



ABCs of Development Infrastructure Finance

.....

UT Law CLE 51st Annual William W. Gibson, Jr. Mortgage Lending Institute
September 29, 2017

SHUPE VENTURA, PLLC
ATTORNEYS & COUNSELORS

Corey Admire | corey.admire@svlandlaw.com | www.svlandlaw.com

New Project Infrastructure Financing

- » Traditional Bank Financing
- » Private Equity
- » Builder Deposits
- » Lot Sales
- » *Economic Development Incentives -*
 - » tax bonds, revenue bonds, certificates of obligation
 - » Reimbursements (impact fees, TIRZ revenues, EDCs ...)
- » ***Special Districts ...***

What is a Special Purpose District?

- » Areas of the state, county, municipality, or other political subdivision that have been divided for judicial, political, electoral, or administrative purposes
- » Originally created due to urban sprawl and the desire of suburban residents to create entities that could provide their own infrastructure and levy taxes for limited purposes, such as firefighting, road construction, and water and sewage treatment
- » Limited purpose (road, water, sewer, drainage infrastructure; specific authorized improvements; emergency, hospital, public safety, utility services)

Source: Langham, Laura and Corey Roy and Austin Valentine. "Invisible Government: Special Purpose Districts in Texas." Senate Research Center Publication. October 2008 (available at <http://www.senate.texas.gov/assets/srcpub/SL-SpPurposeDistricts.pdf>)

2

Types of Special Districts in Texas

Groundwater Management Area (GMA)	County Development District (CDD)
Sports and Community Venue District (SCVD)	Library District (LD)
Noxious Weed Control District (NWCD)	Levee Improvement District (LID)
Groundwater Conservation District (GCD)	County Assistance District (CAD)
Multijurisdictional Library District (MJLD)	Independent School District (ISD)
Road District (RD)	Irrigation District (ID)
Water Control and Improvement District (WCID)	Hospital District (HD)
Public Improvement District (PID)	Regional District (RD)
Road Utility District (RUD)	Health Services District (HSD)
Fresh Water Supply District (FWSD)	Navigation District (ND)
Homestead Preservation District & Reinvestment Zone (HPD)	Mosquito Control District (MCD)
Wind Erosion District (WED)	Self-Liquidating Navigation District (SLND)
Municipal Utility District (MUD)	Emergency Services District (ESD)
Municipal Management District (MMD)	Special Utility District (SUD)
Arts and Entertainment District (A&E)	Jail District (JD)
Water Improvement District (WID)	Stormwater Control District (SCD)
Municipal Development District (MDD)	Crime Control and Prevention District (CCPD)
Sports Facility District (SFD)	Municipal Management District (MMD)
Drainage District (DD)	Agricultural Development District (ADD)

Source: Texas Senate Research Center

- » As of 2014, Texas had more than 3,350 special purpose districts (excluding educational districts)*

* Source: Kay, Cicely. "Invisible Government: Special Purpose Districts in Texas" LBJ School of Public Affairs - Texas Water Policy (Dec. 6, 2014) (available at <https://static1.squarespace.com/static/54c15aa8e4b08b9c092063a6/t/54d68b58e4b0136443318e19/1423346520044/RP-Kay.pdf>)

3

Considerations:

WHERE are you building?

advance vs.
reimbursement

TCEQ

LANDSCAPING

WHAT are you financing?

public bidding

WHO are the players?

City

Council

County
Commissioner's
Court

ROADS

School Board

election

PARKS

meeting dates

WHEN do you need \$\$?

TRANSIT

WATER

AFFORDABLE HOUSING

statutory requirements

DRAINAGE

4

Benefits:

- » Accommodate and accelerate desirable growth and tax base expansion without burdening existing residents
- » Tools to drive higher-quality development than what would otherwise occur without special purpose district financing
- » Over time vs. up front funding reduces financing risks and carrying costs that are normally passed on to homebuyers through higher lot prices and home prices
- » Mitigate entitlement risks for Developers
- » Offset city or county costs to extend infrastructure without reducing city or county bonding capacity

5

Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the [UT Law CLE eLibrary \(utcle.org/elibrary\)](http://utcle.org/elibrary)

Title search: ABCs of Development Infrastructure Finance

Also available as part of the eCourse

[2017 William W. Gibson, Jr. Mortgage Lending eConference](#)

First appeared as part of the conference materials for the
51st Annual William W. Gibson, Jr. Mortgage Lending Institute session
"ABCs of Development Infrastructure Finance"