

RESOLUTION NO. 2025-_____

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 ____ day of _____, 2025.

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

(SEAL)

By: _____
Rob Feltner, Chairman

Attest:

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