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RESOLUTION NO. R-2021-132

Approving The Issuance by the Housing Authority of the City of Columbia, South Carolina of Its Not to Exceed \$35,000,000 Multifamily Housing Revenue Bonds (Garden Lakes Apartment Project), In One or More Series, Pursuant to Section 147(F) of The Internal Revenue Code of 1986, as Amended; Providing Certain Other Matters in Connection Therewith; and Providing an Effective Date

WHEREAS, Garden Oaks, LP, a South Carolina limited partnership, or its successors or assigns (the “Borrower”), has represented to the City Council (the “City Council”) of the City of Columbia, South Carolina (the “City”) that it desires to finance the costs of acquiring, constructing and equipping a 288-unit new multifamily housing development and ancillary facilities to be known as the Garden Lakes Apartments (“Project”) located at 1307 Mason Road in the City;

WHEREAS, the Borrower has further represented to the City Council that substantial cost savings would be recognized by financing the Project through a plan of financing consisting of the issuance by the Housing Authority of the City of Columbia, South Carolina (the “Issuer”) of its multifamily housing revenue bonds, in one or more series, in the aggregate principal amount not to exceed \$35,000,000 (the “Bonds”) to finance the Project;

WHEREAS, the Borrower has further represented to the City Council that a portion of the proceeds of the Bonds would be used for the purpose of (a) financing the cost of acquisition, construction and equipping of the Project and (b) paying a portion of the costs of issuance of the Bonds;

WHEREAS, Section 147(f) of the Internal Revenue Code of 1986, as amended, including the U.S. Treasury Regulations promulgated thereunder (collectively, the “Code”), requires as a condition of exclusion from gross income for federal income tax purposes of the interest on private activity bonds, as defined in Section 141(a) of the Code, that the Bonds be approved, after a public hearing following reasonable public notice, by the governmental unit on behalf of which such bonds are to be issued (the “Issuer Approval”) and the governmental unit having jurisdiction over the area in which the bonds financed property is located (the “Host Approval”);

WHEREAS, the City Council constitutes the elected legislative body of the City and the Borrower has represented to the City Council that it is the applicable elected representative required to provide the Issuer Approval and the Host Approval to approve the issuance of the Bonds for the purpose of financing the Project within the meaning of Section 147(f) of the Code;

WHEREAS, the Borrower has represented to the City Council that the Issuer, has approved, or will approve prior to the issuance of the Bonds, the issuance of the Bonds and the financing of the Project consistent with all applicable requirements of federal and state law (including but not limited to Section 147(f) of the Code);

WHEREAS, the Borrower has requested the City Council, pursuant to Section 147(f) of the Code, to provide the Issuer Approval and Host Approval to approve the issuance by the Issuer of the Bonds for the purpose of providing funds to the Borrower to finance the Project;

WHEREAS, on September 28, 2021, the Issuer published on its website a notice of public hearing to be held on October 5, 2021, at 1:00 p.m. or as soon thereafter as such matters may be heard by means of a telephonic meeting conducted by the Issuer to consider the issuance by the Issuer of the Bonds and nature of the Project to be financed with a portion of the proceeds of the Bonds; and,

WHEREAS, the public hearing was duly held by the Issuer on October 5, 2021, during which public hearing members of the public were afforded the opportunity to express their views on the issuance by the Issuer of the Bonds and the use of a portion of the proceeds thereof to finance the Project as indicated by the Certificate as to Telephonic Public Hearing attached hereto as Exhibit A.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Members of the City Council of the City of Columbia, South Carolina, in Council duly assembled:

Section 1. The issuance by the Issuer of the Bonds in an aggregate amount not to exceed \$35,000,000 for the purpose of providing funds to the Borrower to finance the Project is hereby approved pursuant to and in accordance with Section 147(f) of the Code.

Section 2. A hearing open to the public, and conducted telephonically due to the COVID-19 pandemic, pursuant to Internal Revenue Service Rev. Proc. 2020-21 as extended by Rev. Proc. 2021-39, was held on October 5, 2021, for which the Borrower has represented to the City Council that due and reasonable public notice, being published on the Issuer's website as described above, was given by or on behalf of the Borrower in accordance with the provisions of applicable law and procedures established therefor.

Section 3. Such approval by the City Council shall not be construed as (i) an endorsement of the creditworthiness of the Issuer, the Borrower or the financial viability of the Project, (ii) a recommendation to any prospective purchaser to purchase the Bonds, (iii) an evaluation of the likelihood of the repayment of the debt service on the Bonds, or (iv) approval of any building or other regulatory permits relating to the Project, and the City Council shall not be construed by reason of its adoption of this Resolution to make any such endorsement, finding or recommendation, to have waived any rights of the City, or to have caused the City to be estopped from asserting any rights or responsibilities it may have in such regard. Further, the Bonds shall not constitute an indebtedness of the State of South Carolina, the City or any political subdivision thereof, but shall be payable solely from revenues of the Borrower pledged to the payment of the Bonds. The approval by the City Council of the issuance of the Bonds by the Issuer to finance the Project shall not be construed to obligate the City to incur any liability, pecuniary or otherwise, in connection with either the issuance of the Bonds or the acquisition, construction or equipping of the Project.

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

Section 5. That the provisions of this Resolution are hereby declared to be separable, and if any section, phrase or provision shall, for any reason, be declared to be invalid, such declaration shall not affect the validity of the remainder of the sections, phrases or provisions of this Resolution.

Section 6. That all ordinances, resolutions or orders or parts thereof in conflict with the provisions of the Resolution are, to the extent of such conflict, hereby superseded.

DONE AND RATIFIED this 7th day of December, 2021


Requested by:

Assistant City Manager Gentry



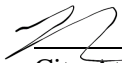
Mayor

Approved by:



City Manager

Approved as to form:



City Attorney

ATTEST:



City Clerk

Introduced: 12/7/2021
Final Reading: 12/7/2021

EXHIBIT A

AFFIDAVIT OF PUBLICATION OF NOTICE OF TELEPHONIC PUBLIC HEARING

EXHIBIT B

CERTIFICATE OF TELEPHONIC PUBLIC HEARING

TO: Teresa Wilson, City Manager
FROM: Cindi Herrera, Chief Development Officer
CC: Ivory Mathews; Missy Gentry; Erica Hammond
DATE: October 27, 2021
RE: Garden Lakes Apartments

This memo serves to provide an overview of Garden Lakes apartments.

Garden Lakes is a new construction 288-unit affordable housing community located at North Main Street and Mason Road. The project will include 108 one-bedroom units of 800 square feet; 144 two-bedroom units of 950 square feet and 36 three-bedroom units of 1,100 square feet. All 288 units in the project will be rent restricted to households below 60% of area median income.

Apartment amenities include range, refrigerator, microwave, dishwasher, garbage disposal and washer/dryer hookups. Community amenities will include a clubhouse with community room, business center, fitness center and event room. Outdoor amenities include playground, designated pet areas, laundry facility, postal facility and sitting areas with gazebos.

The project will be financed with Tax Exempt Bonds, Federal and State Low Income Housing Tax Credits and a private mortgage. Total development costs are \$51,243,106.

The owner of the project is GDA Development Partners, real estate developers based on Mount Pleasant, South Carolina. GDA has developed over 1500 units of affordable housing in Columbia and Summerville, ranging in size of communities from 144 units to 336 units.

Columbia Housing is requesting City Council to approve the issuance of Multi-Family Housing Revenue Bonds not to exceed \$35 million dollars to support the construction financing of the project. The TEFRA (Tax Equity and Fiscal Responsibility Act) Public Hearing was held on October 5, 2021. No public comments were received.