



Legislation Text

File #: RES 17-2055, **Version:** 1

Approving bond allocation transfer agreements and related documents, and authorizing carryforward of certain unused private activity bond volume cap, citywide.

WHEREAS, the Housing and Redevelopment Authority of the City of Saint Paul, Minnesota (the "HRA") is a public body corporate and politic established pursuant to the provisions of Minnesota Statutes, Section 469.001, et seq. (the "Act"); and

WHEREAS, the City of Saint Paul is a home rule charter city ("City"); and

WHEREAS, the pending federal tax reform legislation has created uncertainty as to whether the City and the HRA may issue tax-exempt private activity bonds after December 31, 2017; and

WHEREAS, such uncertainty has caused developers and other borrowers of tax-exempt private activity bond proceeds to request that the HRA accelerate the closing of several such bond issues on or before December 31, 2017; and

WHEREAS, the current requests of the HRA to issue its tax-exempt private activity bonds on or before December 31, 2017 are more than the City's 2017 entitlement allocation of private activity bond volume cap; and

WHEREAS, to address the shortage of private activity volume cap, the City and the HRA propose to enter into a Bond Allocation Transfer Agreement ("DCCDA Transfer Agreement") with the Dakota County Community Development Agency ("Dakota County CDA"), whereby the Dakota County CDA would transfer to the City and the HRA approximately \$18,299,773 of the Dakota County CDA's 2017 entitlement allocation and 2016 carryforward of private activity bond volume cap (the "DCCDA Transferred Volume Cap"); and

WHEREAS, to further address the shortage of private activity volume cap, the City and the HRA propose to enter into a Bond Allocation Transfer Agreement ("MHFA Transfer Agreement" and, together with the DCCDA Transfer Agreement, the "Transfer Agreements") with the Minnesota Housing Finance Agency ("MHFA"), whereby the MHFA would transfer to the City and the HRA approximately \$282,147 of MHFA's 2017 entitlement allocation of private activity bond volume cap (the "MHFA Transferred Volume Cap" and, together with the DCCDA Transferred Volume Cap, the "Transferred Volume Cap"); and

WHEREAS, to further address the shortage of private activity volume cap, the HRA has requested that MHFA issue its tax-exempt Rental Housing Bonds in 2017 to finance the Como by the Lake project in the approximate amount of \$7,414,000 (the "Como Volume Cap"); and

WHEREAS, to further address the shortage of private activity volume cap, the City and the HRA have authorized entering into a Bond Allocation Transfer Agreement ("Minneapolis Transfer Agreement") with the City of Minneapolis ("Minneapolis" and, together with MHFA and Dakota County CDA, the "Entitlement Issuers"), whereby Minneapolis would transfer to the City and the HRA approximately \$18,098,203 of Minneapolis's 2017 entitlement allocation of private activity bond volume cap (the "Minneapolis Transferred Volume Cap"); and

WHEREAS, at such time as the Dakota County CDA, the HRA and the City are advised by bond counsel that

tax-exempt private activity bonds may be issued on and after January 1, 2018, the City and the HRA will transfer to the Dakota County CDA a portion of the City's 2018 entitlement allocation of private activity bond volume cap in an amount equal to the DCCDA Transferred Volume Cap transferred to the City and the HRA under the DCCDA Transfer Agreement, provided that the City receives a 2018 entitlement allocation in an amount sufficient to return such amount plus all other amounts to be returned to any other Entitlement Issuers who have entered into transfer agreements with the City and the HRA, as further provided in the DCCDA Transfer Agreement; and

WHEREAS, at such time as MHFA, the HRA and the City are advised by bond counsel that tax-exempt private activity bonds may be issued on and after January 1, 2018, the City and the HRA will transfer to the MHFA a portion of the City's 2018 or 2019 entitlement allocation of private activity bond volume cap in an amount equal to the MHFA Transferred Volume Cap transferred to the City and the HRA under the MHFA Transfer Agreement and will transfer a portion of the City's 2019 entitlement allocation of private activity bond volume cap in an amount equal to the Como Volume Cap as further provided in the MHFA Transfer Agreement, provided that the City receives a 2018 and 2019 entitlement allocations in amounts sufficient to return such amounts plus all other amounts to be returned to any other Entitlement Issuers who have entered into transfer agreements with the City and the HRA, as further provided in the MHFA Transfer Agreement; and

WHEREAS, the HRA Board of Commissioners has been asked to approve the Transfer Agreements at its December 13, 2017 meeting; and

WHEREAS, the City may, under § 146(f) of the Internal Revenue Code of 1986, as amended (the "**Code**"), and under Minnesota Statutes, Chapter 474A, "carryforward" all or a portion of the City's unused 2017 entitlement allocation, including the Transferred Volume Cap, and it is in the best interest of public health, safety and welfare that the City carryforward for qualified carryforward purposes any unused Transferred Volume Cap as of December 31, 2017; and

WHEREAS, by this resolution the City finds a public purpose for the actions taken by the City Council in this Resolution.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Saint Paul, Minnesota (the "Council"), as follows:

1. The Council hereby approves and authorizes the execution of the Transfer Agreements, or either of them, by the Mayor, PED Director and Director, Office of Financial Services of the City, in substantially the forms submitted by staff together with any non-significant changes approved by the PED Director and City Attorney Office and for amounts of Transferred Volume Cap and Como Volume Cap to be determined by the PED Director and the applicable Entitlement Issuers.
2. The Council hereby elects to carryforward any unused Transferred Volume Cap as of December 31, 2017 for the purpose of issuing qualified residential rental bonds. This Resolution is not intended to be a binding commitment of the City to issue any particular series of bonds in connection with any particular residential rental project.
3. The Director of the Department of Planning and Economic Development of the City is hereby authorized and directed to execute and cause to be filed with the Internal Revenue Service (the "IRS") a Form 8328 specifying the amount of the Transferred Volume Cap to be carried forward as described above. The Form 8328 shall be filed with the IRS on or before February 15, 2018. The Director is further authorized to notify the Minnesota Department of Management and Budget of such carryforward at such time and as required by Minnesota Statutes, Chapter 474A.

The PED Director, staff and legal counsel for the City are further directed and authorized to take all actions necessary to implement this Resolution. The PED's Director is authorized to execute any other documents and instruments in connection with this Resolution.