

FAIRFIELD HOUSING AUTHORITY

RESOLUTION NO. HA2021-11

**RESOLUTION OF THE FAIRFIELD HOUSING AUTHORITY APPROVING THE FIRST AMENDMENT
TO THE DISPOSITION, DEVELOPMENT, AND LOAN AGREEMENT WITH MP 1700 SANTA
MONICA ASSOCIATES, L.P. TO ALLOW A TWO-PART CLOSING, AND AUTHORIZING CERTAIN
RELATED ACTIONS**

WHEREAS, On February 4, 2020, the Fairfield Housing Authority (“Authority”) Board adopted Resolution No. HA2020-03 approving the execution of a Disposition, Development, and Loan Agreement with MP 1700 Santa Monica Associates, L. P., and the City Council approved Resolution 2020-18 to assist in the development of new affordable housing on property owned by the Authority; and

WHEREAS, the Authority owns four parcels of land in the City of Fairfield, California (the “City”) which were transferred to the Authority as housing assets pursuant to the Dissolution Legislation. The parcels total approximately 3.5 acres in size and are also known as Assessor’s Parcel Numbers 0037340010, 0037340190, 0037053700, and 0037053560 (collectively, the “Property” or “1700 Santa Monica”); and

WHEREAS, the FHA and City’s assistance included the donation of the land valued at \$2.97 M, a \$2.2 M loan from the Low Mod Fund, \$1 M in fee credits from the Fee Credit Bank, up to \$1.5 M of fee deferrals, and 51 Project Based Vouchers; and

WHEREAS, at the June 16, 2021, meeting of the Tax Credit Allocation Committee, MidPen was awarded an allocation of 9% tax credits that will allow them to move forward with the construction of the 72 affordable multifamily development units; and

WHEREAS, MidPen has been diligently working to line up their construction and permanent loan financing along with the tax credits to fund the cost of construction for this development; and

WHEREAS, due to increased scrutiny by the IRS of tax credit financing, tax credit investors are more focused on the particulars of their transactions; and

WHEREAS, MidPen requires closing on the transfer of the land at least two weeks prior to closing on the construction loan to mitigate tax credit investor concerns; and

WHEREAS, the First Amendment to the Disposition, Development and Loan Agreement with MP 1700 Santa Monica Associates, L.P. is required to allow this two part closing and provide assurances that title to the property would revert to the FHA should the financing fall out.

NOW, THEREFORE, THE FAIRFIELD HOUSING AUTHORITY HEREBY RESOLVES:

Section 1. The above recitals are true and correct and a substantive part of this resolution.

Section 2. The executive director of the Authority, or his designee (the "Authorized Officer"), is authorized to execute the First Amendment to the Disposition, Development, and Loan Agreement with MP 1700 Santa Monica Associates, L. P.

Section 3. The First Amendment to the Disposition, Development, and Loan Agreement by and between the Fairfield Housing Authority and MP 1700 Santa Monica Associates, L.P. presented to the Authority at this meeting and incorporated herein by reference, is hereby approved. The Authorized Officer is hereby authorized to execute and deliver, for and in the name of the Fairfield Housing Authority, the First Amendment to the Disposition, Development, and Loan Agreement in substantially such form, with such additions or changes as the Authorized Officer executing the same may approve (such approval to be conclusively evidenced by such Authorized Officer's execution and delivery thereof) and to do all things necessary or proper to implement the Disposition, Development, and Loan Agreement, including the execution and recordation of agreements and documents contemplated by the Disposition, Development, and Loan Agreement.

Section 4. The officers and staff of the Authority are hereby authorized, jointly, and severally, to do all things which they may deem necessary or proper to effectuate the purposes of this resolution, and any such actions previously taken are hereby ratified and confirmed.

PASSED AND ADOPTED this 21st day of September 2021, by the following vote:

AYES: COMMISSIONERS: PRICE / BERTANI / MOY / PANDURO / TIMM / TONNESEN / VACCARO

NOES: COMMISSIONERS: _____

ABSENT: COMMISSIONERS: _____

ABSTAIN: COMMISSIONERS: _____

CHAIRMAN

ATTEST:

ASSISTANT SECRETARY