



**AGENDA REPORT**  
**November 13, 2018**

**Brevard County Housing Finance Authority - Resolution**

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**SUBJECT:**

Resolution Approving Issuance by the Brevard County Housing Finance Authority of Not to Exceed \$40,000,000 in Single Family Mortgage Revenue Bonds, or in the alternative, Issuance of Not to Exceed \$10,000,000 in Mortgage Credit Certificates (MCC) in 2018 and 2019.

**FISCAL IMPACT:**

None. Adoption of this Resolution will not constitute a debt, liability, obligation (either contractual or general), or a pledge of the faith or loan of the credit of Brevard County with respect to the issuance of the Authority's Bonds or MCCs in any manner whatsoever.

**DEPT/OFFICE:**

County Attorney Office

**REQUESTED ACTION:**

The Brevard County Housing Finance Authority (the "Authority") requests the Board approve a Resolution to allow the Authority to apply for a bond allocation with the Florida Division of Bond Finance, and once allocated, to allow the Authority to issue up to \$40,000,000 in Single Family Mortgage Revenue Bonds or, in the alternative, to convert the bond authority into \$10,000,000 in Mortgage Credit Certificates.

**SUMMARY EXPLANATION and BACKGROUND:**

Since 2012, the Brevard County Housing Finance Authority has participated in a multi-county home ownership program led by the Hillsborough County Housing Finance Authority. The program offers Brevard County residents low interest rate first mortgage loans to persons and families of lower and moderate income who are purchasing their first home. In addition, borrowers may obtain up to \$10,000 for down payment and closing cost assistance which is secured by a non-interest bearing, non-amortizing second mortgage, as well as a Mortgage Credit Certificate, which allows the homebuyer an annual tax credit of up to \$2,000. The MCC reduces the borrowers' federal income tax liability during the life of the loan. This tax credit allows the buyer to qualify more easily for the loan and to better afford the home purchase, due to the effective increase in income. To continue offering MCCs in 2018 and 2019, the Authority is seeking a bond allocation from the Florida Division of Bond Finance. In order to apply for the allocation, the Board of County Commissioners must approve the Authority's request by a Resolution, after a public hearing. The Authority held the required public hearing on October 18, 2018, following

proper publication of notice, for the purpose of receiving public input. The Authority received no public comments or objections.

If the Authority is successful in obtaining an allocation, it intends to convert all or a portion of the allocation to the issuance of mortgage credit certificates.

Contact Person: Angela A. Abbott, 264-0334; angelaabbott@cfl.rr.com

**CLERK TO THE BOARD INSTRUCTIONS:**

Return Certified Copy of Resolution to CAO, Christine Schverak.

**ATTACHMENTS:**

**Description**

- ▢ **Resolution**
- ▢ **Housing Finance Authority Resolution No. 2018-04**
- ▢ **Authority Report of Public Hearing**



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

Telephone: (321) 637-2001  
Fax: (321) 264-6972  
Tammy.Rowe@brevardclerk.us

November 14, 2018

MEMORANDUM

TO: Eden Bentley, County Attorney

RE: Item F.20., Resolution for Brevard County Housing Finance Authority

The Board of County Commissioners, in regular session on November 13, 2018, approved allowing the Authority to apply for a bond allocation with the Florida Division of Bond Finance; and adopted Resolution No. 18-183, approving the issuance by the Brevard County Housing Finance Authority, of an amount not to exceed \$40 million of its Single Family Mortgage Revenue Bonds, or in the alternative, the issuance of mortgage credit certificates, pursuant to Section 147(f) of the Internal Revenue Code of 1986, as amended, and to convert the Bond Authority into \$10 million in Mortgage Credit Certificates. Enclosed is a certified copy of the Resolution for your action.

Your continued cooperation is greatly appreciated.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS  
SCOTT ELLIS, CLERK

*Tammy Rowe*

Tammy Rowe, Deputy Clerk

/ds

Encl. (1)

cc: County Manager  
Finance  
Budget

**RESOLUTION NO. 2018-183**

**A RESOLUTION OF THE BOARD OF COMMISSIONERS OF BREVARD COUNTY, FLORIDA, APPROVING THE ISSUANCE BY THE BREVARD COUNTY HOUSING FINANCE AUTHORITY, OF AN AMOUNT NOT TO EXCEED \$40,000,000 OF ITS SINGLE FAMILY MORTGAGE REVENUE BONDS, OR IN THE ALTERNATIVE THE ISSUANCE OF MORTGAGE CREDIT CERTIFICATES, PURSUANT TO SECTION 147(f) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Chapter 159, Part IV, Florida Statutes (the "Act") authorized counties to create housing finance authorities to exercise powers of the Act within their boundaries or outside their boundaries with the consent of the governing body of the territory outside their area of operation; and

**WHEREAS**, the Board of County Commissioners of Brevard County, Florida, created the Brevard County Housing Finance Authority (the "Authority"), by Ordinance No. 79-09, as amended by Ordinance No. 84-16, and authorized the Authority to exercise all powers under the Act; and

**WHEREAS**, on September 26, 2018, at a duly called public meeting and on motion duly made and seconded, the Authority unanimously adopted a Resolution authorizing the issuance of its Single Family Mortgage Revenue Bonds in the aggregate principal amount of not to exceed \$40,000,000 (the "Bonds"), or in the alternative to issue mortgage credit certificates ("MCCs") in an amount not to exceed \$10,000,000. The MCCs, if issued, are to be allocated by the Authority to first time home buyers in Brevard County who meet certain income and other requirements; and

**WHEREAS**, Section 147(f) of the Internal Revenue Code of 1986, as amended (hereinafter the "Code"), requires public approval of certain private activity bonds by the applicable elected representative or governmental unit following a public hearing, and the Board of County Commissioners of Brevard County, Florida (the "Board"), constitutes the applicable elected representative and governmental unit; and

**WHEREAS**, pursuant to Section 147(f) of the Code, a public hearing was scheduled by the Authority for October 18, 2018, and notice of such hearing was given in the form required by the Code; and

**WHEREAS**, on October 18, 2018, the public hearing was held on behalf of the Authority and provided at such hearing reasonable opportunity for all interested individuals to express their views, both orally and in writing, on the issuance of Bonds or MCCs; and

**WHEREAS**, no interested individual appeared to express comments or concerns; and

**WHEREAS**, the Board desires to express its approval of the action taken by the Authority in authorizing the issuance of the Bonds or MCCs and as required by Section 147(f) of the Code; now therefore,

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

**SECTION 1.** Because of the continuing shortage of affordable single-family housing and capital for investment therein Brevard County, Florida, and the continuing impediments to alleviate such shortages as to single-family housing, it is hereby determined that the Board consents to the Authority exercising its powers to issue the Bonds or in the alternative MCCs, and to the use of the proceeds of such Bonds or MCCs to finance single-family housing.

**SECTION 2.** In furtherance of the purposes set forth in Section 1 hereof, the Chairman or Vice Chairman of the Authority are hereby authorized to execute such consents, agreements or other documents as shall be required to implement the issuance of such Bonds or MCCs, all as shall be approved by counsel to the Authority.

**SECTION 3.** The Board hereby approves, within the meaning of Section 147(f) of the Code, the issuance by the Authority of an amount not to exceed \$40,000,000 of its Single Family Mortgage Revenue Bonds or the issuance of not to exceed \$10,000,000 of its MCCs.

**SECTION 4.** Adoption of this Resolution does not authorize nor commit the expenditure of any funds of Brevard County, Florida, or of the Authority to pay the costs of issuance of such Bonds or MCCs.

**SECTION 5.** Adoption of this Resolution will not constitute a debt, liability, obligation (either contractual or general), of a pledge of the faith or loan of the credit of Brevard County with respect to the issuance of the Authority's Bonds or MCCs in any manner whatsoever.

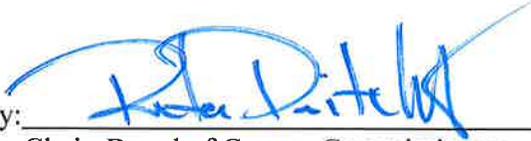
**SECTION 6.** All ordinances and resolutions or parts thereof of the Board in conflict with the provisions herein contained are, to the extent of such conflict, hereby superseded and repealed.

**SECTION 7.** This Resolution shall take effect immediately upon its adoption.

DULY ADOPTED in the regular session the 13 day of November, 2018.

**BREVARD COUNTY, FLORIDA**

(SEAL)

By: 

Chair, Board of County Commissioners

As approved by Board 11/13/18

ATTEST

By: 

Clerk, SCOTT ELLIS

**RESOLUTION NO. 2018-04**

**A RESOLUTION OF THE BREVARD COUNTY HOUSING FINANCE AUTHORITY RATIFYING THE INITIATION OF ACTION IN CONNECTION WITH THE PROPOSED ISSUANCE OF SINGLE FAMILY MORTGAGE REVENUE BONDS; AUTHORIZING THE INITIATION OF ACTION, IN THE EVENT SUCH BONDS ARE NOT ISSUED, TO ESTABLISH A MORTGAGE CREDIT CERTIFICATE PROGRAM; AUTHORIZING THE EXCHANGE OF UP TO \$40,000,000 OF SINGLE FAMILY PRIVATE ACTIVITY BOND ALLOCATION FOR UP TO \$10,000,000 OF MORTGAGE CREDIT CERTIFICATE AUTHORITY; AUTHORIZING CERTAIN OFFICIALS OF THE AUTHORITY TO TAKE ACTIONS NECESSARY IN CONNECTION WITH THE IMPLEMENTATION OF THE BOND OR MCC PROGRAM; PROVIDING CERTAIN OTHER FINDINGS AND DETAILS WITH RESPECT THERETO; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Legislature of the State of Florida (the "State") has enacted the Florida Housing Finance Authority Law, Part IV, Chapter 159, Florida Statutes, as amended (the "Act"), pursuant to which the State has empowered each county in the State to create by ordinance a separate public body corporate and politic to be known as a housing finance authority of the county for the purpose of alleviating a shortage of housing and capital for investment in housing in the area of operation (which may include, as permitted by the Act, other areas of the State) of such housing finance authority; and

**WHEREAS**, pursuant to the Act, the Board of County Commissioners of Brevard County, Florida (the "County Commission") enacted Ordinance No. 79-09, as amended by Ordinance No. 84-16 (the "Ordinance") creating the Brevard County Housing Finance Authority (the "Authority"); and

**WHEREAS**, the Authority is authorized by the Act to borrow money through the issuance of bonds to assist in the financing of single family housing, or, in lieu of issuing qualified mortgage bonds, to issue mortgage credit certificates to qualifying individuals; and

**WHEREAS**, the Authority by voice vote at its September 26, 2018 meeting indicated its desire to initiate action in connection with the proposed issuance of single family mortgage revenue bonds (the "Bond Program"); and

**WHEREAS**, pursuant to Section 25 of the Internal Revenue Code of 1986, as amended, (the "Code") the Authority may make an election to issue mortgage credit certificates in lieu of the issuance of single family mortgage revenue bonds; and

**WHEREAS**, in furtherance of the purposes of the Act, the Authority desires to implement in the alternative a mortgage credit certificate program (the "MCC Program") to assist persons of low and moderate income in Brevard County, Florida (the "County") and other participating counties to afford the cost of acquiring and owning decent, safe and sanitary housing within the County and such other participating counties; and

**WHEREAS**, in connection with the MCC Program, the Authority desires to elect pursuant to Section 25 of the Code and Section 159.8075, Florida Statutes, to exchange up to \$40,000,000 of single family private activity bond allocation for the authority to issue its Mortgage Credit Certificates (the "MCCs") with a maximum aggregate total amount of up to \$10,000,000; and

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

**SECTION 1. AUTHORITY.** This Resolution is adopted pursuant to the provisions of the Act, the Ordinance and other applicable provisions of law.

**SECTION 2. FINDINGS.** The Authority has found and determined and does hereby declare that:

A. Based upon existing and anticipated market and economic conditions and the knowledge of the members of the Authority of the housing industry and conditions in the County, it is in the best interests of the Authority and the residents of the County and serves a valid public purpose for the Authority to implement the Bond Program and/or the MCC Program and issue bonds and/or MCCs pursuant thereto.

B. The implementation of the Bond Program and/or the MCC Program and the issuance of bonds and/or MCCs pursuant thereto are necessary and in the best interests of the Authority and the residents of the County and will assist in alleviating a shortage of housing at prices which persons or families of moderate, middle and low income can afford and the shortage of capital available for investment therein.

C. The Authority hereby ratifies and authorizes notice of the intent of the Authority to establish a mortgage credit certificate program to be published in a newspaper of general circulation in the County pursuant to Section 25(e)(5) of the Code.

**SECTION 3. IMPLEMENTATION OF PROGRAMS.**

A. The Authority hereby determines to apply for private activity bond allocation in the amount of up to \$40,000,000 to proceed with a Bond Program or MCC Program.

B. In order to preserve the ability to implement the MCC Program, the Authority hereby determines to elect not to issue up to \$40,000,000 of qualified mortgage bonds for which it has received a private activity bond volume cap allocation and to thereby convert up to \$40,000,000 of single family private activity bond allocation to mortgage credit certificate authorization. The Chairman or Vice Chairman of the Authority is hereby authorized and directed to make all filings, declarations and notices as may be necessary or appropriate to make

or implement such election on behalf of the Authority, and to publish the required notice of the proposed MCC Program.

**SECTION 4. AUTHORIZATIONS.** The Chairman, Vice Chairman, Secretary, Treasurer and counsel to the Authority, and such other officers, agents and employees of the Authority as may be designated by the Chairman are each designated as agents of the Authority in connection with the implementation of the Bond Program and/or MCC Program as authorized and contemplated hereby and are authorized and empowered, collectively or individually, to take all actions and steps to advance the intent of this Resolution in connection therewith, subject to fiscal approval by the Authority of any such program.

**SECTION 5. EFFECTIVE DATE.** This Resolution shall become effective immediately upon its adoption.

**APPROVED AND ADOPTED** by the Brevard County Housing Finance Authority this 26<sup>th</sup> day of September, 2018.

**BREVARD COUNTY HOUSING  
FINANCE AUTHORITY**

By:   
Chairman



ATTEST:

  
Secretary

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

The Brevard County Housing Finance Authority (the "Authority") by and through its designated hearing officer, Angela A. Abbott, Esquire, conducted a public hearing on the proposed issuance of not to exceed \$40,000,000 in single family mortgage revenue bonds or in the alternative, mortgage credit certificates of \$10,000,000.

The public hearing was held on October 18, 2018, commencing at 9:05 a.m. and closing at 9:08 a.m., at 4420 S. Washington Avenue, Titusville, Florida, pursuant to the notice of such hearing which was published on October 2, 2018, in Florida Today, a newspaper published in Brevard County, Florida. A copy of the publisher's affidavit is attached hereto 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>0</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 18<sup>th</sup> day of October, 2018.



Angela A. Abbott, Attorney and  
Designated Hearing Officer  
Brevard County Housing Finance Authority

A Daily Publication By:



ANGELA A. ABBOTT, P.A.  
4420 S WASHINGTON AVE

TITUSVILLE, FL 32780

STATE OF FLORIDA COUNTY OF BREVARD:

Before the undersigned authority personally appeared, who on oath says that he or she is a Legal Advertising Representative of the **FLORIDA TODAY**, a daily newspaper published in Brevard County, Florida that the attached copy of advertisement, being a Legal Ad in the matter of

**Notice Public Hearing**

as published in **FLORIDA TODAY** in the issue(s) of:

10/02/18

Affiant further says that the said **FLORIDA TODAY** is a newspaper in said Brevard County, Florida and that the said newspaper has heretofore been continuously published in said Brevard County, Florida each day and has been entered as periodicals matter at the post office in **MELBOURNE** in said Brevard County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has never paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Sworn to and Subscribed before me this 2th of October 2018, by who is personally known to me

*Angela A. Abbott*  
\_\_\_\_\_  
Affiant

*Melanie G. Altz*  
\_\_\_\_\_  
Notary

AD#3184159, 10/2/2018  
NOTICE OF PUBLIC HEARING  
CONCERNING THE BREVARD COUNTY  
HOUSING AUTHORITY'S  
PROPOSED ISSUANCE OF ITS  
SINGLE FAMILY MORTGAGE REVENUE  
BONDS, SERIES 2018, IN AN  
AGGREGATE AMOUNT OF NOT TO EX-  
CEED \$40,000,000, OR  
IN THE ALTERNATIVE MORTGAGE  
CREDIT CERTIFICATES

Public Notice is hereby given that the Brevard County Housing Finance Authority (the "Authority") will conduct a public hearing on October 19, 2018 at 9:00 a.m. or thereafter, at the offices of Angela A. Abbott, P.A., 4420 S. Washington Avenue, Titusville, Florida 32780, in accordance with the Tax Equity Fiscal Responsibility Act ("TEFRA") on the proposed issuance by the Authority of its Single Family Mortgage Revenue Bonds, Series 2018 in the aggregate principal amount of not to exceed \$40,000,000, for purposes of assisting in the financing of single family housing, or, in lieu of issuing qualified mortgage bonds, to issue mortgage credit certificates to qualifying individuals.

If any member of the general public wishes to be heard at the hearing he or she may do so by appearing in person at the time and place set forth above or by submitting their views in writing delivered at least 24 hours prior to the date and time of the meeting set forth above to Angela A. Abbott, 4420 S. Washington Avenue, Titusville, Florida 32780.

The purpose of the public hearing is to afford members of the general public an opportunity to be heard with respect to the proposed issuance of the Bonds by the Authority.

All interested parties are invited to attend and present their comments at the time and place set forth above.

IF ANY PERSON WISHES TO APPEAL ANY DECISION MADE BY THE AUTHORITY WITH RESPECT TO ANY MATTER CONSIDERED AT THIS HEARING, HE OR SHE WILL NEED A RECORD OF THE PROCEEDINGS, AND FOR SUCH PURPOSE HE OR SHE MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS MADE WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS MADE.

BREVARD COUNTY HOUSING FINANCE AUTHORITY



Publication Cost: \$220.99  
Ad No: 0003184159  
Customer No: BRE-6AN287

Exhibit A