Agenda Item #: **58-2** 

# PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS

#### AGENDA ITEM SUMMARY

Meeting Date: December 19, 2023 [ ]

[ ] Consent [X] Regular

[ ] Ordinance

[ ] Public Hearing

Submitted By:

**Housing and Economic Development** 

Submitted For:

Housing Finance Authority of Palm Beach County

#### I. EXECUTIVE BRIEF

**Motion and Title: Staff recommends motion to adopt a** Resolution of the Board of County Commissioners of Palm Beach County, Florida, approving the issuance of not exceeding \$100,000,000 Housing Finance Authority of Palm Beach County, Florida, Homeowner Revenue Bonds, Multiple Series (the "Bonds") within the meaning of Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code").

Summary: The Bonds are being issued by the Housing Finance Authority of Palm Beach County, Florida (the "Authority") to implement its Single Family Homeowner Revenue Bond Program (the "Program"), which Program is for the purpose of providing to qualified mortgagors mortgage financing for owner-occupied, single family residential housing facilities within the Authority's area of operation. The Authority intends to apply for unused volume cap private activity bond allocation ("PAB") from the Florida Division of Bond Finance on or before the deadline of December 29. Unused volume cap PAB is allocated by lottery. The Authority intends to request "carry-forward" allocation for whatever amount of PAB the Authority receives. The Authority will be able to use this carry-forward allocation after December 31, 2023 for either single family homeowner revenue bonds, single family mortgage credit certificates and/or multifamily housing revenue bonds. Single family homeowner revenue bonds have not been financially feasible for a number of years, but that may change given current market conditions. Eligible applicants may not exceed 140% area median income (\$98,300 for a family of four for 2023) and 90% of the average area purchase price. The affordability period will be established based on receipt of the bonds and the final approved use of the bonds (i.e. homeowner program or multifamily program). The Authority retains Bryant, Miller & Olive, P.A. and Greenberg Traurig, P.A. as its bond and disclosure counsel on a rotating basis. However, it has not yet been determined which of these firms will fill these roles in the event the Bonds are issued as set forth above. Neither the taxing power nor the faith and credit of the County, nor any County funds, shall be pledged to pay principal or redemption premiums, if any, or interest on the Bonds. Countywide (HJF)

**Background and Policy Issues:** The Authority was established by the Board of County Commissioners (BCC) in 1979 in accordance with Part IV of Chapter 159, Florida Statutes. The adoption of this Resolution by the BCC would constitute approval of the Bonds for purposes of Section 147(f) of the Code.

#### Attachment:

1. Resolution

Recommended B	v: Jonathan Brown	11/22/2023
	Department Director	Date
Approved By:	Zer	12/14/23
	Assistant County Administrator	Date

## II. FISCAL IMPACT ANALYSIS

## A. Five Year Summary of Fiscal Impact:

Capital Evacaditures	2024	2025	2026	2027	2028
Capital Expenditures	<u></u>				
Operating Costs					
External Revenues					
Program Income					
In-Kind Match (County)					
NET FISCAL IMPACT	-0-				
# ADDITIONAL FTE POSITIONS (Cumulative)	-				
Item Included In Currer loes this Item include the loes this Item include the ludget Account No.:	use of Fed		Yes Yes Yes	No X No X No X	- -
adget Account No					
3. Recommended Sou	rces of Fur	nds/Summa	ry of Fiscal	Impact:	
All costs to be bor	ne by the l	lousing Fir	nance Autho	rity or the B	Borrower. N
fiscal impact to Pal					
c. Departmental Fisca	al Review:		eyne, Division Administra	n Director II tive Services	— , DHED
	III. <u>RE</u>	VIEW COM	<u>WENTS</u>		
A. OFMB Fiscal and/o				ol Comment	s:
A. OFMB Fiscal and/o		Developmei		+ Jarole	s:
OFMB DINGS OF	r Contract I	Developmei	nt and Contr	+ Jarole	s:

Department Director

RESOLUTION OF THE **BOARD** OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY. FLORIDA; APPROVING THE ISSUANCE EXCEEDING \$100,000,000 HOUSING FINANCE AUTHORITY OF PALM BEACH COUNTY, FLORIDA. HOMEOWNER REVENUE BONDS, MULTIPLE SERIES (THE "BONDS") WITHIN THE MEANING OF SECTION 147(f) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED, THE PROCEEDS OF WHICH ARE TO BE **USED** IMPLEMENT ITS SINGLE TO **FAMILY BOND PROGRAM** HOMEOWNER REVENUE "PROGRAM"), WHICH PROGRAM IS **FOR** THE OF PURPOSE **PROVIDING** TO QUALIFIED MORTGAGORS MORTGAGE FINANCING FOR OWNER-OCCUPIED, SINGLE FAMILY RESIDENTIAL HOUSING FACILITIES WITHIN THE AUTHORITY'S AREA OF OPERATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Housing Finance Authority of Palm Beach County, Florida (the "Authority") was created pursuant to Part IV, Chapter 159, Florida Statutes, and Article V, Division 3, Sections 2-181 et seq., Palm Beach County Code of Ordinances (the "Ordinance"); and

WHEREAS, the Board of County Commissioners of Palm Beach County, Florida (the "Board"), has heretofore adopted Resolution No. 79-1150 declaring its need for the Authority to function in order to alleviate the shortage of housing and capital investment in housing within Palm Beach County, Florida (the "County"); and

WHEREAS, the Executive Director of the Authority held a properly noticed public hearing pursuant to the provisions of Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code") on November 9, 2023, regarding the proposed issuance of its Homeowner Revenue Bonds, Multiple Series (the "Bonds"); and

WHEREAS, the Bonds will be issued by the Authority to implement its Single Family Homeowner Revenue Bond Program (the "Program"), which Program is for the purpose of providing to qualified mortgagors mortgage financing for owner-occupied, single family residential housing facilities within the Authority's area of operation; and

WHEREAS, the Bonds shall be limited obligations of the Authority payable from the revenues derived from mortgage loans which qualifying lending institutions participating in the program (the "Participants") will originate and sell to the Authority, or a servicer appointed by the Authority, all for the purpose of financing the acquisition of owner-occupied single family residences within the Authority's area of operation which qualify under the Program. The mortgage loans will be originated by the Participants generally over a ten (10) to thirty-six (36) month period of time, to persons meeting certain income and other requirements prescribed under the Program and by the Code; and

WHEREAS, the Bonds shall not be a debt of the Authority, the County, the State of Florida (the "State"), nor any political subdivision thereof; and neither the Authority, the County, the State nor any other political subdivision thereof shall be liable thereon; and

**WHEREAS**, the Authority has requested that the Board approve the issuance of the Bonds within the meaning of Section 147(f) of the Code.

# NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that;

- The above recitals are hereby adopted by the Board as the findings of the County and are incorporated herein.
- 2. The issuance of the Bonds pursuant to a plan of finance in an aggregate amount not exceeding \$100,000,000 is approved within the meaning of Section 147(f) of the Code.
- 3. Prior to the issuance of the Bonds, the Board shall approve the sale thereof within the meaning of the Ordinance.
- The Clerk is authorized to execute this Resolution on behalf of Palm Beach County, Florida.
- 5. This Resolution shall take effect upon adoption. , who The foregoing Resolution was offered by Commissioner \_\_\_\_ by Commissioner its adoption. The motion moved was seconded \_, and being put to a vote, the vote was as follows: Commissioner Maria Sachs, Mayor Commissioner Maria G. Marino, Vice Mayor Commissioner Gregg K. Weiss Commissioner Michael Bennett Commissioner Marcy Woodward Commissioner Sara Baxter Commissioner Mack Bernard The Mayor thereupon declared the Resolution duly passed and adopted this \_\_\_\_ day of \_\_\_\_\_\_, 2023. PALM BEACH COUNTY, FLORIDA, BY ITS **BOARD OF COUNTY COMMISSIONERS**

CLERK & COMPTROLLER

ATTEST: JOSEPH ABRUZZO

Howard J./Falcon
Chief-Assistant County Attorney

APPROVED AS TO FORM AND

LEGAL SUFFICIENCY

Deputy Clerk

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