATING YOUR GFA BY USE TYPE

The GFA calculation used for the 2017 Affordable Housing Linkage Fee is not the same as the GFA calculation for the building code, it's based on the zoning code. However, for projects subject to the 2022 linkage fee, the measurement has changed and is based on the building code (IBC) definition of gross floor area.

2017 Linkage Fee

To compute GFA for the 2017 Affordable Housing Linkage Fee, first measure the horizontal areas of each floor, including interior balconies and mezzanines, but excluding the areas listed below. Measure from the exterior face of the exterior wall of each floor.

Exclude the following floor areas per D.R.M.C. §27-152[h]:

- A. Exterior balconies
- B. Parking garages or any other structures or areas used exclusively for the storage and parking of vehicles
- C. Any partially enclosed or open structures, such as porches, balconies, courtyards and similar

Sum the gross horizontal areas of all floors of a building by use type. Instructions for how to determine your use classification are below. Multi-unit dwellings receiving multiple permits (e.g., townhomes) must provide GFA **per unit**.

2022 Linkage Fee

To compute GFA for the 2022 Affordable Housing Linkage Fee, first measure the horizontal areas of each floor excluding the areas listed below. Measure from the inside perimeter of the exterior wall of each floor excluding vent shafts and interior courts (see Figure 1 for an example of an interior court). The gross floor area of stairs shall be included with the GFA of the upper floor that the stair connects to. The floor area under the stairs will be included in the GFA of its respectable floor. Example, the gross floor area of a stair connecting a first floor and second floor shall be included with the GFA of the second floor. The floor area under the stair and located at the first floor shall be included in the GFA of the first floor.

Exclude the following floor areas per D.R.M.C. §27-152[h]:

- A. Parking garages or any other structures or areas used exclusively for the storage and parking of vehicles
- B. Any partially enclosed or open structures, such as porches, balconies, courtyards and similar



Sum the gross horizontal areas of all floors of a building by use type. Instructions for how to determine your use classification are below. Multi-unit dwellings receiving multiple permits (e.g., townhomes) must provide GFA **per unit**.

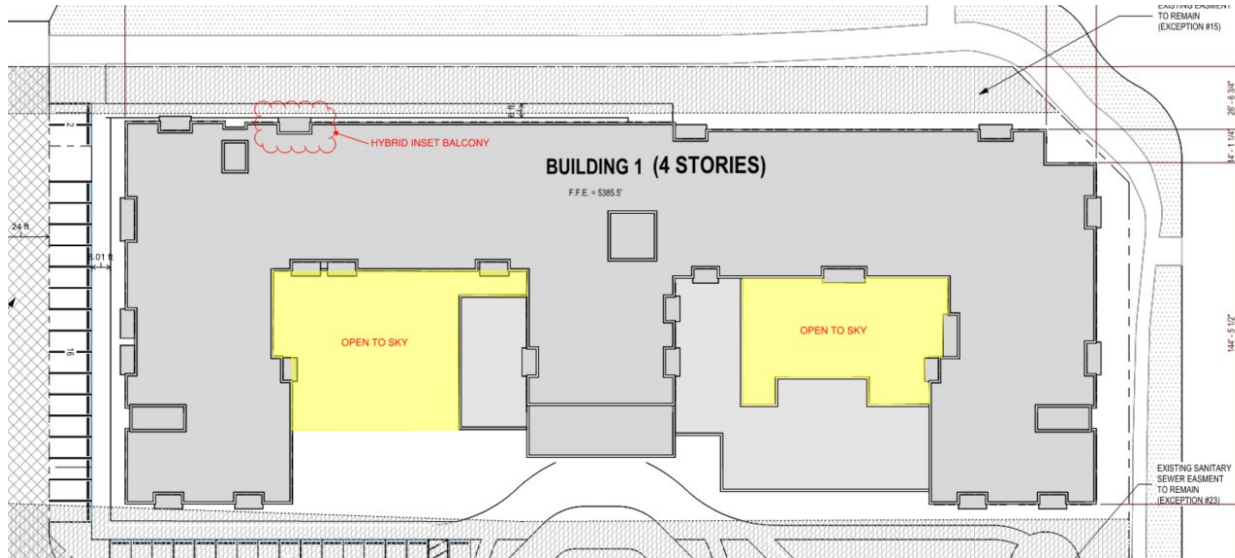


Figure 1: Example of an Interior Court

2017 LINKAGE FEE USE CLASSIFICATION TYPE	GROSS FLOOR AREA
Multi-unit dwellings designed and regulated under the International Building Code	
Single-unit, two-unit or multi-unit dwellings designed and regulated under the International Residential Code, or any primary residential use other than multi-unit dwellings regulated under the International Building Code	
Commercial sales, services, and repair	
Civic, public, or institutional	
Industrial, manufacturing and wholesale	
Agricultural	

2022 LINKAGE FEE USE CLASSIFICATION TYPE	GROSS FLOOR AREA
Dwelling unit(s) of 1,600 sq ft or less of GFA within a single-unit dwelling, two-unit dwelling, or multi-unit dwelling or live/work dwelling of 9 dwelling units or less	
Dwelling unit(s) of more than 1,600 sq ft of GFA within a single-unit dwelling, two-unit dwelling, or multi-unit dwelling or live/work dwelling of 9 dwelling units or less	
Any primary residential use other than dwelling units	
Any primary commercial sales, services and repair uses, or any primary civic, public, or institutional uses in a typical market area, as typical market area is defined in D.R.M.C. § 27-219	
Any primary commercial sales, services and repair uses, or any primary civic, public, or institutional uses in a high market area, as high market area is defined in D.R.M.C. § 27-219	
Any primary industrial, manufacturing and wholesale uses, or any primary agricultural uses	

How do I determine my use classification type(s)?

The Affordable Housing Linkage Fee is based on the land use classifications used in the DZC (www.denvergov.org/zoning). In the DZC, navigate to the Article that corresponds to your project's neighborhood context, e.g., Article 3 suburban, Article 8 downtown. Articles 3-9 cover neighborhood contexts. Next, within the Article that applies to your project, navigate to the *Uses and Required Minimum Parking* section, and locate the *District-Specific Standards* tables. These tables are the last section of each Article. Identify your use based on which use category or specific use type fits your project, and then see which primary use classification your use type falls under. This classification is what will be used to determine the linkage fee rate applied to your project.

For example, if you are building an architect's office in the general urban neighborhood context (Article 6), the appropriate zoning use category is "office" and the specific use type is "office, all others," which falls under the "Commercial Sales, Services and Repair" primary use classification.

If your project falls under Former Chapter 59 zoning, you should select the use category classification that most appropriately fits the use for the property, or request clarification from the CPD Zoning Administrator or designee.

How are parking structures treated in the GFA calculation?

Drive aisles, ramps, security booths, parking areas, stairs, elevators, and any other space typically associated with the parking of vehicles within a parking structure shall be excluded in the GFA calculation. Any floor area within a parking structure that is not exclusively devoted to the parking and storage of vehicles (including bicycles) shall be included within the calculation for GFA.

Is the GFA that I use to determine required parking and off-street loading the same as GFA used to determine the linkage fee?

No. The GFA for purposes of calculating required parking may be different than the GFA figure calculated for application of the Affordable Housing Linkage Fee.

If my project will be applying for an exception from the linkage fee, do I have to include calculations for GFA?

Yes. As of January 1, 2017, all plan submissions must contain detailed GFA calculations sufficient to determine the required linkage fee in accordance with the ordinance, regardless of whether the project is exempt from payment of the linkage fees due to the claiming of a specific exception.

What if my project has some areas that will be exempt from the linkage fee, and some uses subject to the fee?

In accordance with D.R.M.C. §27-153(b), the required linkage fee for mixed-use and split properties is determined based upon an apportionment of the GFA in the structure attributable to each of the proposed uses. For split properties (where only part of the property is subject to applicable exceptions), the linkage fee shall be applied only to the GFA of construction that is physically located outside of the portion of the property to which the exception applies. For mixed-use properties that are subject to the 2017 linkage fee, the required linkage fee shall be calculated based on the GFA of each use. For example, a mixed-use structure with retail on the first two floors and multi-family residential on the upper four floors will be assessed the linkage fee rates applicable to commercial sales, services, and repair for the GFA of the first two floors and the fee rates applicable to multi-unit dwellings for the GFA of the upper four floors.

For the same example for a project subject to the 2022 linkage fee, the required linkage fee shall still be calculated based on the GFA for each use, except if one of the uses includes the creation of 10 or more dwelling units, the portion of the building containing the dwelling units shall be subject to the mandatory affordable housing (MAH) requirements. For example, a mixed-use structure with retail on the first two floors and multi-family residential on the upper four floors will be assessed the linkage fee rates applicable to commercial sales, services, and repair for the market area that the property is located in and will be subject to the MAH requirements of Article 10 of D.R.M.C. Chapter 27. If a build-on site option is chosen for compliance with MAH, then the property would be eligible to receive a commercial sales, service, and repair street level exemption to the linkage fee, per D.R.M.C. § 27-224(b)(1)c, but just for that portion at street level.

What if I don't know how the structure will be used?

For a core and shell building (no known tenant and not authorized for occupancy until there is future work), the linkage fee must still be paid with issuance of the core and shell building permit. The use classification should be assumed based on the base building design for building permitting as well as what was used to calculate parking requirements for the site development plan. If the use is changed upon the initial tenant finish to grant building occupancy, then the applicant/developer may seek a refund or may have to pay additional fees. This only applies to the initial tenant; future tenant changes that result in a different use are not entitled to any refund and will not be subject to additional fees (unless floor area is added in the future). See the Affordable Housing Fee Rules and Regulations or the Mandatory Affordable Housing Ordinance and Affordable Housing Permanent Funds Ordinance rules and regulations. for more information.

What if my project changes after issuance of the building permit?

- **GFA Increase or Use Classification Change During Construction**

If, after the building permit is issued and the applicable linkage fee is collected, but before a Certificate of Occupancy, Temporary Certificate of Occupancy or Certificate of Completion is issued, the GFA of the construction project increases or a decision is made by the applicant to change the use of the structure to a use classification for which a higher linkage fee would be imposed, then the applicant shall be required to pay the difference in the linkage fee between the two uses prior to completion or occupancy. See D.R.M.C. §27-156(b).

- **Refunds**

Linkage fees previously paid by the applicant at building permit issuance may be refunded in event of the following: (1) if it is later determined on appeal or otherwise by the executive director of CPD that such fees were NOT due and owing; (2) if the GFA or the use of the project changes to an amount or use that would lower the required linkage fee; or (3) if the building permits for the project lapse or are relinquished without the project being built. See D.R.M.C. §27-156(d) and the Affordable Housing Linkage Fee Rules and Regulations or the Mandatory Affordable Housing Ordinance and Affordable Housing Permanent Funds Ordinance rules and regulations. for greater detail on this process.

- **Appeals**

Any dispute over applicability or calculation of the linkage fees may be appealed by the building permit applicant to the executive director of CPD, who shall determine appeals in consultation with the executive director of the Housing Opportunity and Stability Department (HOST). See D.R.M.C. §27-156(c) and the Affordable Housing Linkage Fee Rules and Regulations or the Mandatory Affordable Housing Ordinance and Affordable Housing Permanent Funds Ordinance rules and regulations for details.

How do I determine the market area?

For projects subject to the 2022 linkage fee, some uses have different fees depending on the market area – typical or high. These terms are defined in D.R.M.C. §27-219. These areas are set at time of first formal site development plan submittal and are reviewed every three years per the Mandatory Affordable Housing Ordinance and Affordable Housing Permanent Funds Ordinance rules and regulations. You can find the market area by checking the map at www.denvergov.org/affordablehousingfee, but keep in mind that market areas are updated every three years with the first update happening in 2025.