

STATE OF DELAWARE



EXECUTIVE DEPARTMENT
DOVER

**EXECUTIVE ORDER
NUMBER TWENTY-NINE**

TO: HEADS OF ALL STATE DEPARTMENTS AND AGENCIES

RE: (1) ALLOCATION AND SUB-ALLOCATION OF STATE PRIVATE ACTIVITY BOND VOLUME CAP FOR CALENDAR YEAR 2019 AND (2) REALLOCATION OF STATE PRIVATE ACTIVITY BOND VOLUME CAP FOR CALENDAR YEAR 2018

WHEREAS, the Internal Revenue Service issued Revenue Procedure 2018-57, which provides the State of Delaware (the “State”) with \$316,745,000 in private activity bond volume cap (“Volume Cap”) for calendar year 2019, and pursuant to 29 DEL. C. §8791A(b), the State’s 2019 Volume Cap is to be allocated among the various State and local government issuers; and

WHEREAS, the Internal Revenue Service previously issued Revenue Procedure 2017-58, which provided the State with \$311,375,000 in Volume Cap for calendar year 2018, and pursuant to 29 DEL. C. §8791A(a) and as memorialized in Executive Order 17 dated February 2, 2018 (“Executive Order 17”), the Governor set forth the initial allocation among the various State and local government issuers; and

WHEREAS, subsequent to the publication of Revenue Procedure 2017-58 and Executive Order 17, the Internal Revenue Service issued on March 5, 2018 its Internal Revenue Bulletin No. 2018-10 (“Bulletin No. 2018-10”), which modified certain adjustments set forth in Revenue Procedure 2017-58, including, but not limited to, the initial 2018 Volume Cap ceiling for Delaware, such amount being reduced from \$311,375,000 to \$310,710,000; and

WHEREAS, pursuant to 29 DEL. C. §8791A(b), the State’s allocation of 2019 Volume Cap in the amount of \$158,370,000 is to be sub-allocated by the Governor between the Delaware State Housing Authority and the Delaware Economic Development Authority; and

WHEREAS, pursuant to 29 DEL. C. §8791A(d), the Governor has the right, by Executive Order, to modify the allocations made under 29 DEL. C. §8791A(a) and (b) provided that no such modification shall cause any obligation issued prior to the date of such modification to lose its qualification for tax-exempt treatment under the Internal Revenue Code of 1986, as amended; and

WHEREAS, the allocation of Volume Cap for 2018 in Executive Order Number 17 is subject to modification by further Executive Order, and the Governor hereby modifies the initial

allocation of the 2018 Volume Cap as set forth in 29 DEL. C. § 8791A(a) and (b) to various State and local government issuers on a pro-rata basis to reflect the modified maximum amount of available 2018 Volume Cap to the State as set forth in Bulletin No. 2018-10 as follows:

	<u>Initial 2018 Volume Cap</u>	<u>Modified 2018 Volume Cap per Bulletin No. 2018-10</u>
Delaware State Housing Authority	\$77,842,500	\$77,677,500
DE Economic Development Authority	77,842,500	77,677,500
New Castle County	54,490,000	54,375,000
Kent County	31,140,000	31,070,000
Sussex County	31,140,000	31,070,000
City of Wilmington	38,920,000	38,840,000; and

WHEREAS, pursuant to Executive Order Number 17, as modified by this Executive Order, \$155,355,000 of 2018 Volume Cap has been allocated to the State of Delaware and further sub-allocated between the Delaware Economic Development Authority \$77,677,500 and the Delaware State Housing Authority \$77,677,500; and

WHEREAS, pursuant to Executive Order Number 17, as modified by this Executive Order, \$155,355,000 of 2018 Volume Cap has been allocated to local government issuers as described in 29 DEL. C. §8791A(a) and (b), and is hereby reassigned as follows:

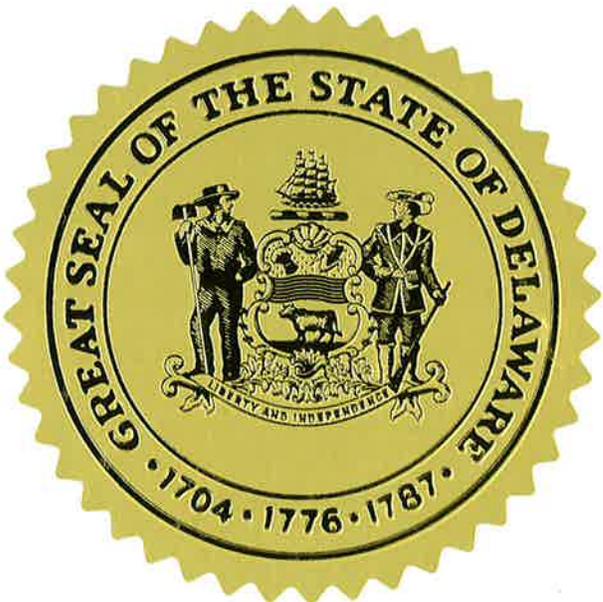
- New Castle has reassigned \$54,375,000 of its unused Volume Cap for 2018 to the State of Delaware,
- Kent County has reassigned \$31,070,000 of its unused Volume Cap for 2018 to the State of Delaware,
- Sussex County has reassigned \$31,070,000 of its unused Volume Cap for 2018 to the State of Delaware,
- The City of Wilmington has reassigned \$38,840,000 of its unused Volume Cap for 2018 to the State of Delaware; and

WHEREAS, the Secretary of Finance recommends: (i) that \$158,370,000 of the State's 2019 Volume Cap be sub-allocated between the Delaware State Housing Authority \$79,185,000 and the Delaware Economic Development Authority \$79,185,000; (ii) that the \$77,677,500 of unused 2018 Volume Cap previously sub-allocated to the Delaware Economic Development Authority be reallocated to the Delaware State Housing Authority for carry forward for use in future years; and (iii) that the \$155,355,000 of unused 2018 Volume Cap reassigned to the State of Delaware by local issuers be reallocated to the Delaware State Housing Authority for carry forward use; and

WHEREAS, the Chairperson of the Delaware Economic Development Authority and the Housing Director of the Delaware State Housing Authority concur in the recommendation of the Secretary of Finance.

NOW, THEREFORE, I, JOHN C. CARNEY, by virtue of the authority vested in me as Governor of the State of Delaware, do hereby **DECLARE** and **ORDER** that:

1. \$158,370,000 of the 2019 Volume Cap is hereby sub-allocated as follows: \$79,185,000 to the Delaware State Housing Authority and \$79,185,000 to the Delaware Economic Development Authority.
2. \$158,375,000 of the 2019 Volume Cap is hereby allocated to the various local government issuers as follows:
 - \$55,285,000 of the 2019 Volume Cap is hereby allocated to New Castle County, Delaware;
 - \$39,560,000 of the 2019 Volume Cap is hereby allocated to the City of Wilmington, Delaware;
 - \$31,765,000 of the 2019 Volume Cap is hereby allocated to Kent County, Delaware; and
 - \$31,765,000 of the 2019 Volume Cap is hereby allocated to Sussex County, Delaware.
3. \$155,355,000 of unallocated 2018 Volume Cap that has been reassigned by New Castle County, Kent County, Sussex County and the City of Wilmington to the State of Delaware is hereby re-allocated to the Delaware State Housing Authority for carry forward use. In addition, the \$77,677,500 of 2018 Volume Cap previously sub-allocated to the Delaware Economic Development Authority under Executive Order Number 17, as modified by this Executive Order, is hereby re-allocated to the Delaware State Housing Authority for carry forward use. Furthermore, the \$77,677,500 of unused 2018 Volume Cap previously sub-allocated to the Delaware State Housing Authority under Executive Order Number 17, as modified by this Executive Order, is to be carried forward by Delaware State Housing Authority for a total carry forward amount of \$310,710,000 for Delaware State Housing Authority.
4. The aforesaid allocations and sub-allocations have been made with due regard to actions taken by other persons in reliance upon previous allocations and sub-allocations to bond issuers.



APPROVED this 8th day of February, 2019

John C. Carney

 John C. Carney
 Governor

ATTEST:
[Signature]

 Secretary of State