



# Agenda Report

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Consent

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F.25.

11/14/2023

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### Subject:

Resolution approving the issuance by Brevard County Housing Finance Authority of Single Family Mortgage Revenue Bonds, or in the alternative, the issuance of Mortgage Credit Certificates, or in the alternative, the issuance of Multifamily Revenue Bonds during 2024 through 2026.

### Fiscal Impact:

None.

### Dept/Office:

County Attorney's Office

### Requested Action:

The Brevard County Housing Finance Authority (the "Authority") is requesting that the Board approve a Resolution to allow the Authority to apply for an allocation with the Florida Division of Bond Finance and to allow for the future issuance by the Authority of single family mortgage revenue bonds, or in the alternative, issuance of mortgage credit certificates, or in the alternative, issuance of multifamily revenue bonds during 2024 through 2026.

### Summary Explanation and Background:

Due to increased interest in local financing of multifamily projects, private activity bond allocation is expected to become increasingly competitive and scarce over the next few years. For private activity bond allocation purposes, Brevard County is in Region 17 with Volusia County. Region 17 had a pool of \$69,293,399 in private activity bond allocation in 2023. The regional pool is available until June 30th. Due to increased applications for multifamily projects in both Brevard and Volusia Counties, it is important that the Authority attempt to preserve private activity bond allocation for future issues. The purpose of the public hearing and Resolution No. 23-03 is to allow the Authority to apply for allocation, which may be converted to carryforward allocation for single family bonds, mortgage credit certificates or multifamily bonds over the next three years (the Plan of Financing). In order to apply for an allocation from the Florida Division of Bond Finance, the Board of County Commissioners must provide its approval following the public hearing which was held by the Authority on May 24, 2023, and the Plan of Financing. The public hearing was held, following proper publication of notice, for the purpose of receiving public input on the proposed Plan of Financing. No public comments or objections were received.

The Board's approval of the issuance of the Bonds by the Authority is required by applicable federal tax law.

### Cost Benefit Analysis provided by Brevard County Housing Authority:

There is no fiscal impact to the Board of County Commissioners or the Authority. The County is only

authorizing the Housing Finance Authority to apply for allocation and issue bonds and/or Mortgage Credit Certificates under the Internal Revenue Service requirements for tax exempt bonds and mortgage credit certificates. As always, neither the credit nor tax revenues of Brevard County will be pledged to the issue, nor will there be any cost to the County for the issuance of any bonds.

Contact Person: Angela A. Abbott, (321) 264-0334, [angelaabbott@cfl.rr.com](mailto:angelaabbott@cfl.rr.com); Steven E. Miller, (813) 281-2222, [smiller@ngn-tampa.com](mailto:smiller@ngn-tampa.com) <<mailto:smiller@ngn-tampa.com>>; Jay Glover, PFM Financial Advisors LLC, (407) 406-5760, [gloverj@pfm.com](mailto:gloverj@pfm.com) <<mailto:gloverj@pfm.com>>.

**Clerk to the Board Instructions:**

Return a signed Resolution to the County Attorney's Office.



Kimberly Powell, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

Telephone: (321) 637-2001

Fax: (321) 264-6972

Kimberly.Powell@brevardclerk.us

November 15, 2023

**M E M O R A N D U M**

**TO:** Morris Richardson, County Attorney

**RE:** Item F.25., Resolution Approving the Issuance by Brevard County Housing Finance Authority of Single-family Mortgage Revenue Bonds, or in the Alternative, the Issuance of Mortgage Credit Certificates, or in the Alternative, the Issuance of Multi-family Revenue Bonds during 2024 through 2026

The Board of County Commissioners, in regular session on November 14, 2023, adopted Resolution No. 23-138, authorizing the Brevard County Housing Finance Authority to apply for an allocation with the Florida Division of Bond Finance and to allow for the future issuance by the Brevard County Housing Finance Authority of single-family mortgage revenue bonds, or in the alternative, issuance of mortgage credit certificates, or in the alternative, issuance of multi-family revenue bonds during 2024 through 2026. Enclosed is the fully-executed Resolution.

Your continued cooperation is always appreciated.

Sincerely,

**BOARD OF COUNTY COMMISSIONERS**  
**RACHEL M. SADOFF, CLERK**

*for: Donna Scott*  
Kimberly Powell, Clerk to the Board

Encl. (1)

**RESOLUTION NO. 2023-138**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, APPROVING A PLAN OF FINANCING INVOLVING THE ISSUANCE BY THE BREVARD COUNTY HOUSING FINANCE AUTHORITY (THE "AUTHORITY") OF ITS SINGLE FAMILY MORTGAGE REVENUE BONDS (THE "BONDS") IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$50,000,000 IN ONE OR MORE SERIES; APPROVING USE OF STATE AWARDED ALLOCATION FOR MORTGAGE CREDIT CERTIFICATE PROGRAMS OR MULTIFAMILY CARRY FORWARD; APPROVING BONDS AS REQUIRED BY SECTION 147(F) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED; RATIFYING THE AUTHORITY'S HOLDING OF A PUBLIC HEARING IN ACCORDANCE WITH SECTION 147(F) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED; AUTHORIZING THE PROPER OFFICERS, AGENTS AND EMPLOYEES OF THE AUTHORITY TO DO ALL THINGS NECESSARY OR ADVISABLE IN CONNECTION WITH THIS RESOLUTION; AND PROVIDING AN EFFECTIVE DATE FOR THIS RESOLUTION.**

**WHEREAS**, pursuant to Ordinance No. 79-09, as amended by Ordinance No. 84-16 (the "Ordinance") enacted by the Board of County Commissioners of Brevard County, Florida (the "Board"), and effective on March 15, 1979, the Board created the Housing Finance Authority of Brevard County, Florida (the "Authority"), in accordance with Part IV, Chapter 159, Florida Statutes (the "Act"), for the purpose of alleviating a shortage of housing available at prices or rentals which many persons and families can afford and a shortage of capital for investment in such housing; and

**WHEREAS**, pursuant to the Act, the Authority is empowered to issue single family mortgage revenue bonds for single family housing; and

**WHEREAS**, in accordance with Resolution No. 23-03, adopted by the Authority on May 24, 2023, the Authority desires to issue single family mortgage revenue bonds, in one or more series, in an aggregate principal amount not to exceed Fifty Million and 00/100 Dollars (\$50,000,000) (the "Bonds"), which constitutes a plan of financing (the "Plan of Financing") within the meaning of Section 147(f)(2)(C) of the Internal Revenue Code of 1986, as amended (the "Code"); and

**WHEREAS**, the Bonds are to be issued to make available funds to (i) refund certain outstanding obligations of the Authority, (ii) purchase federally insured or guaranteed mortgage loans originated by participating local lending institutions to finance or refinance the purchase of new or existing owner-occupied single family residences (a) situated within Brevard County, Florida, and/or other Florida Counties as authorized by Chapter 159, Part IV, Florida Statutes, as amended and (b) owned by persons or families of low, moderate, or middle income, (iii) purchase

securities from a master servicer evidencing interests in or backed by a pool of such mortgage loans, including, without limitation, securities issued by the federal government or agencies thereof; and/or (iv) be used in conjunction with a mortgage credit certificate program; and

**WHEREAS**, pursuant to Resolution No. 23-03, the Authority authorized the allocation for single family revenue bonds (the "Allocation") to be used in connection with mortgage credit certificate authority and/or multifamily revenue bonds; and

**WHEREAS**, the Authority held a public hearing on May 24, 2023, as required by Section 147(f) of the Internal Revenue Code of 1986, as amended (the "TEFRA Hearing"), after proper notice was published (the "TEFRA Notice"), for the purpose of giving all interested persons the opportunity to express their views in connection with the Plan of Financing and the issuance of the Bonds and the Authority has indicated that no public comments or objections were made at such TEFRA Hearing; and

**WHEREAS**, the Authority has requested the Board's approval of the Plan of Financing and the issuance of the Bonds by the Authority in one or more series pursuant thereto for purposes of Section 147(f) of the Code; and

**WHEREAS**, the Board wishes to (i) accept the findings of the Authority, (ii) approve, only for purposes of compliance with Section 147(f) of the Code, (a) the Plan of Financing, (b) the use of the Allocation, and (c) the issuance of the Bonds, and (iii) ratify the Authority's actions in connection with (a) publishing a TEFRA Notice, and (b) conducting the TEFRA Hearing.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA:**

Section 1. Approval of Plan of Financing and Issuance of the Bonds for Purposes of Section 147(f) of the Code. Only for purposes of compliance with Section 147(f) of the Code, the Board hereby approves the Plan of Financing, the notice of public hearing, the public hearing, and the issuance by the Authority of the Bonds in an aggregate principal amount not to exceed Fifty Million and 00/100 Dollars (\$50,000,000) pursuant thereto for the purposes stated herein.

Section 2. Approval of Use of Single Family Bond Allocation. The Board hereby authorizes the allocation for single family revenue bonds to be used in connection with (i) mortgage credit certificate authority, and/or (ii) multifamily revenue bonds. The Chairman (or any such individual acting as Chairman) of the Authority is hereby authorized to determine if such allocation will be (i) carried forward for use in future years, and/or (ii) converted for use with mortgage credit certificates and/or multifamily revenue bonds.

Section 3. Approval of Report of Public Hearing; Ratification of Actions by the Authority. The Hearing Report with respect to the Plan of Financing and the proposed issuance of the Bonds in accordance with the Code has been provided to the County and is acknowledged by the Board. The actions taken by the Authority and its officers, agents, and employees in

connection with publishing a TEFRA Notice on May 17, 2023, and May 18, 2023, and conducting the TEFRA Hearing on May 24, 2023, are hereby ratified and approved by the Board.

Section 4. Limited Approval; No Liability. The approval given herein shall not be construed as: (i) an endorsement of the creditworthiness of any borrower or the financial viability of any project, (ii) a recommendation to any prospective purchaser to purchase any bonds, (iii) an evaluation of the likelihood of the repayment of the debt service on any bonds, or (iv) approval of any necessary rezoning applications or approval or acquiescence to the alteration of existing zoning or land use nor approval for any other regulatory permits relating to any project, and the Board shall not be construed by reason of its adoption of this Resolution to make any endorsement, finding or recommendation or to have waived any right of the Board or to have estopped the Board from asserting any rights or responsibilities it may have in such regard.

The County shall have no responsibility with respect to the repayment of the Bonds. The Bonds and the interest thereon shall not constitute an indebtedness or pledge of the general credit or taxing power of the County but shall be payable solely from revenues pledged therefor pursuant to financing agreements entered into by and among the Authority and the borrowers of the proceeds of the Bonds and/or parties other than the County prior to or contemporaneously with the issuance of the Bonds. Neither the County nor any of the members of the Board or staff of the County will have any obligation or liability, financial or otherwise, with respect to the projects financed with proceeds of the Bonds or the Bonds.

Section 5. Further Actions of Authority Officers, Agents and Employees. The Board hereby authorizes and directs the Chairman, officers, agents and employees of the Authority to do all acts and things required of them by this Resolution and to execute and deliver any and all instruments, affidavits, certificates, and notices necessary or advisable to effectuate the issuance by the Authority of the Bonds and the implementation of the Plan of Financing.

Section 6. Resolution Effective. This Resolution shall take effect immediately upon adoption.

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This Resolution passed and adopted this 14<sup>th</sup> day of November, 2023.

**BOARD OF COUNTY COMMISSIONERS OF  
BREVARD COUNTY, FLORIDA**

(SEAL)

By: 

Rita Pritchett, Chair

Attest:

By: 

Rachel M. Sadoff, Clerk of the Circuit  
Court and Ex-Officio Clerk to the Board  
of County Commissioners of Brevard  
County, Florida

As approved by the Board on 11/14/2023.

**RESOLUTION NO. 23-03**

**A RESOLUTION OF THE BREVARD HOUSING FINANCE AUTHORITY APPROVING A PLAN OF FINANCE INVOLVING THE ISSUANCE BY AUTHORITY OF ITS SINGLE FAMILY MORTGAGE REVENUE BONDS IN AN AGGREGATE FACE AMOUNT OF NOT TO EXCEED \$50,000,000 IN ONE OR MORE SERIES; APPROVING USE OF STATE-AWARDED PRIVATE ACTIVITY BOND ALLOCATION ("ALLOCATION") FOR MORTGAGE CREDIT CERTIFICATE PROGRAMS OR MULTIFAMILY CARRY FORWARD; AUTHORIZING THE PROPER OFFICERS OF THE AUTHORITY TO DO ALL THINGS NECESSARY OR ADVISABLE IN CONNECTION WITH THE PLAN OF FINANCE AND RATIFYING PRIOR ACTIONS REGARDING SAME; AND PROVIDING AN EFFECTIVE DATE FOR THIS RESOLUTION.**

WHEREAS, the Brevard Housing Finance Authority (the "Authority") intends to issue its single family mortgage revenue bonds (the "Single Family Bonds"), in one or more series, in an aggregate principal amount of not to exceed \$50,000,000, to (i) refund certain outstanding obligations of the Authority, (ii) to purchase federally insured or guaranteed mortgage loans originated by participating local lending institutions to finance or refinance the purchase of new or existing owner-occupied single-family residences (a) situated within Brevard County, Florida (the "County") and/or other Florida Counties as authorized by Chapter 159, Part IV, Florida Statutes, as amended, and (b) owned by persons or families of low, moderate or middle income, (iii) purchase securities from a master servicer evidencing interests in or backed by a pool of such mortgage loans, including, without limitation, securities issued by the federal government or agencies thereof, and/or (iv) be used in conjunction with a mortgage credit certificate program; and

WHEREAS, the State of Florida's (the "State") allocation procedures require that (i) a public hearing be held under the Tax Equity and Fiscal Responsibility Act ("TEFRA") with respect



to the Single Family Bonds, and (ii) the issuance of the Single Family Bonds be approved by the Board of County Commissioners of Brevard County, Florida, for purposes of Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code") prior to requesting private activity bond allocation ("Allocation") for said Single Family Bonds; and

WHEREAS, the Authority desires to continue providing mortgage credit certificates for the benefit of the citizens of the County and wishes to convert single family mortgage revenue bond Allocation awarded by the State for Allocation applicable to mortgage credit certificate authority; and

WHEREAS, the Authority may elect to carry forward any unused single family Allocation awarded by the State for use with either single family revenue bonds or multifamily revenue bonds; and

WHEREAS, the Authority hereby desires to adopt a plan of financing within the meaning of Section 147(f)(2)(C) of the Code.

NOW, THEREFORE, BE IT RESOLVED BY THE BREVARD COUNTY HOUSING FINANCE AUTHORITY:

Section 1. Approval of Plan of Finance and Issuance of the Bonds. The Authority hereby authorizes the issuance of the Single Family Bonds in an aggregate face amount of not to exceed \$50,000,000 for purposes stated herein. The Authority also hereby approves a plan of financing consisting of the issuance of one or more series of Single Family Bonds at one or more times and from time to time, (i) to provide funds to refinance previously issued bonds that financed mortgages for first time homebuyers, and/or (ii) which provides funds to originate new mortgages for first-time homebuyers within the meaning of Section 143 of the Code (the "Plan of Finance"). Neither the Authority's approval of the Plan of Finance, or the issuance of the Single Family Bonds

by the Authority, shall (i) obligate or be construed to obligate the Authority to issue all or any portion of such Single Family Bonds, or (ii) cause the Authority or the County to incur any liability, pecuniary or otherwise, in connection with the Plan of Finance or the issuance of the Single Family Bonds and/or the decision not to issue all or any portion of the Single Family Bonds.

Section 2. Approval of Use of Single Family Bond Allocation. The Authority hereby authorizes the Allocation for single family revenue bonds (i) to be converted for mortgage credit certificate authority, and/or (ii) to be used as Allocation for multifamily revenue bonds. The Chairman of the Authority is hereby authorized to determine (i) if such Allocation should be carried forward, and/or (ii) if such Allocation should be converted for use with mortgage credit certificates and/or used for multifamily revenue bonds.

Section 3. Approval of Authority to hold a Public Hearing. The attorney for the Authority or his designee is hereby authorized to publish the notice of the TEFRA Hearing (as defined below), and to conduct the public hearing required by Section 147(f) of the Code, prior to the issuance of the Single Family Bonds (the "TEFRA Hearing"), at such time or times that he determines necessary, in consultation with the Authority's Financial Advisor and Bond Counsel, with respect to the Plan of Finance and the proposed issuance of the Single Family Bonds.


Section 4. Further Actions and Ratification of Prior Actions. The attorney for the Authority, officers, agents and employees of the Authority are hereby authorized and directed to do all acts and things required of them by this Resolution and to execute and deliver any and all instruments, affidavits, certificates, and notices necessary or advisable to effectuate the issuance of the Single Family Bonds and the implementation of the Plan of Finance. All actions heretofore undertaken by the attorney for the Authority, officers, agents and employees of the Authority with respect to the Single Family Bonds and/or the Plan of Finance are hereby authorized and ratified.

Section 5. Effective Date. This Resolution shall take effect immediately upon its adoption.

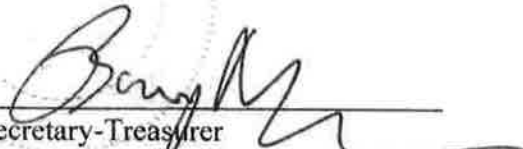
PASSED AND ADOPTED, this 24<sup>th</sup> day of May, 2023.

**BREVARD COUNTY HOUSING  
FINANCE AUTHORITY**

(SEAL)

By:   
Chairman

ATTEST:

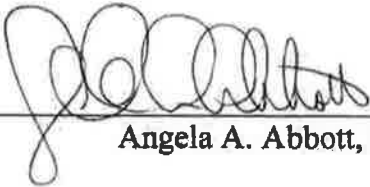
  
Secretary-Treasurer

**EXHIBIT A**

**NOTICE AFFIDAVIT**

I, Angela A. Abbott, Esquire, attorney for the Brevard County Housing Finance Authority (the "Authority") do hereby affirm that the documents attached hereto as Schedule 1 and Schedule 2 represent (a) a screen shot showing notice of the Authority's TEFRA public hearing scheduled for May 24, 2023, which notice was placed on the Authority's website on May 17, 2023, and (b) a screen shot showing said notice of public hearing as displayed on the Brevard County public notice page as of May 18, 2023.

**IN WITNESS WHEREOF**, I have hereunto set my hand this 18<sup>th</sup> day of May, 2023.




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Angela A. Abbott, Esq.

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## SCHEDULE 2



**Brevard County**

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THE EAGLE	THE EAGLE	THE EAGLE
<p><b>Notice of Hearing</b></p> <p>ADMINISTRATIVE ORDER IN THE CIRCUIT COURT OF THE EIGHTEENTH JUDICIAL CIRCUIT FOR BREVARD COUNTY, FLORIDA PROBATE DIVISION FILE NO. 05-2023-CP-00000-0000 IN RE: ESTATE OF RUTH JOHNSON LITTLE AND RUTH L. LITTLE AND RUTH L. LITTLE, DECEASED. NOTICE TO CREDITORS The administration of the estate of RUTH JOHNSON LITTLE and RUTH L. LITTLE and RUTH L. LITTLE, deceased whose date of death was October 24, 2022, is pending in the Circuit Court for Brevard County, Florida.</p> <p>BREVARD COUNTY, FLORIDA</p>	<p><b>Notice of Hearing</b></p> <p>ADMINISTRATIVE ORDER IN THE CIRCUIT COURT OF THE EIGHTEENTH JUDICIAL CIRCUIT, IN AND FOR BREVARD COUNTY, FLORIDA PROBATE DIVISION FILE NUMBER: 05-2023-CP-00000-0000 IN RE: ESTATE OF JOYCE ANNE JOYCE A. VASCO, AND JOYCE ANN VASCO, DECEASED. NOTICE TO CREDITORS The administration of the estate of JOYCE ANNE JOYCE A. VASCO and JOYCE ANN VASCO, deceased, the Number CS-2023-CP-00000-0000</p> <p>BREVARD COUNTY, FLORIDA</p>	<p><b>Notice of Hearing</b></p> <p>ADMINISTRATIVE ORDER IN THE CIRCUIT COURT OF THE EIGHTEENTH JUDICIAL CIRCUIT, IN AND FOR BREVARD COUNTY, FLORIDA PROBATE DIVISION FILE NUMBER: 05-2023-CP-00000-0000 IN RE: ESTATE OF JOYCE ANNE JOYCE A. VASCO, AND JOYCE ANN VASCO, DECEASED. NOTICE TO CREDITORS The administration of the estate of JOYCE ANNE JOYCE A. VASCO and JOYCE ANN VASCO, deceased, the Number CS-2023-CP-00000-0000</p> <p>BREVARD COUNTY, FLORIDA</p>
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Notice posted to County website 5-18-23