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Atlantic Housing Partners L.L.P. v. Brevard County

United States District Court, M.D. Florida, Orlando Division - January 13, 2026 - F.Supp.3d - 2026 WL 91583

Contract purchaser of real property, housing developer, construction company, and property management company brought action against county alleging violations of Federal and Florida Fair Housing Acts through segregative effect and disparate impact claims based on county's denial of tax-exempt bond financing application for affordable housing development.

County moved for summary judgment, and plaintiffs moved for partial summary judgment.

The District Court held that:

- Plaintiffs failed to show historical practices of segregation as required to state prima facie case under federal and state Fair Housing Acts;
- Plaintiffs failed to establish denial of application showed policy creating disparate impact, as required to state prima facie case under federal and state Fair Housing Acts; and
- Plaintiffs failed to establish policy of holding public hearings to approve applications caused disparate impact, as required to state prima facie case under federal and state Fair Housing Acts.

Housing developer, property owner, construction company, and property manager did not show historical practices of segregation in municipality in which they proposed affordable housing development, as required to state prima facie case for segregative effect claims under federal Fair Housing Act and Florida Fair Housing Act; housing patterns and statistics, without more, were insufficient to establish denial of tax-exempt bond financing for affordable housing development perpetuated segregated housing patterns, plaintiffs failed to provide comparisons of racial composition of surrounding areas, or evidence of existence of, or lingering effects of, historically practiced segregation, and impact development allegedly would have on combatting segregation was inherently speculative.

Affordable housing developer, property owner, construction company, and property management company failed to establish that denial of plaintiffs' application for tax-exempt bond financing for affordable housing development showed policy creating disparate impact on racial minorities, as required to state prima facie claims against county under federal Fair Housing Act and Florida Fair Housing Act; commissioners' one-time decision to deny bond application was not a policy, and plaintiffs did not provide evidence on which reasonable jury could find that denial of application constituted or was representative of broader policy by county.

Affordable housing developer, property owner, construction company, and property management company failed to establish policy of holding public hearings to approve private bond financing applications for affordable housing projects caused disparate impact on racial minorities, as required to state prima facie disparate-impact claims against county under federal Fair Housing Act and Florida Fair Housing Act, although evidence highlighted racial imbalance was endemic to affordable housing; plaintiffs failed to demonstrate that policy of holding public meetings affected

racial minorities differently than non-minorities, or that county applied policy of conducting hearings in manner that adversely impacted minority group in statistically unbalanced way.