



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Consent

F.8.

2/25/2025

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 2026 through 2028

Fiscal Impact:

None.

Dept/Office:

County Attorney's Office

Requested Action:

The Brevard County Housing Finance Authority (the "Authority") requests 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 2026 through 2028.

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 9 with Volusia, Indian River, St. Lucie, Marion, Okeechobee, Highlands, and Glades Counties, which share a total annual allocation of approximately \$140 million. The regional pool is available until May 31. On June 1, any remaining allocation in the regional pools will be transferred to the Statewide Affordable Housing Pool and will be used to fill housing allocation requests in other areas of the state until September 30.

Due to increased applications for multifamily projects in Region 9 counties, it is important that the Authority attempt to preserve private activity bond allocation for future issues. The purpose of the public hearing and Authority Resolution No. 25-01 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). 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 January 22, 2025, 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; Steven E. Miller, (813) 281-2222, smiller@ngn-tampa.com; Jay Glover, PFM Financial Advisors LLC, (407) 406-5760, gloverj@pfm.com

Clerk to the Board Instructions:

Return a signed Resolution to the County Attorney's Office and the Housing Finance Authority c/o Angela A. Abbott.



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

February 26, 2025

MEMORANDUM

TO: Morris Richardson, County Attorney

RE: Item F.8., 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 2026 Through 2028

The Board of County Commissioners, in regular session on February 25, 2025, adopted Resolution No. 25-015, as requested by the Brevard County Housing Finance Authority, 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 2026 through 2028. Enclosed is two fully-executed Resolutions.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK

for: 
Kimberly Powell, Clerk to the Board
/tr

Encls. (2)

cc: Angela Abbott, Esquire

RESOLUTION NO. 2025-015

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. 25-01, adopted by the Authority on January 22, 2025, 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. 25-01, 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 January 22, 2025, 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

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 (a) the Plan of Financing, (b) the use of the Allocation, and (c) the issuance of the Bonds for purposes of Section 147(f) of the Code, 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. The Board's approval of the Plan of Financing and the issuance of the Bonds by the Authority shall not be construed to obligate Brevard County, Florida, to incur any liability, pecuniary or otherwise, in connection with the issuance of the Bonds or the Plan of Financing.

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 report of the public hearing held by the Authority on January 22, 2025, with respect to the Plan of Financing and the proposed issuance of the Bonds in accordance with the Code are hereby approved by the Board. The actions taken by the Authority and its officers, agents, and employees in connection with publishing a TEFRA Notice on January 13, 2025, and January 15, 2025, and conducting the TEFRA Hearing on January 22, 2025, 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 5. Resolution Effective. This Resolution shall take effect immediately upon adoption.

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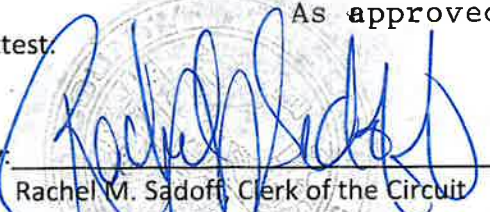
This Resolution passed and adopted this 25th day of February, 2025.

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

(SEAL)

By: 
Rob Feltner, Chairman

Attest.  As approved by the Board 02/25/2025.

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

RESOLUTION NO. 25-01

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 22nd day of January, 2025.

**BREVARD COUNTY HOUSING
FINANCE AUTHORITY**

(SEAL)

By: 
Chairman

ATTEST:


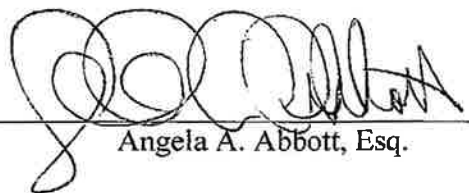

Secretary-Treasurer

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 January 22, 2025, which notice was placed on the Authority's website on January 13, 2025, and (b) a screen shot showing said notice of public hearing as in the Legal Ads section of the Brevard County website as of January 15, 2025.

IN WITNESS WHEREOF, I have hereunto set my hand this 22nd day of January, 2025.



Angela A. Abbott, Esq.

SCHEDULE 1
TO EXHIBIT A



Notice of Public Hearing posted to HFA website 1-13-25

Notice of Public Hearing posted to Brevard County website 1-15-25

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**REPORT OF
BREVARD COUNTY HOUSING FINANCE AUTHORITY
REPORT REGARDING PUBLIC HEARING**

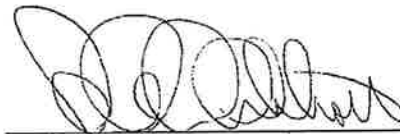
The Brevard County Housing Finance Authority (the "Authority") conducted a public hearing on the proposed issuance of not to exceed \$50,000,000 in single family mortgage revenue bonds or in the alternative, mortgage credit certificates, pursuant to a plan of finance.

The public hearing was held on January 22, 2025, commencing at 3:00 p.m. and closing at 3:01 p.m., at 3695 Lake Drive, Cocoa, Florida, pursuant to the notice of such hearing which was published on January 13, 2025, on the Authority's website, and on January 15, 2025, on the County's website. A copy of the Affidavit as to publication of notice is attached to the Authority's Resolution No. 25-01 as Exhibit A. Interested individuals were given the opportunity to express their views, both orally and in writing.

The following numbers of people attended the hearing or submitted written comments and were in favor of or opposed to the proposed issuance of the notes:

Number of people in attendance:	<u>16</u>
Number of written comments:	<u>0</u>
Number of people in favor:	<u>0</u>
Number of people opposed:	<u>0</u>

Respectfully submitted this 22nd day of January, 2025.



Angela A. Abbott, Attorney for
Brevard County Housing Finance Authority