

Resolution No. 2017-007

A meeting of the Housing Finance Authority of Broward County, Florida was held at 5:30 P.M. on September 20, 2017, at the offices of the Housing Finance Authority of Broward County, Florida, 110 Northeast Third Street, Suite 201, in the City of Fort Lauderdale, Florida.

Present: Ruth T. Cyrus, Colleen LaPlant, Milette Thurston, Daniel D. Reynolds, Jose Lopez, John G. Primeau, Kirk L. Frohme

Absent: Donna Jarrett-Mays

* * * * *

Thereupon, Ruth T Cyrus introduced the following resolution which was read:

A RESOLUTION OF THE HOUSING FINANCE AUTHORITY OF BROWARD COUNTY, FLORIDA (THE "HOUSING FINANCE AUTHORITY") DECLARING ITS OFFICIAL INTENT TO ISSUE MULTIFAMILY HOUSING REVENUE BONDS (THE "BONDS") OF THE HOUSING FINANCE AUTHORITY TO FINANCE ALL OR A PORTION OF THE COST OF THE ACQUISITION, REHABILITATION AND EQUIPPING OF CERTAIN MULTIFAMILY HOUSING FACILITIES (THE LANDINGS AT COCONUT CREEK) LOCATED WITHIN BROWARD COUNTY, FLORIDA, AND OTHER RELATED PURPOSES; APPROVING THE ISSUANCE OF THE BONDS, SUBJECT TO CERTAIN FURTHER FINDINGS AND CONDITIONS; AUTHORIZING THE HOUSING FINANCE AUTHORITY TO PUBLISH NOTICE OF AND HOLD A PUBLIC HEARING PURSUANT TO THE TAX EQUITY AND FISCAL RESPONSIBILITY ACT (TEFRA); AUTHORIZING THE HOUSING FINANCE AUTHORITY TO REDUCE THE GOOD FAITH DEPOSIT DUE AND PAYABLE TO THE HOUSING FINANCE AUTHORITY IN CONNECTION WITH THE PROPOSED ISSUANCE OF THE BONDS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Housing Finance Authority of Broward County, Florida (the “Housing Finance Authority”), is empowered under (i) the laws of the State of Florida, including the Florida Housing Finance Authority law, Florida Statutes, Sections 159.601 through 159.623 (the “Act”), and (ii) Ordinance 79-41 enacted by the Board of Commissioners (the “Board”) of Broward County, Florida (the “County”) on June 20, 1979, as amended, to issue multifamily housing revenue bonds;

WHEREAS, the Housing Finance Authority is authorized under the Act to issue its revenue bonds for the purpose of paying the cost of a “qualifying housing development” within the meaning of the Act which includes the acquisition, rehabilitation and equipping of multifamily housing developments;

WHEREAS, the Housing Finance Authority has been requested by CVII-Landings at Coconut Creek LLC, or an entity related to such limited liability company (the “Developer”) to declare its official intent with respect to the issuance of its multifamily housing revenue bonds in one or more series pursuant to the Act, in the expected maximum principal amount of \$33,000,000 (the “Bonds”), to finance the cost of the acquisition, rehabilitation and equipping of a multifamily housing project, known as “The Landings at Coconut Creek,” consisting of approximately 268 units located in Coconut Creek, Florida and to be owned by a company to be determined, its assigns or a related party (collectively, the “Project”);

WHEREAS, such declaration is required pursuant to certain federal income tax regulations in order for the Developer to be able to reimburse itself from proceeds of the Bonds for capital expenditures it may make with respect to the Project prior to the issuance of the Bonds; and

WHEREAS, the Borrower has requested a reduction of the good faith deposit (the “Good Faith Deposit”) required by the Housing Finance Authority’s procedures to be paid to the Housing Finance Authority in connection with the proposed issuance of the Bonds. The required amount of the Good Faith Deposit is the greater of (i) \$25,000, or (ii) one-half of one percent (0.50%) of the principal amount of the Bonds expected to be issued, which in this instance equals \$165,000. The Borrower has requested that the amount of the Good Faith Deposit be reduced to \$75,000. In support of such reduction, the Borrower indicates that the large amount of the Bonds expected to be issued (\$33,000,000) would require a Good Faith Deposit in an amount substantially in excess of that necessary to cover all fees and costs of the Housing Finance Authority and its professionals in the event the Borrower is unable or unwilling to close the proposed issuance of the Bonds.

NOW, THEREFORE, BE IT RESOLVED by the Housing Finance Authority, as follows:

SECTION 1. Declaration of Findings. The Housing Finance Authority hereby finds, determines and declares the matters hereinabove set forth.

SECTION 2. Intent to Issue. The Housing Finance Authority hereby declares its official intent to issue, pursuant to the Act, multifamily housing revenue bonds, in one or more series, of the Housing Finance Authority in the expected maximum principal amount of \$33,000,000, a portion of which may be used to reimburse certain expenditures for the Project incurred prior to the issuance of the Bonds. The Housing Finance Authority retains the right to determine, in its sole discretion, whether sufficient bond allocation is available for the purpose of tax-exempt financing for the Project. The issuance of the Bonds is further subject to the conditions set forth below.

SECTION 3. Prior Conditions. Prior to the issuance of the Bonds, the Developer and the Housing Finance Authority must satisfy all requirements of the Act with respect to the issuance of the Bonds, including but not limited to the approval of the Project as a “qualifying housing development” under the Act, and all other requirements in order for the interest on the Bonds, when and if issued, to be excluded from the gross income of the owners thereof for federal income tax purposes.

SECTION 4. Public Hearing Authorized. The staff of the Housing Finance Authority is authorized to publish the notice of the Tax Equity and Fiscal Responsibility Act (“TEFRA”) Hearing (as defined below) in *The Sun Sentinel* and to conduct the public hearing required by Section 147(f) of the Internal Revenue Code of 1986, as amended (the “Code”) prior to the issuance of the Bonds (the “TEFRA Hearing”).

SECTION 5. County Approval. Additionally, prior to the issuance of the Bonds, the Bonds must be approved by the Board of County Commissioners of Broward County, Florida (the “Board”), in accordance with and for purposes of Section 147(f) of the Code.

SECTION 6. Declaration of Official Intent. This Resolution constitutes official intent under Treasury Regulations Section 1.150-2 and any amendments thereto, for reimbursement from bond proceeds of temporary advances made by the Developer for purposes of the Project prior to the issuance of the Bonds.

SECTION 7. Reduction of Good Faith Deposit. The Borrower has requested a reduction of the good faith deposit (the “Good Faith Deposit”) required by the Housing Finance Authority’s procedures to be paid to the Housing Finance Authority in connection with the proposed issuance of the Bonds. The required amount of the Good Faith Deposit is the greater of (i) \$25,000, or (ii) one-half of one percent (0.50%) of the principal amount

of the Bonds expected to be issued, which in this instance equals \$165,000. The Borrower has requested that the amount of the Good Faith Deposit be reduced to \$75,000. In support of such reduction, the Borrower indicates that the large amount of the Bonds expected to be issued (\$33,000,000) would require a Good Faith Deposit in an amount substantially in excess of that necessary to cover all fees and costs of the Housing Finance Authority and its professionals in the event the Borrower is unable or unwilling to close the proposed issuance of the Bonds. The Housing Finance Authority hereby reduces the required amount of the Good Faith Deposit to \$75,000.

SECTION 8. Scope of Approval. It is expressly stated and agreed that the adoption of this Resolution is not a guaranty, express or implied, that the Housing Finance Authority shall approve the closing and issue the Bonds, or any portion thereof, for the Project. The Developer shall hold the Housing Finance Authority and its past, present and future members, officers, staff, attorneys, financial advisors and employees harmless from any liability or claim based upon the failure of the Housing Finance Authority to close the transaction and issue the Bonds or any other cause of action arising from the adoption of this Resolution, the processing of the financing for the Project, or the issuance of (or decision not to issue) the Bonds.

SECTION 9. Resolution Effective. This Resolution shall take effect immediately upon its passage.

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Upon motion of Jose Lopez, seconded by Kirk L. Frohme, the foregoing Resolution was adopted by the following vote:

Ayes: 7

Noes: 0

STATE OF FLORIDA)
) SS:
COUNTY OF BROWARD)

I, Colleen LaPlant, Secretary of the Housing Finance Authority of Broward County, Florida, do hereby certify that the foregoing is an accurate copy of the resolution of the Housing Finance Authority adopted at a meeting held on September 20, 2017, as set forth in the official minutes of the Housing Finance Authority, relating to the multifamily housing revenue bonds for the financing of The Landings at Coconut Creek.

I DO HEREBY FURTHER CERTIFY that said meeting was duly called and held in accordance with Chapter 286, Florida Statutes.

WITNESS my hand and the corporate seal of said Housing Finance Authority, this 20th day of September, 2017.

**HOUSING FINANCE AUTHORITY OF
BROWARD COUNTY, FLORIDA**

By: Colleen LaPlant
Colleen LaPlant, Secretary

[SEAL]

