



Louisiana Housing
Corporation

Board of Directors

Agenda Item #8

Resolution of authorizing and approving an amount not to exceed Thirty Million Dollars (\$30,000,000) of 2017 private activity bond volume cap allocation for the purpose of making a mortgage credit certificate election; and providing for other matters in connection therewith.

September 9, 2020

LOUISIANA HOUSING CORPORATION

The following resolution was offered by _____ and seconded by _____:

RESOLUTION

A resolution of the Board Of Directors of the Louisiana Housing Corporation authorizing and approving an amount not to exceed Thirty Million Dollars (\$30,000,000) of 2017 private activity bond volume cap allocation for the purpose of making a mortgage credit certificate election; and providing for other matters in connection therewith.

WHEREAS, the Louisiana Housing Corporation (the “**Corporation**”) was created as a public body corporate and politic and an instrumentality of the State of Louisiana (the “**State**”) pursuant to Act 408 of the 2011 Louisiana Legislature (the “**Housing Reorganization Law**”) which enacted the Louisiana Housing Corporation Act, contained in Chapter 3-G of Title 40 of the Louisiana Revised Statutes of 1950, as amended (R.S.40:600.1 through R.S.40:600.24) (the “**LHC Act**”); and

WHEREAS, the Corporation desires to make a mortgage credit certificate (referred to herein as either the “**Certificate**” or the “**Certificates**”) election (the “**Election**”) pursuant to Section 25(a)(2)(ii) of the Internal Revenue Code of 1986, as amended (the “**Code**”) in connection with financing mortgage loans for residential facilities for low–and middle–income families or facilities intended for use as the sole place of residence by the owners or intended occupants thereof and establishing a mortgage credit certificate program (the “**MCC Program**”); and

WHEREAS, a Certificate provides housing assistance in the form of a federal tax credit, the value of which is equal to a portion of the mortgage interest paid up to \$2,000 for any taxable year to a homeowner on certain qualifying loans; and

WHEREAS, the holder of a Certificate may apply this tax credit against his or her federal income taxes in each year the Certificate is effective; and

WHEREAS, pursuant to filed Internal Revenue Service (the “**IRS**”) Forms 8328 by the State of Louisiana (the “**State**”) a carryforward unused private activity bond volume cap was allocated to the Corporation for the calendar year 2017 in the aggregate amount of \$125,000,000 (the “**2017 PAB Carryforward**”), for the calendar year 2018 in the aggregate amount of \$35,000,000 (the “**2018 PAB Carryforward**”), and for the calendar year 2019 in the aggregate amount of \$20,000,000 (the “**2019 PAB Carryforward**”, together with the 2018 PAB Carryforward and the 2019 PAB Carryforward, the “**PAB Cap**”); and

WHEREAS, the Corporation has \$112,170,239.75 of PAB Cap remaining, of which \$57,170,184.70 of the 2017 PAB Carryforward remains unallocated (the “**Non-issued 2017**”

Bond Amount”), and now desires to use \$30,000,000 of the Non-issued 2017 Bond Amount for the 2020 MCC Program; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Louisiana Housing Corporation, acting as the governing Corporation of the Corporation:

SECTION 1. In order to benefit the residents of the State, the Board authorizes and approves the MCC Program and the issuance of Certificates to low- and middle-income persons and families originating new mortgage loans for residential housing facilities, all of which residents shall be located within the boundaries of the State. The Board authorizes the Executive Director, Edselle Keith Cunningham, Jr., and the Director of Housing Development, Brenda Evans as the designated officers of the Corporation (the “**Designated Officers**”) to establish a 2020 MCC Program to issue Certificates for the purposes set forth in the MCC Program Guidelines. The MCC Program Guidelines are hereby approved, with such changes and modifications recommended by the Corporation’s Bond Counsel or Issuer’s Counsel as the Designated Officers deem necessary and advisable.

SECTION 2. The Board finds and determines that it is necessary to make the Election to exchange \$ __,000,000 of its Non-issued 2017 Bond Amount to issue Certificates in connection with its 2020 MCC Program, which will promote a public purpose, including, without limitation, assisting persons or families of low- and middle-income in obtaining decent, safe and sanitary housing.

SECTION 3. The Board directs the Designated Officers of the Corporation to make one or more Elections not to issue up to an aggregate of \$30,000,000 of the Non-issued 2017 Bond Amount that the Corporation has available in order to implement the 2020 MCC Program. The Non-issued 2017 Bond Amount of \$30,000,000 shall be allocated to the 2020 MCC Program to be established by the Designated Officers of the Corporation under this Resolution. To effectuate the foregoing, the Designated Officers of the Corporation are directed to file the notice of the Election(s) with the IRS, as required by the Code and applicable regulations.

SECTION 4. For the 2020 MCC Program, the Designated Officers of the Corporation may establish one or more credit rates for the mortgage loans described therein, determine the 2020 MCC Program expiration date, select the types of mortgage loans for which Certificates may be issued, approve the terms and conditions on which participating lenders make loans that are eligible for Certificate financing, and make other determinations as appropriate, all in accordance with the terms and provisions of Section 25 of the Code and the regulations thereunder and this Resolution. The Designated Officers are hereby directed to further refine the 2020 MCC Program and revise the MCC Program Guidelines as necessary to maximize the availability of lower cost financing to low and middle income persons under the 2020 MCC Program.

SECTION 5. The Board approves the use of the Non-issued 2017 Bond Amount in the amount of \$30,000,000 in connection with the issuance of Certificates.

SECTION 6. The Certificates shall not constitute nor give rise to a pecuniary liability of the Corporation or a charge against the Corporation’s general credit or taxing powers, nor shall

the Certificates ever be deemed to be an obligation or agreement of any trustee, officer, director, agent or employee of the Corporation in such person's individual capacity, and none of such persons shall be subject to any personal liability by reason of the Certificates.

SECTION 7. The officers of the Corporation shall take all action in conformity with the Code necessary or reasonably required to effectuate the issuance of the Certificates and shall take all action necessary or desirable in conformity with the Code to implement the 2020 MCC Program and for carrying out, giving effect to and consummating the transactions contemplated by this Resolution, including without limitation, the filing of any statements or reports with the IRS or with the Secretary of the Treasury or his or her delegate necessary for the issuance of the Certificates.

SECTION 8. The Board authorizes the Designated Officers to certify to the Louisiana State Bond Commission that the Corporation has implemented the 2020 MCC Program.

SECTION 9. After any of the Certificates are issued, this Resolution shall be and remain irrevocable.

SECTION 10. If any section, paragraph, clause or provision of this Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Resolution.

SECTION 11. All bylaws, orders, resolutions, or parts thereof, inconsistent herewith are hereby repealed to the extent only of such inconsistency, and if so repealed, no other bylaw, order, resolution, or part thereof, shall be revived. This repealer shall not be construed as reviving any bylaw, order or resolution, or part thereof.

SECTION 12. Effectiveness. This Resolution shall take effect immediately.

This resolution having been submitted to a vote, the vote thereon was as follows:

YEAS:

NAYS:

ABSTAIN:

ABSENT:

And the resolution was declared adopted on this the 9th day of September, 2020.

Chairman

Secretary

STATE OF LOUISIANA

PARISH OF EAST BATON ROUGE

I, the undersigned Secretary of the Board of Directors of the Louisiana Housing Corporation (the “**Corporation**”), do hereby certify that the foregoing pages constitute a true and correct copy of a resolution adopted by said Board of Directors on September 9, 2020: “A resolution of the Board Of Directors of the Louisiana Housing Corporation authorizing and approving an amount not to exceed Thirty Million Dollars (\$30,000,000) of 2017 private activity bond volume cap allocation for the purpose of making a mortgage credit certificate election; and providing for other matters in connection therewith.”

IN FAITH WHEREOF, witness my official signature and the impress of the official seal of the Corporation on this, the 9th day of September, 2020.

Secretary

(SEAL)