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## **BONDS - FLORIDA**

### [Atlantic Housing Partners L.L.P. v. Brevard County](#)

**United States District Court, M.D. Florida, Orlando Division - January 13, 2026 - Slip Copy - 2026 WL 91583**

Plaintiff was the contract purchaser of real property upon which it intended to build a multi-family affordable housing complex.

Plaintiff submitted an application for tax-exempt bond financing to finance the development. The aggregate principal amount of the bond for which Plaintiffs applied was \$16,750,000. The Brevard County Housing Finance Authority (BCHFA) held a public meeting for the purpose of receiving input on the bond application. After that meeting, the BCHFA recommended approval of the application.

Defendant Board of County Commissioners (BOCC) then held a public hearing to decide the bond application. The BOCC voted to deny the bond application, prompting Plaintiffs to initiate this lawsuit.

Plaintiffs brought: a) segregative effect claims; and b) disparate impact claims under the Federal and Florida Fair Housing Acts (FHAs).

The United States District Court held that Plaintiffs could not establish a prima facie case for their segregative effect or disparate impact claims and the court grants summary judgment on that ground.

As to the segregative effect claim, the court concluded Plaintiffs failed to state a prima facie case because they had not attempted to make a showing of historical practices of segregation. While Plaintiffs argued that a segregated housing pattern based on race exists, such a housing pattern is, by itself, insufficient to establish a prima facie case. Without a showing of historical practices of segregation, housing statistics showing racial disparities only repeat the otherwise unsurprising fact that racial minorities are minorities; the statistics do little to support the claim of a segregative effect.

“The court thus concludes that Defendant is entitled to summary judgment on the segregative effect claims.”

The court then explained that disparate impact claims require a plaintiff to demonstrate that a facially neutral policy had a harsher impact on a protected group of individuals, such as a racial minority, even if the effect was unintended. Here, the facially neutral policy that Plaintiffs now challenge is Defendant’s denial of Plaintiffs’ bond application. However, the decision to deny a single application is hardly a policy. Thus, the court concluded that Defendant’s one-time decision to deny Plaintiffs’ bond application is not a policy at all.

“Plaintiffs have not provided evidence on which a reasonable jury could base a finding that the denial of Plaintiffs’ bond application constituted or was representative of a broader policy by Defendant.

