

HOUSING AUTHORITY OF THE CITY SAN DIEGO

RESOLUTION NO. **1507**

ADOPTED ON **MAR 8 2011**

A RESOLUTION SETTING FORTH THE OFFICIAL INTENT
OF THE HOUSING AUTHORITY OF THE CITY OF
SAN DIEGO TO ISSUE MULTIFAMILY HOUSING REVENUE
BONDS TO FINANCE ARBOR CREST APARTMENTS AND
AUTHORIZING RELATED ACTIONS.

WHEREAS, pursuant to Chapter 1 of Part 2 of Division 24 of the Health and Safety Code of the State of California, as amended (the Act), the Housing Authority of the City of San Diego (the Authority) is authorized to issue revenue bonds for the purpose of financing the acquisition, construction and equipping of multifamily rental housing and for the provision of capital improvements in connection with and determined necessary to the multifamily rental housing; and

WHEREAS, Florida Street Housing Associates, L.P. (FSHA) has requested that the Authority issue and sell multifamily housing revenue bonds (the Bonds) pursuant to the Act for the purpose of making a loan to FSHA or to another limited partnership in which Community Housing Works or an affiliate thereof is a partner (the Borrower), to be used by the Borrower to finance the acquisition, construction and equipping of an apartment project to be located at 3783-3825 Florida Street, as identified in Exhibit A hereto (the Project); and

WHEREAS, the Authority, in the course of assisting the Borrower in financing the Project, expects that the Borrower has paid and may pay certain expenditures (the Reimbursement Expenditures) in connection with the Project within the period from the date sixty days prior to the adoption of this Resolution to the date of issuance of the Bonds; and

WHEREAS, section 1.103-8(a)(5) and section 1.150-2 of the United States Treasury Regulations (the Treasury Regulations) require the Authority to declare its reasonable official intent to reimburse the Reimbursement Expenditures with proceeds of a subsequent tax-exempt borrowing, if the proceeds of the borrowing are to be used to finance the Reimbursement Expenditures; and

WHEREAS, the Authority wishes to declare its intention to authorize the issuance of the Bonds for the purpose of financing costs of the Project (including reimbursement of the Reimbursement Expenditures), when requested by the Borrower upon such terms and condition as may then be agreed upon by the Authority, the Borrower and the purchaser of the Bonds, in an aggregate principal amount not to exceed \$18,800,000; and

WHEREAS, section 146 of the Internal Revenue Code of 1986 limits the amount of multifamily housing mortgage revenue bonds that may be issued in any calendar year by entities within a state and authorizes the governor or the legislature of a state to provide the method of allocation within the state of the amount of such bonds; and

WHEREAS, Chapter 11.8 of Division 1 of Title 2 of the California Government Code governs the allocation of the state ceiling among governmental units in the State of California having the authority to issue private activity bonds; and

WHEREAS, section 8869.85 of the California Government Code requires a local agency desiring an allocation of the state ceiling to file an application with the California Debt Limit Allocation Committee (CDLAC) for such allocation, and CDLAC has certain policies that are to be satisfied in connection with any such allocation; NOW, THEREFORE

BE IT RESOLVED, by the Board of Commissioners of the Housing Authority of the City of San Diego, as follows:

Section 1. Finding and Determinations. The above recitals, and each of them, are true and correct. The Authority hereby determines that it is necessary and desirable to provide financing for the Project (including reimbursement of the Reimbursement Expenditures) by the issuance and sale of the Bonds pursuant to the Act in an aggregate principal amount not to exceed \$18,800,000, subject to final authorization of the issuance of the Bonds by resolution of the Authority adopted at a meeting of the Authority.

Section 2. Declaration of Official Intent. This Resolution is being adopted by the Authority for purposes of establishing compliance with the requirements of section 1.103-8(a)(5) and section 1.150-2 of the Treasury Regulations. In that regard, the Authority hereby declares its official intent to use proceeds of the Bonds to reimburse the Reimbursement Expenditures. This action is taken expressly for the purpose of inducing the Borrower to undertake the Project, and nothing contained in this Resolution shall be construed to signify that the Project complies with any planning, zoning, subdivision and building laws and ordinances applicable thereto or to suggest that the Authority, the City of San Diego or any officer or agent of the City or the Authority will grant any such approval, consent or permit that may be required in connection with the acquisition and construction of the Project, or that either the Authority or the City will make any expenditure, incur any indebtedness, or proceed with the financing of the Project.

Section 3. Application to CDLAC. The officers and/or the program managers of the Authority are hereby authorized and directed to apply to CDLAC for an allocation from the state ceiling of private activity bonds for the Bonds in an amount not to exceed \$18,800,000, and to take any and all other actions as may be necessary or appropriate in connection with such application, including but not limited to the payment of fees, the posting of deposits and the

provision of certificates, and any such actions previously taken by such officers and program managers are hereby ratified, approved and confirmed.

Section 4. Effective Date. This Resolution shall take effect immediately upon its adoption.

APPROVED: JAN GOLDSMITH, General Counsel

By:



Brant C. Will

Deputy General Counsel

BCW:jab:ccm

2/23/2011

Or.Dept: Housing Authority

EXHIBIT A

DESCRIPTION OF THE PROJECT

| | |
|----------------------|---|
| Name: | Arbor Crest Apartments |
| Location: | 3783-3825 Florida Street, San Diego, CA |
| Number of Units: | 83 units total (including one manager's unit) |
| Maximum Bond Amount: | \$18,800,000 |

Passed and adopted by the Housing Authority of the City of San Diego on March 8, 2011 by the following vote:

| | Yeas | Nays | Excused | Not Present |
|-----------------|-------------------------------------|--------------------------|--------------------------|-------------------------------------|
| Sherri Lightner | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Kevin Faulconer | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Todd Gloria | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Anthony Young | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Carl DeMaio | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Lorie Zapf | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Marti Emerald | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| David Alvarez | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

AUTHENTICATED BY:

Anthony Young

Chair of the Housing Authority
of the City of San Diego, California


[Seal]

Richard C. Gentry

Executive Director of the Housing Authority
of the City of San Diego, California

I HEREBY CERTIFY that the above and foregoing is a full, true and correct copy of
RESOLUTION NO. 1507 passed and adopted by the Housing Authority of the City of San
Diego, California on March 8, 2011.

By:



Lisette Diaz

Deputy Secretary of the Housing Authority
of the City of San Diego, California