

DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Grants Management Division

memorandum

TO:

Elizabeth H. Tyler, FAICP, Community Development Director

FROM:

Kelly H. Mierkowski, Manager, Grants Management Division

DATE:

February 19, 2016

SUBJECT:

A RESOLUTION APPROVING THE TRANSFER OF VOLUME CAP IN CONNECTION WITH PRIVATE ACTIVITY BOND ISSUES, SINGLE-FAMILY MORTGAGE REVENUE BONDS, AND RELATED MATTERS

(Private Bond Cap Allocation – EIEDA, Series 2016)

Description

Included on the agenda of the February 23, 2016 Urbana Community Development Commission meeting are resolutions to allocate the City's Private Activity Bond Cap to the Eastern Illinois Economic Development Authority (EIEDA).

Issues

The issue is for the Community Development Commission (CDC) to make a recommendation to the Urbana City Council regarding the use of the City of Urbana's 2016 private activity bond cap. The Urbana City Council must decide how to allocate the City's private activity bond cap before May 1, 2016.

The options include reserving the bond cap for specific projects or participating in homebuyer assistance programs offered through the Assist MCC Program and/or reserving the bond cap for neighborhood initiatives through the Eastern Illinois Economic Development Authority (EIEDA). Any unused bond cap not ceded for any combination of these programs will automatically be ceded back to the State of Illinois for use by another municipality.

For 2015, Illinois home rule units are allocated \$100 per capita of private activity volume cap. Urbana's unified allocation for 2016 is \$4,204,400 based on a population of 42,044, which is an increase of 292 from a 2015 population of 41,752.

Background

In accordance with the IRS Code, each municipality in Illinois is allowed to issue private activity bonds in the amount of \$100 per capita population for 2015. The State of Illinois recaptures any bond allocation unused by the City as of May 1 each year. The City may elect to use its allocation, allow its allocation to be recaptured by the State, or voluntarily cede its allocation to the State or to any community. The City of Urbana has a total of \$4,204,400 in 2016 Private Activity Bond Cap available that can be utilized for:

- 1) Multi-family affordable housing projects
- 2) Nonprofit development projects (i.e. hospitals, YMCAs, etc)
- 3) Industrial development projects (i.e. manufacturing)
- 4) Below-market-rate financing for affordable housing
- 5) Mortgage credit certificates in support of homeownership, or
- 6) Below-market-rate financing for limited types of industrial developments

EIEDA

The Eastern Illinois Economic Development Authority (EIEDA) was created in July, 2005 by Illinois Public Act 94-0203. The Act allows EIEDA to issue taxable and tax-exempt bonds for the purpose of developing, constructing, acquiring, improving properties or facilities for business entities locating, or expanding, within the territorial jurisdiction of EIEDA. The jurisdiction includes the following counties: Champaign, Coles, Douglas, Edgar, Ford, Iroquois, Moultrie, Piatt, Shelby, and Vermilion.

Since 2012, Urbana has ceded its bond cap to EIEDA to be used toward possible multi-family housing projects in the community, as other homebuyer assistance programs had been discontinued or did not have an immediate need for additional bond cap. By ceding part of the City's bond cap to EIEDA, the City may be able to access these funds for neighborhood revitalization projects such as the Aspen Court/Urbana Townhomes Redevelopment project, the Kerr Avenue Development project, and other important community and economic development activities. Allowing EIEDA to serve as Issuer removes any financial liability on the part of the City and could provide a means of financing future community development projects.

Options

The City must allocate or reserve its private activity bond authority for 2016 by May 1, 2016. The City can cede or reserve as much or as little of its private activity bond cap to one or all of the following activities:

- Reserve private activity bond cap for the purpose of furthering neighborhood initiatives
- Assist & Mortgage Credit Certificate (MCC) Program

Fiscal Impacts

There will be no fiscal impact to the City Budget in ceding volume bond cap to EIEDA, as any financial risk associated with issuing the bonds is removed from the City's responsibility, since the responsibility is assumed by the issuer. The City may also see benefits from eligible local projects in the future if they are supported with the bond financing provided through EIEDA.

Recommendation -

Staff recommends that the CDC forward the Resolution to the Urbana City Council with a recommendation for allocation of the City of Urbana 2016 private activity bond cap to be ceded to the Eastern Illinois Economic Development Authority (EIEDA) to be utilized for possible neighborhood initiatives in the community.

Memorandum Prepared By:

Grants Management Division

Attachments:

1) A RESOLUTION EVIDENCING THE INTENTION OF THE CITY OF URBANA, CHAMPAIGN COUNTY, ILLINOIS, TO TRANSFER VOLUME CAP IN CONNECTION WITH PRIVATE ACTIVITY BOND ISSUES, MULTI-FAMILY MORTGAGE REVENUE BONDS; AND RELATED MATTERS (Private Bond Cap Allocation – EIEDA, Series 2016)

2) State of Illinois Guidelines and Procedures for the Allocation of Private Activity Bond Authority 2016

RESOLUTION EVIDENCING THE INTENTION OF THE CITY OF URBANA, CHAMPAIGN COUNTY, ILLINOIS, TO TRANSFER VOLUME CAP IN CONNECTION WITH PRÍVATE ACTIVITY BOND ISSUES, MULTI-FAMILY MORTGAGE REVENUE BONDS; AND RELATED MATTERS

(Private Bond Cap Allocation - EIEDA, Series 2016)

WHEREAS, the City of Urbana, Champaign County, Illinois (the "Municipality") is a municipality and a home rule unit of government under Section 6 of Article VII of the 1970 Constitution of the State of Illinois; and

WHEREAS, Section 146 of the Internal Revenue Code of 1986, as amended (the "Code"), provides that the Municipality has volume cap equal to \$100 per resident of the Municipality in each calendar year, which volume cap may be allocated to certain tax-exempt private activity bonds; and

WHEREAS, the Illinois Private Activity Bond Allocation Act, 30 Illinois Compiled Statutes 2006, 345/1 et seq., as supplemented and amended (the "Act"), provides that a home rule unit of government may transfer its allocation of volume cap to any other home rule unit of government, the State of Illinois or any agency thereof or any non-home rule unit of government; and

WHEREAS, it is now deemed necessary and desirable by the Municipality to transfer a portion of its volume cap allocation for calendar year 2016 to the Eastern Illinois Economic Development Authority (the "Issuer") to be applied toward the issuance of multi-family revenue bonds by the Issuer (the "Bonds") or for such other purpose permitted by this Resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF URBANA, CHAMPAIGN COUNTY, ILLINOIS, AS FOLLOWS:

Section 1. That, pursuant to Section 146 of the Code and the Act, volume cap of the Municipality in the amount of \$4,204,400 for calendar year 2016 is hereby transferred to the Issuer, which shall issue the Bonds using such transfer of volume cap, without any further action required on the part of the Municipality, and the adoption of this Resolution shall be deemed to be an allocation of such volume cap to the issuance of the Bonds or other private activity bonds.

Section 2. That the Municipality and the Issuer shall maintain a written record of this Resolution in their respective records during the term that the Bonds or any other such bonds to which such volume cap is allocated remain outstanding.

Section 3. That the Mayor, the City Clerk and all other proper officers, officials, agents and employees of the Municipality are hereby authorized, empowered and directed to do all such acts and things and to execute all such documents and certificates as may be necessary to further the purposes and intent of this Resolution.

Section 4. That the provisions of this Resolution are hereby declared to be separable, and if any section, phrase or provision of this Resolution shall for any reason be declared to be invalid, such declaration shall not affect the remainder of the sections, phrases and provisions of this Resolution.

Section 5. That all resolutions, orders, or parts thereof, in conflict herewith are, to the extent of such conflict, hereby superseded; and that this Resolution shall be in full force and effect upon its adoption and approval.

PASSED by the City Council this	day of,
AYES:	
NAYS:	•
ABSTAINS:	
	Phyllis D. Clark, City Clerk
APPROVED by the Mayor this	day of,
	Laurel Lunt Prussing, Mayor

STATE OF ILLINOIS



GUIDELINES AND PROCEDURES

FOR THE

ALLOCATION OF PRIVATE ACTIVITY BONDING AUTHORITY

IN ACCORDANCE WITH THE TAX REFORM ACT OF 1986 AND 30 ILCS 345

OFFICE OF THE GOVERNOR

Effective January 1, 2016

INTRODUCTION

The Federal Tax Reform Act of 1986 (the "Code") as amended, imposes a limit on the aggregate amount of "tax exempt private activity" bonds (also known as "Volume Cap") that can be issued by a state.. While the Code provides an allocation scheme for specific issuing authorities, it also provides that a state may, by law, provide a different formula for allocating the State ceiling among the governmental units in the State having authority to issue such bonds. The State of Illinois ("the State") has adopted procedures for the allocation of Volume Cap pursuant to the Illinois Private Activity Bond Allocation Act, 30ILCS 345 (the "Illinois Allocation Act").

The Governor's Office is the entity charged with authority to allocate Volume Cap among the political subdivisions within the State. In the event of conflict between the Code and Illinois Allocation Act and these "2016 Guidelines and Procedures" (the "Guidelines"), the Code and the Illinois Allocation Act shall control. Any matters not covered by the Code or the Illinois Allocation Act or the Guidelines shall be decided by the Governor's Office, and the Governor's Office reserves the right to amend the Guidelines at any time.

These Guidelines are provided by the Governor's Office to assist issuers in understanding how the allocation formula will be administered. They do not represent a binding legal interpretation of either the Code or the Illinois Allocation Act. The Governor's Office will not make a legal determination of the applicability of the Code to an issuer nor will it determine an issuer's compliance under the Code. Issuers should consult their own legal counsel to make these determinations.

The Guidelines require certain issuers to submit requests to the Governor's Office for allocations of Volume cap. In addition, they require issuers within the State to report on reallocations and their use of Volume Cap.

PLEASE NOTE – ALL REQUESTS AND REPORTING SUBMISSIONS, AS DESCRIBED HEREIN, MUST BE SUBMITTED IN BOTH (i) HARD AND (ii) ELECTRONIC FORMATS (ADOBE ACROBAT "PDF") TO THE FOLLOWING ADDRESSES:

HARD COPY SUBMISSIONS TO:

Governor's Office of Management and Budget Debt Management Unit – Volume Cap Submission 603 Stratton Building Springfield, IL 62706

ELECTRONIC (PDF) SUBMISSIONS TO:

OMB.VolumeCapRequest2016@illinois.gov

Please indicate the (i) name, (ii) status of your organization (Home Rule, Non-Home Rule or State Agency) and (iii) type of submission (either a "REPORT" or a "REQUEST") in the "SUBJECT" line of your submission e-mail. Please include the following information for a primary and secondary contact person in the body of each electronic submission (email):

Name Title

Department/Division

Phone Number

Email address

IMPORTANT NOTE - The time and date stamp of the email will be used for the purpose of determining the order in which the submissions are received unless otherwise noted herein.

HOME RULE UNITS

Allocation

January 1 Benchmark

As described in "2016 State Ceiling – Background and Calculation" above, each Home Rule community is allocated an amount equal to \$100.00 multiplied by its population and Cook County, as a Home Rule county, is allocated an amount equal to \$100.00 multiplied by the population of its unincorporated area. Based on the most recent US Census estimates the total amount for all Home-Rule units has been determined to be \$809,077,700.00. Appendix C attached identifies the list of Home Rule units and the population count used by the Governor's Office for the volume cap allocation. Special census estimates or other estimates for individual municipalities are not recognized by the Governor's Office.

During the period from January 1, 2016 through May 1, 2016 Home Rule units may not apply to the State for an allocation under the Illinois Allocation Act. Rather, Home Rule units must determine and monitor their own private activity bond limits as provided in the Illinois Allocation Act. Please see reporting requirements detailed below in "Home Rule Reporting".

June 1 Benchmark

Of the total amount available to each Home Rule unit of government with less than 2,000,000 inhabitants, the amount that has not been granted, transferred, or reserved by Home Rule units for specific projects or purposes as of May 1, 2016, shall be reserved to the Governor's Office on June 1, 2016 (the "home Rule Pool"). From the period of June 1 through July 15, 2016, one-half of the Home rule Pool will be available to all Home Rule units with less than 2,000,000 inhabitants (the remaining half is available for allocation to the State or State Agencies as herein after described).

The Governor's Office will accept Home Rule units' requests for volume cap from the Home Rule Pool beginning on the first State business day on or after June 1, 2016. Requests will be accepted, via the methods described on page 3, only on or after 8:30 a.m., June 1, 2016. No requests can or will be accepted prior to this date and time. On the first date that applications may be received all applications received between 8:30 am and 5pm on such date shall be deemed equally first in line and the Governor's Office shall grant cap as it may determine. If more than one request is received in a day, other than the first day that applications may be submitted, completed requests will be logged in by the time the electronic submission is received, and processed on a first-come, first-granted basis.

If a determination is made that there is a sufficient amount of allocation remaining in the Home Rule Pool upon a request made, an allocation approval letter will be sent to the applicant. The approval letter will be mailed by first class U.S. Mail to the signator of the application letter Express mail will be used upon request and at the issuer's expense. The allocation is valid for a period of 60 calendar days from the date of the letter or December 27 of the year of the allocation. This period is set by Illinois Allocation Act and cannot be extended.

July 15 Benchmark

On and after July 15, 2016, the amount of the unused allocation from the Home Rule Pool shall be available to both Home Rule units of government (with less than 2,000,000 inhabitants) and to State agencies. Requests submitted prior to July 15 that are not completely fulfilled must be re-filed after July 15 if cap still is requested.

Home Rule Reporting

Confirmation of Issuance

Pursuant to Section 7 of the Illinois Allocation Act, any Home Rule unit utilizing Volume Cap (regardless of its source) is required to report, within 10 calendar days of issuance, the following:

- (a) Name of the Issuer;
- (b) Principal amount of the issue;
- (c) Purpose for which the private activity bonds were issued;
- (d) The amount, if any, used to refund any prior issue of private activity bond; and
- (e) IRS 8038

A form of the "Confirmation of Bond Issuance" letter is provided in Appendix A.

If the amount of bonds issued as stated in the confirmation letter is less than the amount approved for allocation for that project, the amount of unused allocation shall be added to the remaining pool allocation available. This "lapsed" volume cap will be offered first to all issuers who have requested volume cap whose requests were not completely fulfilled, in the order that such requests were initially filed. If more than one request was initially filed at the same time, the order of filing will be randomly assigned for purposes of offering lapsed cap. Volume cap is not considered lapsed unless the issuer or issuer's representative states in writing that all or a portion of the cap will not be used.

Mid-Year Reporting

No later than May 10, 2016, each Home Rule unit with less than 2,000,000 inhabitants must report to the Governor's Office in writing on volume cap (i) granted, (ii) transferred, or (iii) reserved by official action of the unit's governing body prior to May 1, 2016. The form described in Appendix A is provided for this purpose—"Report of Allocation Granted by Home Rule".

Once Volume Cap is properly reserved by a Home Rule unit prior to May 1, 2016, the Governor's Office will not object to the subsequent transfer or reallocation of such cap, or filing of a carry-forward of such volume cap, and no notice to the Governor's Office of any such subsequent action is required. {Please note, however, that Home Rule units must provide notice to the Governor's office, as provided in Section 6 of the Illinois Allocation Act, within fourteen days of said reallocation.}

Please Note - Copies of "Official Action", as defined in the Illinois Allocation Act, <u>must</u> accompany this reporting submission. Submission will not be deemed complete unless a copy of Official Action is included with the submissions.

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- prima facie evidence. Units planning to pool their allocations must certify their intent to comply with this section in their request letter.
- The allocation approval letter is valid for a period of 60 calendar days from the date of the letter. This period is set by the Illinois Allocation Act and cannot be extended.
- Pursuant to Section 6 of Illinois Allocation Act, a Non-Home Rule unit IS NOT AUTHORIZED TO REALLOCATE all or any unused portion of its allocation. Direct and indirect reallocations by Non-Home Rule Units are strictly prohibited. This prohibition is discussed more fully in the "Reallocation Provisions" of these Guidelines.
- The proceeds from bonds utilizing Volume Cap allocated to a Non-Home Rule unit pursuant to these Guidelines must be used within the jurisdiction of the Non-Home Rule unit.

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STATE AGENCIES

Allocation Requests

For calendar year 2016 there is expected to be \$238,460,900.00 for use by State Agencies, (the "State Agency Pool"), defined as any State agency, commission, board, authority, or body politic and corporate of the State authorized by law to issue Private Activity Bonds, other than a Non-Home Rule or Home-Rule unit.

The Governor's Office may allocate among all State agencies from the State Allocation Pool available after January 1, 2016 (January 4, 2016). In addition, State agencies may apply beginning on or after the first State business day after June 1, 2016 for the allocation retained by the Governor's Office from the Home-Rule Pool and beginning on or on July 15, 2016 for the allocation retained, if any, from the Non-Home Rule Pool. Requests submitted prior to June 1 which are not completely fulfilled and requests submitted prior to July 15 which are not completely fulfilled must be re-filed after July 15 if cap from the Non-Home Rule pool is requested. Please see "HOME RULE" and "NON-HOME RULE" sections for submission procedures.

Please Note-

- Requests will be processed only for allocation to be used directly by the requesting State agency. Requests may be requested and granted on a lump-sum by private activity bond category or individual project basis as the Governor's Office may determine. Joint requests from more than one State agency or units of government or requests from one State agency for an allocation that will be used by other units of government will not be considered. Once an allocation is given to a specific State agency, the Governor's Office will not object if units pool their allocations and join together in a bond issue as advised by legal counsel.
- State agencies may submit requests for allocations of any amount. The 10% limit does not apply to State Agencies
- The Governor's Office may consult with State agencies prior to submission of their allocation requests and determine the amount of allocation that shall be requested and approved. The allocation shall be valid through the end of the calendar year.
- State agencies may reallocate their unused allocation in the manner described in "REALLOCATION PROVISIONS" with the approval of the Governor's Office. A State agency that issues bonds after receiving a reallocation from a Home-Rule unit or another State agency shall submit the information described in the "Reporting" section below.
- State agencies also may file a carry-forward of an allocation remaining at the end of one calendar year to the next under certain circumstances, with the approval of the Governor's Office. Issuers should consult their legal counsel with respect to the applicability of this provision to their circumstances

REALLOCATION PROVISIONS

Reallocations by the State, a State Agency or a Home Rule Unit

The State, any State Agency or Home Rule unit may voluntarily reallocate to any Non-Home Rule unit of local government, Home-Rule unit, the State or any State agency all or any portion of its unused allocation. {The State Agency or Home Rule unit reallocating all or a portion of its unused allocation must provide notice to the Governor's office within fourteen days of said reallocation.}

Consistent with the Illinois Allocation Act and these guidelines, entities that issue private activity bonds on the basis of reallocations must submit to the Governor's Office written evidence of such reallocation and a confirmation of bond issuance letter within ten calendar days from the date the bonds are issued.

Reallocations by a Non-Home Rule Unit Are Prohibited

Non-Home Rule units may not reallocate to any issuer. This prohibition applies to direct reallocations and to reallocations attempted via an intergovernmental or other agreement. Allocations made to Non-Home Rule units pursuant to the Illinois Allocation Act and these Guidelines may not be used in an issuance by another governmental entity on behalf of the Non-Home Rule unit or as a surrogate for the Non-Home Rule unit via an intergovernmental or other agreement.

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(Letterhead of Signator)

ALLOCATION REQUEST LETTER FROM ALL ISSUERS

(Date)

igency) i, type/category of bonds)
·
6 as passed by 99th Congress 2nd Session (1986), as etfully requests an allocation for the above-captioned to date, all applicable Federal and State requirements plution or similar official action for this issue has been
Rule units which expect to join other units in a single certify that (name of issuer) intends to comply with es and will not transfer or reallocate any cap received Home-Rule units and will use the cap only within our
the best of my knowledge, the issuance of the Private ion of any bribe, gift, gratuity or direct or indirect
o the undersigned [or to:]. Bond, who may be reached at [phone number]] [has not
Sincerely,
(Name of issuer)
(Signature of authorized public official) (Title) (Phone number)
ly changed after submission.]

(Letterhead of Signator)

CONFIRMATION OF BOND ISSUANCE TO BE PROVIDED BY ISSUER

(Date) [Within 10 calendar days of issuance]	
Allocation Number: (assigned by us in the a	llocation approval letter)
Office of the Governor Governor's Office of Management and Budge 603 Stratton Building Springfield, Illinois 62706	pt .
ATTENTION: Debt Management Unit	
Re: Issuer: Type: (Non Home-Rule, Home-Rule Date of Issuance: Principal Amount Issued: Bond Description: (project, benefic	or State agency) ciary, location, type/category of bonds)
Dear:	
captioned Issuer is giving notice that the abov With regard to the issuance of these bonds, all complied with. The total allocation provided	ct of 1986, as amended, and 30 ILCS 345, the above-re-captioned private activity bonds have been issued. I applicable federal and state requirements have been for this bond issue in the Allocation Approval Letter The total principal amount actually issued was fore, the amount of \$ is unused able allocation.
	Sincerely,
	(Name of issuer)
	(Signature of authorized public official) (Title)
Attachments	
result of a carry-forward of allocation	of a voluntary reallocation of unused allocation or as a from a prior year, this fact should be so stated in this written evidence of such reallocation or carry-forward

APPENDIX B

ANNUAL HOUSING REPORT SAMPLE FORM

 $(\textbf{Excel version available for download on GOMB website - (\underline{http://www.illinois.gov/gov/budget/Pages/default.aspx})})$

APPENDIX C POPULATION ESTIMATES

Home Rule Unit ¹	Population ²	Home Rule Unit ¹	Population ²
Melrose Park Village	25,511	Riverwoods Village	3,659
Mettawa Village	571	Robbins Village	5,480
Midlothian Village	14,911	Rockdale Village	1,957
Moline City	42,685	Rock Island City	38,642
Monee Village	5,105	Rolling Meadows City	24,279
Monmouth City	9,527	Romeoville Village	39,679
Morton Grove Village	23,497	Rosemont Village	4,226
Mound City City	558	Round Lake Beach Village	28,012
Mount Prospect Village	54,951	St. Charles City	33,387
Mount Vernon City	15,177	Sauget Village	153
Muddy Village	69	Schaumburg Village	74,896
Mundelein Village	31,562	Schiller Park Village	11,857
Murphysboro City	7,811	Sesser City	1,903
Naperville City	146,128	Sherman Village	4,511
Naples town	127	Shorewood Village	16,569
Nauvoo City	1,110	Skokie Village	65,112
New Lenox Village	25,426	South Barrington Village	4,822
Niles Village	30,000	South Holland Village	22,144
Normal town	54,594	Springfield City	116,809
Norridge Village	14,674	Standard Village	211
Northbrook Village	33,655	Stickney Village	6,818
North Chicago City	30,395	Stone Park Village	4,957
Northfield Village	5,483	Streamwood Village	40,345
Northlake City	12,372	Sycamore City	17,753
North Utica Village	1,356	Thornton Village	2,401
Oakbrook Terrace City	2,171	Tilton Village	2,647
Oak Forest City	28,174	Tinley Park Village	57,280
Oak Lawn Village	57,034	Tuscola City	4,461
Oak Park Village	52,008	University Park Village	7,095
O'Fallon City	29,069	Urbana City	42,044
Old Mill Creek Village	224	Valier Village	658
Onarga Village	1,329	Valmeyer Village	1,259
Orland Park Village	58,666	Vernon Hills Village	25,911
Oswego Village	33,099	Volo Village	3,870
Palatine Village	69,387	Warrenville City	13,336
Park City City	7,440	Washington City	15,816
Park Forest Village	22,034	Watseka City	5,113
Park Ridge City	37,856	Waukegan City	88,915
Pekin City	33,824	West Chicago City	27,507
Peoria City	115,828	West City Village	653
Peoria Heights Village	6,020	West Dundee Village	7,391
Peru City	10,016	West Frankfort City	8,056
Phoenix Village	1,969	Wheaton City	53,644
Plainfield Village	42,138	Wheeling Village	38,010
Posen Village	6,021	Williamsville Village	1,494
Prairie Grove Village	1,876	Wilmette Village	27,446
Quincy City	40,805	Winnetka Village	12,490
Rantoul Village	13,100	Woodridge Village	33,378
Riverdale Village	13,604		•
Ü	20,00		

^{1.} Home Rule Communities: Secretary of State – Index Department 2. Population Data Source: Population Division of the U.S. Census Bureau - "Table 1: Annual Estimates of the Population for the United States, Regions, States, and Puerto Rico: April 1, 2000 to July 1, 2015 (NST-EST2015-01) on December 30, 2015