

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS**

AGENDA ITEM SUMMARY

Meeting Date: May 6, 2025

☐ Consent
☐ Ordinance

☒ Regular
☐ Public Hearing

Department: Housing and Economic Development

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: Revisions to the Palm Beach County (County) Housing Bond Program Allocation Process (Process).

Summary: On October 3, 2023, the Board of County Commissioners (BCC) approved the Process for the Housing Bond Loan Program (HBLP) (Agenda Item 5D-2). The Process included General Guidelines from Resolution R2022-0626 and proposed funding criteria and processes including: project requirements, loan term deed restrictions, project selection, credit underwriting and compliance and monitoring requirements. Some of the proposed revisions include, but are not limited to:

- A tiered system capping the HBLP funding amount in relation to total project cost;
- Limiting the workforce housing rental development to no more than 110% Area Median Income (AMI);
- Limit Workforce Housing rents to 90% of the published rent limit;
- Providing an exception for Workforce Housing projects receiving State Apartment Incentive Loan (SAIL) funding to receive HBLP funds;
- Allowing For-Sale projects with fewer than 50 units to be underwritten internally; and
- Adjusting the maximum sale price of For-Sale units to 80% of the maximum purchase price limit as determined by Florida Housing Finance Corporation (FHFC).

Numerous meetings and discussions were held with stakeholders including housing developers, financial institutions, the Economic Council of Palm Beach County, the Housing Leadership Council of Palm Beach County and municipalities to gather input for the development of the Process. Additionally, the proposed changes were discussed at the January 28, 2025 BCC workshop meeting with the BCC and other stakeholders and on April 8, 2025 as part of Agenda Item 5A-6, the BCC discussed the for-sale strategies. Countywide (HJF)

Background and Policy Issues: On November 8, 2022, County voters approved the \$200M Housing Bond Referendum for purposes of increasing the number of affordable and workforce housing units within the County. On November 22, 2022, the BCC approved Resolution R2022-1405 authorizing the issuance of the Bonds and the filing of a complaint of validation pursuant to Chapter 75 of the Florida Statutes; which was validated by the courts on February 17, 2023.

Attachments:

1. Palm Beach County Housing Bond Proceeds Allocation Process – with revisions
2. Summary of proposed revisions
3. Resolution R2022-0626, General Guidelines
4. Area Medium Income/Rents Chart (effective April 1, 2025)

Recommended By: Jonathan Brown 4/17/2025
Department Director Date

Approved By: Tammy R. B. 4/28/25
Assistant County Administrator Date

I. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2025	2026	2027	2028	2029
Capital Expenditures					
Operating Costs					
External Revenues					
Program Income					
In-Kind Match (County)					
NET FISCAL IMPACT					

# ADDITIONAL FTE POSITIONS (Cumulative)					
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Is Item Included In Current Budget? Yes _____ No X
Does this Item include the use of Federal funds? Yes _____ No X
Does this Item include the use of State funds? Yes _____ No X

Budget Account No.:
Fund _____ Dept _____ Unit _____ Object _____ Program Code/Period

B. Recommended Sources of Funds/Summary of Fiscal Impact:

No Fiscal Impact.

C. Departmental Fiscal Review: 
Valerie Alleyne, Division Director II
Finance and Administrative Services, DHED

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Development and Control Comments:

 4/21/25
OFMB
 4/22/25
Contract Development and Control
201 4. 22. 25

B. Legal Sufficiency:

 4/24/25
Assistant County Attorney

C. Other Department Review:

Department Director

Palm Beach County

Bond Proceeds Allocation Process

1. GENERAL GUIDELINES (as approved by the voters)

A) Background

On June 21, 2022, Palm Beach County Board of County Commissioners (BCC) approved the issuance of \$200 million General Obligation (GO) taxable bond, by Resolution R-2022-0626, for the purpose of financing all or a portion of the costs of increasing workforce and affordable housing in Palm Beach County and calling for a bond referendum which was approved by voters of Palm Beach County on November 8, 2022.

B) Bond Program (*Exhibit A of the Bond Referendum*)

Workforce and Affordable housing units will consist of the acquisition, construction and equipping of the following:

- **Condominiums:** a for-sale housing type characterized by multiple attached housing units within a single structure or multiple structures where housing units are individually owned and common areas are under joint ownership.
- **Multi-family Rental Units:** a rental housing type characterized by multiple attached housing units within a single structure or multiple structures under singular ownership, where individual housing units are rented to tenants through leasehold agreements.
- **Single-family homes:** a for-sale housing type characterized by one single detached housing unit per structure and property under individual ownership.
- **Townhomes:** a for-sale housing type characterized by two to four attached multi-story units per structure where housing units are individually owned and common areas are under joint ownership.

Projects can be mixed-income and mixed-use; however, bond financing will only be available for the eligible housing units that meet the County requirements.

C) Project Financing

Projects may be financed by combining public and/or private funding sources.

D) Definitions

- **Mixed-income** means projects that provide housing for households whose income range could qualify as affordable, workforce and market rate.
- **Mixed-use** means projects that have residential and non-residential components.
- **Affordable housing** means housing that is affordable to households whose income does not exceed 80% of the Area Median Income (AMI) Using the FY

2022 AMI chart, for a household of 4, the maximum income is \$73,600, subject to annual adjustment.

- **Workforce housing** means housing that is affordable to households whose income is between 60% AMI and 140% AMI. Using the workforce housing chart for 2022, the eligible household income must be between \$54,180 – \$126,420, subject to annual adjustment.

E) Bond Issuance

- 1) Required BCC authorization and voter approval of \$200 million General Obligation (GO) housing bond/
- 2) Bonds can be issued all at once or in tranches.
- 3) Taxable bond issuance has a 20-year term.

F) Allocation Process

- 1) Request for Proposals for developers will be issued by the County and will award loans through a competitive process for countywide development projects.
- 2) Bonds will fund loans for permanent financing for multi-family rental projects and loans for construction financing for homeownership/for-sale units.
- 3) Awards subject to be reclaimed, if the project has not begun construction within one year of final BCC approval.
- 4) All awards must be approved by the BCC.

G) Compliance and Monitoring

- 1) Projects must provide annual financial reports prepared by a Certified Public Accountant.
- 2) Report of the utilization of restricted units by project must be submitted to the County, as required.
- 3) Projects subject to review by Palm Beach County Office of the Inspector General and the Palm Beach County Internal Auditor.
- 4) Compliance reviews will be conducted by the County.

2. FUNDING CRITERIA AND PROCESS

The BCC maintains the right to modify the following sections of the Bond Proceeds Allocation Process at any time.

A) PROJECT REQUIREMENTS

- 1) Housing units (rental and for-sale) constructed with bond proceeds shall be identified as "County Assisted" Housing Units.
 - a) At least 50% of the County-Assisted homeowner (for-sale) units shall serve households with incomes no greater than 120% AMI.
 - b) All County-Assisted Workforce housing multifamily rental units shall serve households with incomes no greater than 110% AMI.
 - c) The minimum number of County Bond funded units created in any multi-family rental project is based on whether a project has a municipal development order mandating the creation of affordable and/or workforce housing units. Units created as part of another local government obligation are not eligible for Bond proceeds. In order to be eligible to receive Bond proceeds, the project must meet one of the following criteria:
 - i. For projects that do not have any other local government obligation to create affordable or workforce housing units, the greater of ten (10) units or ten percent (10%) of the total project units must be created to apply for Bond proceeds.
 - ii. For projects that have other local government obligation to create affordable or workforce housing units, all Bond funded units must be in addition to those units created by the other local government obligation. There is no minimum requirement for the number of additional Bond funded units.
 - d) For projects located within a municipality, the municipality shall provide funding or another form of assistance (i.e. expedited permitting, land donation, fee waiver, etc.) to the bond-financed project developed within its jurisdiction. Developers must ensure the project meets municipal requirements associated with the proposed expedited permitting or other forms of assistance.
- 2) All multifamily rental development project Housing Bond Loan Program (HBLP) funding will be limited to a cap on the amount provided based on a percentage of the total construction cost of the project. The amount of the cap will be applied to projects based on the following criteria:
 - a) 25% of total development cost
 - i. 90% of project units must be Affordable Housing Units
 - ii. Project has no 9% tax credit funding and/or SAIL funding

- b) 20% of total development cost
 - i. 65% of project units must be Affordable Housing Units
 - ii. Project has no 9% tax credit funding and/ or SAIL funding
- c) 15% of total development cost
 - i. The project has 9% tax credit funding and/or SAIL funding with 4% tax credit funding.
 - ii. Project is a Workforce Housing project
- 3) All for-sale units constructed in whole or in part with bond financing, must be sold to individuals or families who are income certified and approved by the Department of Housing & Economic Development (DHED).
- 4) Maximum sales price and resale provisions will follow the requirements approved by the County. Principal, interest, tax and insurance payment (PITI), as well as the condominium and/or homeowners association fees cannot exceed the maximum debt-to-income ratio limits the County will establish.
- 5) Bond funds cannot be used for housing units that serve to meet a Palm Beach County Workforce Housing Program (WHP) obligation, including the use of the Exchange Option or a municipal obligation resulting from a development approval process. However, bond funds may assist other housing units within a project that are **additional** to those units serving the WHP obligation / Exchange Option or municipal obligation.
- 6) Principal owners involved in housing projects must be compliant with housing agreements issued by the State of Florida, as well as counties and municipalities within the State, or unless otherwise approved by the County.

B) Disbursements, Loan Terms and Repayments

- 1) Disbursements

Disbursements from bond proceeds / loan funds will be based on construction draw process or a cost reimbursement process. The use of a construction draw or cost reimbursement process must be approved by the County.
- 2) Project Surety

Bond funded projects will require a Payment and Performance Bond or Letter of Credit.
- 3) All Multifamily Rental developments may be required to provide a Completion and Underwriting Deficit Guarantee.
- 4) Rental Units
 - a) **Workforce Housing Project**

Projects providing workforce housing units will have a loan term up to 20

years, with interest rates ranging from 1% – 3% (the range of interest rates is subject to change), and a fully amortized loan for the full term. Each proposal submitted should have a minimum Debt Service Coverage Ratio, which will be established as part of the RFP process. Loans may be fully amortizing or may be interest only during the first 10-years of the loan. For workforce housing project in which the remaining housing units qualify as affordable housing units, the payment of loan debt service may be subject to available cash flow, if required by the senior lender.

b) Affordable Housing Projects

Projects awarded to for-profit developers providing affordable housing units will have a loan term up to 20 years with an interest rate of 1.0%. Projects awarded to non-profit developers will have a loan term up to 20 years with an interest rate of 0%. Loans may be fully amortizing or may be interest only during the first 10-years of the loan. Loans may also have an option for a longer amortization, with a final balloon payment at the end of the 20-year term. Payment of loan debt service is subject to available cash flow. Cash flow is defined as project cash flow from rental income and other income generated by the Project, less (i) all sums due or currently required to be paid under the documents executed in connection with the senior loans, including, without limitation, debt service payment on senior loans, project reserves, and (ii) operating expenses, including any deferred developer fees, as specifically defined in the loan agreement. A certification of Project income and expenses, certified by an independent Certified Public Accountant, will be provided annually to the County for use in County's sole discretion to determine net cash flow and the payments due hereunder. All unpaid principal and interest is due at loan maturity. Each proposal submitted should have a minimum Debt Service Coverage Ratio, which will be established as part of the RFP process.

- c) Loan payments for multifamily rental projects may be deferred until primary loan conversion or 30 months from closing whichever comes first.

5) For-Sale Units

- a) All for-sale projects will have a construction loan with a term up to 3 years, and an interest rate of 1.0% with repayment upon sale of the units. For-sale projects awarded to non-profit developers will have a loan term up to 3 years with an interest rate of 0%, and repayment due upon sale of the units.
- b) Maximum sale price for all for-sale units shall not exceed 80% of the average area purchase price as determined by Florida Housing Finance Corporation for Palm Beach County.

- 6) For purposes of the HBLP, a non-profit developer shall meet the following requirements/definitions:**

- a) An entity as defined in Section 42(h)(5)(C), subsection 501(c)(3) or 501(c)(4) of the Internal Revenue Code (IRC); and
- b) Owns at least 51 percent of the ownership interest in the development held by the general partner or managing member entity.

C) Deed Restriction and Period of Affordability

1) Rental Units

- a) Minimum affordability period (i.e. the length of time the units will be deed restricted) will be no less than 50 years. The affordability period will commence once occupancy is documented for the final bond assisted unit. Should other project development funding sources require an affordability period longer than 30 years; the County's deed restriction for affordability will match the longest required period. Buyout, reduction or removal of affordability restrictions will not be permitted.
- b) Maximum rents / rent limits for the County-assisted multi-family units cannot exceed the approved multi-family rental rates issued by Florida Housing Finance Corporation, as adjusted by Palm Beach County for the applicable income tier and housing unit size.
- c) Maximum rent limits for workforce housing units serving households 80% – 110% AMI cannot exceed 90% of the County's published rent limit.
- d) The rental rates for all County-assisted units may only be increased upon lease renewal.

2) For-Sale Units

- a) All for-sale units developed with bond financing will have deed restrictions with a minimum affordability period of 15 year recurring, starting upon sale of the unit to the homeowner. Buyout, reduction or removal of restrictions or requirements will not be permitted.

D) Re- Sale Requirements

1) Rental Units

- a) If the project development is sold, or 50% (aggregate) or more of the ownership changes to a non-affiliated entity, the loan must be satisfied, and the deed restriction will remain in place until the end of the affordability period. This excludes non-affiliated ownership changes where the Low-Income Housing Tax Credit (LIHTC) syndicator / investor changes. If there is an assignment by a general partner or managing member of its ownership interest to another entity, which was a project partner at closing of the County Loan, the County will review and evaluate the change in ownership to see what amount of the bond loan, if any, should be repaid.

- b) The County shall be given a 60-day notice of intent to sell (by certified mail) when a project, funded in whole or in part with bond funds, is being sold, or 50% (aggregate) or more of the ownership changes to a non-affiliated entity.

2) For-Sale Units

The County shall be given a 60-day notice of intent to sell (by certified mail) when any of the Bond funded for-sale housing units are being re-sold during the period of affordability. The County shall retain the first right of refusal to purchase the home at the approved sales price or identify an eligible buyer to purchase the home at the approved price. DHED must approve the eligibility of all buyers prior to re-sale.

E) Project Selection and Loan Award

- 1) Responsiveness review and evaluation of proposals will be conducted by DHED.
- 2) A Selection Committee comprising of County staff will review applications and recommend projects to be funded by the BCC for conceptual approval.
- 3) Upon conceptual approval by the BCC the project will be assigned to underwriting, if applicable.
- 4) The Developer will have 30 days to provide payment to underwriters following BCC conceptual approval.
 - a) In the event payment is not made to the underwriters within the 30 days, the County will have the right, in its sole discretion, to terminate the conceptual approval issued by the BCC.
- 5) Upon receipt of a satisfactory Preliminary Letter Report (PLR) from the underwriter, the developer of the project will have 60 days to provide evidence of shovel readiness and sign a loan term sheet.
 - a) Shovel Readiness will be defined by the RFP and will include, but not be limited to,
 - i. Verification of site plan approval
 - ii. Verification of correct zoning, site control, platting
- 6) Upon receipt of a satisfactory PLR, a signed Loan Term Sheet, and verification of shovel readiness, all conceptually approved projects will be presented to the BCC for final approval. DHED may also assist with the underwriting of proposals.

F) Credit Underwriting and Cost Certification

- 1) Projects will undergo credit underwriting to assess (in part) the credit worthiness of the developer, right sizing of State/County/Municipal funding and the viability of the project. The underwriting report will consist of an initial PLR and a

subsequent Compete Underwriting Report (CUR), provided prior to closing.

- a) The PLR will be used to identify any outstanding issues and to assist in defining the comprehensive loan term sheet, as well as provide information to the BCC for final approval of the project.
 - b) The CUR will be used as a final report to confirm all costs, financing, and other project details prior to closing.
- 2) Credit underwriting will not be required on for-sale projects consisting of no more than 50 units.
 - 3) Costs associated with credit underwriting will be paid for by the developer and third party credit underwriters will be procured by the County.
 - 4) In instances where non-County funding for projects require credit underwriting, unified credit underwriting will be considered on a case-by-case basis.
 - 5) A Third Party cost certification must be submitted by the developer and approved by DHED on all Bond funded for-sale units, prior to the start of construction.

G) Compliance and Monitoring Reports

- 1) Annual audited financial statements will be required from developers regarding projects funded with County bond financing, with the first audit period to correspond with the first year after the project has received its certificate of occupancy (CO).
- 2) Project owners must submit a compliance report on the utilization of restricted units by project to the County on an annual basis or upon request. The County or a third-party monitor will conduct periodic monitoring of projects for compliance with all programmatic requirements, including physical inspections and property management review.
- 3) Annual monitoring fee for rental projects will be \$2,500 (or as amended).

H) Ranking / Scoring Criteria (may include, but not be limited to the following)

- 1) Rental Unit Projects
 - a) Qualifications and Experience
 - b) Readiness to Proceed / Project Schedule
 - c) Leveraging
 - d) Very-low Income Targeting (50% AMI and below units for affordable housing projects)
 - e) Quality of Proposed Project
 - f) Financial Viability
 - g) Rental Affordability
 - h) Green Building and Sustainability
 - i) Percentage of affordable/workforce housing units

2) For Sale Unit Projects

- a) Qualifications and Experience
- b) Readiness to Proceed / Project Schedule
- c) Financial Viability
- d) Leveraging
- e) Quality of Proposed Project

I) Tenant/Homebuyer qualification

Housing units developed with bond proceeds should ensure rental and ownership policies take into consideration extenuating / extraordinary circumstances and do not impose non-industry standard barriers to occupancy or ownership when assisting low-to-moderate income households. For example, if an individual/family lost their home or was evicted due to a loss of household income related to the COVID-19 pandemic (*or an economic condition recognized by the County*), an eviction or foreclosure on their credit report should not be the sole reason to deny them an opportunity for housing.

Palm Beach County

Housing Bond Proceeds Allocation Process

Summary of Proposed Revisions

Proposed additional language to Section 2(A)(1)

- b) All County-Assisted Workforce housing multifamily rental units shall serve households with incomes no greater than 110% AMI.

Proposed additional language added to Section 2(A)

- 2) All multifamily rental development project Housing Bond Loan Program (HBLP) funding will be limited to a cap on the amount provided based on a percentage of the total construction cost of the project. The amount of the cap will be applied to projects based on the following criteria:
 - a) 25% of total development cost
 - i. 90% of project units must be Affordable Housing Units
 - ii. Project has no 9% tax credit funding and/or SAIL funding
 - b) 20% of total development cost
 - i. 65% of project units must be Affordable Housing Units
 - ii. Project has no 9% tax credit funding and/ or SAIL funding
 - c) 15% of total development cost
 - i. The project has 9% tax credit funding and/or SAIL funding with 4% tax credit funding.
 - ii. Project is a Workforce Housing project

Proposed additional language added to Section 2(B)

- 3) All Multifamily Rental developments may be required to provide a Completion and Underwriting Deficit Guarantee.

Proposed additional language added to end of paragraph in Section 2(B)(4)(a)

For workforce housing project in which the remaining housing units qualify as affordable housing units, the payment of loan debt service may be subject to available cash flow, if required by the senior lender.

Proposed additional language added Section 2(B)(4)

- c) Loan payments for multifamily rental projects may be deferred until primary loan conversion or 30 months from closing whichever comes first.

Proposed modified language in Section 2(B)(5)(b)

- b) Maximum sale price for all for-sale units shall not exceed 80% of the average area purchase price as determined by Florida Housing Finance Corporation for Palm Beach County.

Proposed additional language in Section 2(B)

- 6) For purposes of the HBLP, a non-profit developer shall meet the following requirements/definitions:
 - a) An entity as defined in Section 42(h)(5)(C), subsection 501(c)(3) or 501(c)(4) of the Internal Revenue Code (IRC); and
 - b) Owns at least 51 percent of the ownership interest in the development held by the general partner or managing member entity.

Proposed modified language of Section 2(C)(1)(a)

- a) *changed deed restriction to 50 years.*

Proposed additional language in Section 2(C)(1)

- c) Maximum rent limits for workforce housing units serving households 80% – 110% AMI cannot exceed 90% of the County's published rent limit.
- d) The rental rates for all County-assisted units may only be increased upon lease renewal.

Proposed additional language in Section 2(E)

- 3) Upon conceptual approval by the BCC the project will be assigned to underwriting, if applicable.
- 4) The Developer will have 30 days to provide payment to underwriters following BCC conceptual approval.
 - a) In the event payment is not made to the underwriters within the 30 days, the County will have the right, in its sole discretion, to terminate the conceptual approval issued by the BCC.
- 5) Upon receipt of a satisfactory Preliminary Letter Report (PLR) from the underwriter, the developer of the project will have 60 days to provide evidence of shovel readiness and sign a loan term sheet.
 - a) Shovel Readiness will be defined by the RFP and will include, but not be limited to
 - iii. Verification of site plan approval
 - iv. Verification of correct zoning, site control, platting

- 6) Upon receipt of a satisfactory PLR, a signed Loan Term Sheet, and verification of shovel readiness, all conceptually approved projects will be presented to the BCC for final approval. DHED may also assist with the underwriting of proposals.

Proposed additional language in Section 2(F)

- 2) *Added to the end of first paragraph* - The underwriting report will consist of an initial PLR and a subsequent Compete Underwriting Report (CUR), providing prior to closing.
 - a) The PLR will be used to identify any outstanding issues and to assist in defining the comprehensive loan term sheet, as well as provide information to the BCC for final approval of the project.
 - b) The CUR will be used as a final report to confirm all costs, financing, and other project details prior to closing.
- 3) Credit underwriting will not be required on for-sale projects consisting of no more than 50 units.

RESOLUTION NO. R-2022-0626

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, PROVIDING FOR THE ISSUANCE OF GENERAL OBLIGATION BONDS FOR THE PURPOSE OF FINANCING ALL OR A PORTION OF THE COSTS OF INCREASING WORKFORCE AND AFFORDABLE HOUSING IN PALM BEACH COUNTY, FLORIDA IN THE PRINCIPAL AMOUNT OF NOT EXCEEDING TWO HUNDRED MILLION DOLLARS (\$200,000,000), CALLING FOR A BOND REFERENDUM OF THE QUALIFIED ELECTORS OF PALM BEACH COUNTY, FLORIDA TO BE HELD ON NOVEMBER 8, 2022, AS TO WHETHER GENERAL OBLIGATION BONDS TO INCREASE WORKFORCE AND AFFORDABLE HOUSING SHOULD BE ISSUED, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Constitution, the County Charter and applicable laws of the State of Florida authorize and empower Palm Beach County, Florida (the "County") to adopt this Resolution; and

WHEREAS, the February 2021 Report, "Palm Beach County Affordable Housing Needs Assessment" (the "Report") found an acute shortage of workforce and affordable housing in the County.

WHEREAS, based on the Report, the Board of County Commissioners (the "Board") of the County, has determined that there is an urgent need to increase the availability of workforce and affordable housing in the County through the acquiring, constructing and equipping of additional residential units as set forth in Exhibit A hereto (collectively, the "Workforce and Affordable Housing Units"); and

WHEREAS, the Board finds it to be in the best interest of the County to issue its General Obligation Bonds (the "Bonds"), in one or more series, in the aggregate principal amount of not exceeding two hundred million dollars (\$200,000,000), to finance all or a portion of the costs for such Workforce and Affordable Housing Units; and

WHEREAS, it is necessary and essential to call and to hold a bond referendum submitting the issuance of such Bonds for the approval or disapproval of the residents who are qualified electors within the County.

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

SECTION 1. The recitals set forth above are adopted by the Board as the findings of the County and are incorporated herein.

SECTION 2. A bond referendum is hereby ordered to be held in the County on the 8th day of November, 2022 to determine whether or not there shall be issued the Bonds of the County in the aggregate principal amount of not exceeding two hundred million dollars (\$200,000,000) for workforce and affordable housing maturing within twenty (20) years from the date or respective dates of issuance of said Bonds and bearing interest at a rate or rates not exceeding the legal maximum rate of interest. The Bonds will be issued for the purpose of financing all or a portion of the costs of the Workforce and Affordable Housing Units and to pay the costs of issuing the Bonds, together with all other costs incidental thereto, for which the full faith and credit and taxing power of the County shall be pledged. The payment of the principal of and interest on the Bonds shall be payable at such times and in such manner as shall be determined by subsequent proceedings of the Board.

SECTION 3. The Workforce and Affordable Housing Units are described as set forth in Exhibit A hereto. To the extent the Workforce and Affordable Housing Units listed in Exhibit A of this Resolution are the subject of contractual agreements between the County and the

external agencies or other entities, such agreements shall provide the terms and conditions for the County to release Bond proceeds to the agency or entity and such other requirements as the County shall deem appropriate. In the event that an agency or entity fails, without adequate reason, to commence acquisition, planning, design or construction of a project within one (1) year of the receipt of County approval to proceed with such project, the County shall have the option of reallocating the Bond proceeds earmarked for such project to any other project in Exhibit A or another project that falls within categories and types of projects described in the ballot question and Exhibit A. All additions, deletions and significant modifications to individual projects or to Exhibit A shall require a majority vote of the Board.

SECTION 4. The Bonds may be issued all at one time or in part from time to time in one or more series as the Board may in its discretion hereafter determine by subsequent proceedings.

SECTION 5. The Bonds shall not be issued for the Workforce and Affordable Housing Units unless such Bonds shall be approved at the bond referendum by a majority of the qualified electors of the County voting in such election all in the manner provided in the Constitution and the statutes of the State of Florida.

SECTION 6. Polling locations or places shall be determined by the Supervisor of Elections for Palm Beach County, Florida, and all qualified electors of the County who vote in said election shall vote at said designated polling places. The polls shall be opened on the date of said bond referendum in accordance with Florida law, and, in the case of early voting, at such times, on such days prior to the date of said bond referendum, and at such polling locations or places as determined by the Supervisor of Elections for Palm Beach County, Florida. Only the duly qualified electors of the County will be permitted to vote in said bond referendum.

SECTION 7. The Clerk of the Circuit Court, ex-officio Clerk of the Board (the "Clerk") shall prepare a notice of the bond referendum by causing a copy of the notice in substantially the form attached hereto as Exhibit B (the "Notice") to be published in accordance with the provisions of Sections 100.342 of the Florida Statutes, at least twice, once in the fifth (5th) week and once in the third (3rd) week prior to the week in which the referendum is held, provided the first publication shall take place at least thirty (30) days before the date fixed for election in THE PALM BEACH POST, a newspaper of general circulation within the County. The Clerk shall secure from the publisher of said newspaper an appropriate affidavit of proof that said Notice has been duly published, as herein set forth, and said affidavit shall be made a part of the record of the Board.

SECTION 8. The vote at said bond referendum shall be held in accordance with the requirements of Section 100.221 of the Florida Statutes, the requirements of Chapters 101 and 102 of the Florida Statutes. It shall be the responsibility of the Supervisor of Elections for Palm Beach County, Florida to have prepared ballots approved by the proper authorities as shall be necessary to conduct the election of the qualified electors of the County relative to the question of whether the issuance of Bonds in the aggregate principal amount of not exceeding two hundred million dollars (\$200,000,000) shall be approved to finance the cost of the Workforce and Affordable Housing Units and to pay the costs of issuance of the Bonds, together with all other costs incidental thereto. Ballots in the same general form as hereinafter described shall be available to absentee voting. The Supervisor of Elections is hereby instructed and directed to place the County referendum question set forth in this Resolution on the election ballot immediately following any statewide ballot questions and before any ballot questions that originate from any other local governments, including, but not limited to, any question originating from or concerning the School District of Palm Beach County, any municipality, or any special district.

SECTION 9. The ballots to be issued in said bond referendum shall be substantially in the following form:

BALLOT

**INCREASE WORKFORCE AND AFFORDABLE HOUSING UNITS
TO ADDRESS RISING HOUSING COSTS
GENERAL OBLIGATION BONDS**

To increase workforce and affordable housing through the acquiring, constructing, equipping of residential units, shall County issue not exceeding \$200,000,000 of bonds, frequently combined with other funding, to create rental and homeownership opportunities for households earning up to 140% area median income, bearing interest rate(s) not exceeding legal maximum, maturing within twenty years from issuance, in one or more series, payable from County's full faith, credit and ad valorem taxing power per County Resolution R-2022-0626?

_____ For Bonds

_____ Against Bonds

SECTION 10. The returns of the referendum shall be canvassed in the manner provided by law, and said returns shall be certified to the Board, which shall declare the results thereof. Upon canvassing the returns of the referendum, the results of such referendum shall be recorded in the minutes of the Board in the manner prescribed by law.

SECTION 11. Said bond referendum shall in all other respects be held and conducted in the manner provided in and by the laws of the State of Florida.

SECTION 12. In the event that any word, phrase, clause, sentence or paragraph hereof shall be held invalid by any court of competent jurisdiction, such holdings shall not affect any other word, clause, phrase, sentence or paragraph hereof.

SECTION 13. This Resolution shall take effect immediately upon its passage.

The foregoing Resolution was offered by Commissioner Bernard, who moved its adoption. The motion was seconded by Commissioner Kerner, and upon being put to a vote, the vote was as follows:

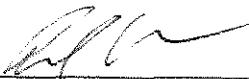
Commissioner Robert S. Weinroth, Mayor	<u>Aye</u>
Commissioner Gregg K. Weiss, Vice Mayor	<u>Aye</u>
Commissioner Maria G. Marino	<u>Nay</u>
Commissioner Dave Kerner	<u>Aye</u>
Commissioner Maria Sachs	<u>Absent</u>
Commissioner Melissa McKinlay	<u>Nay</u>
Commissioner Mack Bernard	<u>Aye</u>


The Mayor thereupon declared the Resolution duly passed and adopted this 21st day of June 2022.

PALM BEACH COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

ATTEST: JOSEPH ABRUZZO
CLERK & COMPTROLLER

By: 
David Behar, Esq.
Assistant County Attorney

By: 
Deputy Clerk

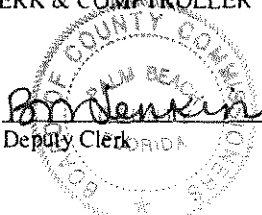


EXHIBIT A

WORKFORCE AND AFFORDABLE HOUSING UNITS

Workforce and affordable housing units will consist of the acquisition, construction and equipping of the following:

- **Condominiums:** a for-sale housing type characterized by multiple attached housing units within a single structure or multiple structures where housing units are individually owned and common areas are under joint ownership.
- **Multi-family Rental Units:** a rental housing type characterized by multiple attached housing units within a single structure or multiple structures under singular ownership, where individual housing units are rented to tenants through leasehold agreements.
- **Single-family homes:** a for-sale housing type characterized by one single detached housing unit per structure and property under individual ownership.
- **Townhomes:** a for-sale housing type characterized by attached multi-story units per structure where housing units are individually owned and common areas are under joint ownership.

Projects can be mixed-income and mixed-use; however, bond financing will only be available for the eligible housing units that meet the County requirements.

Projects may be financed combining public and/or private funding sources.

Mixed-income means projects that provide housing for households whose income range could qualify as affordable, workforce and market rate.

Mixed-use means projects that combine a residential and non-residential use.

Affordable housing means housing that is affordable to households whose income does not exceed 80% of the Area Median Income (AMI). Using the FY 2022 AMI chart, for a household of 4, the maximum income is \$73,600, subject to annual adjustment.

Workforce housing means housing that is affordable to households whose income is between 60% AMI and 140% AMI. Using the workforce housing chart for 2022, the eligible household income must be between \$54,180 – \$126,420, subject to annual adjustment.

Bond Issuance

- 1) Requires Board of County Commissioners (BCC) authorization and voter approval of \$200 million General Obligation (GO) housing bonds
- 2) Bonds could be issued in one or more series, from time to time.
- 3) Taxable bond issuance with a 20-year term from the date of issuance.

Allocation Process

- 1) Request for Proposals (RFPs) for developers will be issued by the County and will award loans through a competitive process for Countywide development.
- 2) Bonds will fund loans for permanent financing for multi-family rental units and loans for construction financing for homeownership/for-sale units.
- 3) Awards subject to be reclaimed, if the project has not begun construction within one year

of BCC approval.

- 4) All awards must be approved by the Board of County Commissioners.

Compliance and Monitoring

- 1) Projects must provide annual financial reports prepared by Certified Public Accountant.
- 2) Report of the utilization of restricted units by project must be submitted to the County, as required.
- 3) Projects subject to review by PBC Office of the Inspector General and the PBC Internal Auditor.
- 4) Compliance reviews will be conducted by the County.

EXHIBIT B

**NOTICE TO THE QUALIFIED VOTERS
OF PALM BEACH COUNTY, FLORIDA**

Pursuant to the Florida Constitution, the Charter of Palm Beach County, Florida, and the General Laws pertaining thereto, there will be held in Palm Beach County, Florida, on the **8th day of November, 2022**, a Bond Referendum for the purpose of referring to the electorate the approval or rejection of the issuance of Workforce and Affordable Housing Units General Obligation Bonds.

The official ballot to be used in said election is substantially as follows, to wit:

**INCREASE WORKFORCE AND AFFORDABLE HOUSING UNITS
TO ADDRESS RISING HOUSING COSTS
GENERAL OBLIGATION BONDS**

To increase workforce and affordable housing through the acquiring, constructing, equipping of residential units, shall County issue not exceeding \$200,000,000 of bonds, frequently combined with other funding, to create rental and homeownership opportunities for households earning up to 140% area median income, bearing interest rate(s) not exceeding legal maximum, maturing within twenty years from issuance, in one or more series, payable from County's full faith, credit and ad valorem taxing power per County Resolution R-2022-0626?

_____ For Bonds

_____ Against Bonds

Publish in **THE PALM BEACH POST**: October 3, 2022
 October 17, 2022

Note: The general hold harmless provisions of IRC Section 142(d)(2)(E) mean that projects with at least one building placed in service on or before the end of the 45-day transition period for newly-released limits use whichever limits are greater, the current-year limits or the limits in use the preceding year.

HUD release: 4/1/2025
Effective: 4/1/2025
Implement on/before: 5/15/2025

2025 Income Limits and Rent Limits
Florida Housing Finance Corporation
Multifamily Rental Programs and CWHIP Homeownership Program
NOTE: Does not pertain to CDBG-DR, HHRP, HOME, NHTF or SHIP

County (Metro)		Percentage Category	Income Limit by Number of Persons in Household										Rent Limit by Number of Bedrooms in Unit					
			1	2	3	4	5	6	7	8	9	10	0	1	2	3	4	5
Palm Beach County (West Palm Beach- Boca Raton HMFA)	20%	16,380	18,720	21,040	23,380	25,260	27,140	29,000	30,880	32,732	34,602	409	438	526	608	678	748	
	25%	20,475	23,400	26,300	29,225	31,575	33,925	36,250	38,600	40,915	43,253	511	548	657	760	848	935	
	28%	22,932	26,208	29,456	32,732	35,364	37,996	40,600	43,232	45,825	48,443	573	614	736	851	949	1,047	
	30%	24,570	28,080	31,560	35,070	37,890	40,710	43,500	46,320	49,098	51,904	614	658	789	912	1,017	1,122	
	33%	27,027	30,888	34,716	38,577	41,679	44,781	47,850	50,952	54,008	57,094	675	723	867	1,003	1,119	1,235	
	35%	28,665	32,760	36,820	40,915	44,205	47,495	50,750	54,040	57,281	60,554	716	767	920	1,064	1,187	1,309	
	40%	32,760	37,440	42,080	46,760	50,520	54,280	58,000	61,760	65,464	69,205	819	877	1,052	1,216	1,357	1,497	
	45%	36,855	42,120	47,340	52,605	56,835	61,065	65,250	69,480	73,647	77,855	921	987	1,183	1,368	1,526	1,684	
	50%	40,950	46,800	52,600	58,450	63,150	67,850	72,500	77,200	81,830	86,506	1,023	1,096	1,315	1,520	1,696	1,871	
	60%	49,140	56,160	63,120	70,140	75,780	81,420	87,000	92,640	98,196	103,807	1,228	1,316	1,578	1,824	2,035	2,245	
	70%	57,330	65,520	73,640	81,830	88,410	94,990	101,500	108,080	114,562	121,108	1,433	1,535	1,841	2,128	2,374	2,619	
	80%	65,520	74,880	84,160	93,520	101,040	108,560	116,000	123,520	130,928	138,410	1,638	1,755	2,104	2,432	2,714	2,994	
	90%	73,710	84,240	94,680	105,210	113,670	122,130	130,500	138,960	147,294	155,711	1,842	1,974	2,367	2,736	3,053	3,368	
	100%	81,900	93,600	105,200	116,900	126,300	135,700	145,000	154,400	163,660	173,012	2,047	2,193	2,630	3,040	3,392	3,742	
110%	90,090	102,960	115,720	128,590	138,930	149,270	159,500	169,840	180,026	190,313	2,252	2,413	2,893	3,344	3,731	4,116		
120%	98,280	112,320	126,240	140,280	151,560	162,840	174,000	185,280	196,392	207,614	2,457	2,632	3,156	3,648	4,071	4,491		
140%	114,660	131,040	147,280	163,660	176,820	189,980	203,000	216,160	229,124	242,217	2,866	3,071	3,682	4,256	4,749	5,239		
HERA Special Limits per Section 142(d)(2)(E)	25% - HS	20,525	23,450	26,375	29,300	31,650	34,000	36,350	38,700	41,020	43,364	513	549	659	761	850	938	
	28% - HS	22,988	26,264	29,540	32,816	35,448	38,080	40,712	43,344	45,942	48,568	574	615	738	853	952	1,050	
	30% - HS	24,630	28,140	31,650	35,160	37,980	40,800	43,620	46,440	49,224	52,037	615	659	791	914	1,020	1,125	
For use by projects that placed in service at least one building on or before 12/31/2008	33% - HS	27,093	30,954	34,815	38,676	41,778	44,880	47,982	51,084	54,146	57,240	677	725	870	1,005	1,122	1,238	
	35% - HS	28,735	32,830	36,925	41,020	44,310	47,600	50,890	54,180	57,428	60,710	718	769	923	1,066	1,190	1,313	
	40% - HS	32,840	37,520	42,200	46,880	50,640	54,400	58,160	61,920	65,632	69,382	821	879	1,055	1,219	1,360	1,501	
	45% - HS	36,945	42,210	47,475	52,740	56,970	61,200	65,430	69,660	73,836	78,055	923	989	1,186	1,371	1,530	1,688	
	50% - HS	41,050	46,900	52,750	58,600	63,300	68,000	72,700	77,400	82,040	86,728	1,026	1,099	1,318	1,523	1,700	1,876	
	60% - HS	49,260	56,280	63,300	70,320	75,960	81,600	87,240	92,880	98,448	104,074	1,231	1,319	1,582	1,828	2,040	2,251	
	80% - HS	65,680	75,040	84,400	93,760	101,280	108,800	116,320	123,840	131,264	138,765	1,642	1,759	2,110	2,438	2,720	3,002	