SUMMARY OF CITIZEN PARTICIPATION PROCESS AND LISTING OF COMMENTS RECEIVED 2025 HOUSING CREDIT QUALIFIED ALLOCATION PLAN, 2025 HOME ACTION PLAN, 2025 NATIONAL HOUSING TRUST ALLOCATION PLAN

In accordance with Section 42 of the Internal Revenue Code and the HOME and National Housing Trust Fund Regulations, notices of the Public Hearing and the 30-day public commenting period for the draft 2025 Housing Credit Qualified Allocation Plan, draft 2025 HOME Action Plan, draft 2025 National Housing Trust Fund Allocation Plan, (Plans) were published in the Andalusia Star, Athens News Courier, Decatur Daily, Florence Times Daily, Gadsden Times, Montgomery Advertiser, Madison County Record, The Times Daily (Ft. Payne), and Tuscaloosa News. To increase awareness of availability, the Plans and Public Hearing Notice were also posted on the Alabama Housing Finance Authority (AHFA) website, and on AHFA social media platforms (Facebook and LinkedIn). AHFA emailed 1,767 notices on February 9, 2024, and 1,936 notices on March 4, 2024, of the draft Plans availability to interested parties, requesting that they submit oral comments at the Public Hearing or written comments regarding the proposed Plans by 5:00 p.m. CDT on March 8, 2024. During the designated commenting period, AHFA received 165 written comments from 30 individuals and organizations pertaining to the 2025 Plans. The comments are attached and available for review at the following AHFA website link: https://www.ahfa.com/multifamily/allocation-application-information/current-year-allocation-plans.

AHFA determined the appropriate action to take with respect to each comment received by evaluating each for:

- Clarity and ease of implementation within the proposed 2025 Draft Plans.
- Changes which would justify a major modification to the 2025 Draft Plans but would be more appropriate for consideration during the development of the 2026 Draft (or later year's) since the material nature of the changes proposed would require adequate time to implement and require a public commenting process.
- Changes suggested would require significant research, analysis, and planning to assess fully their practicality and feasibility before incorporation into the Plans. Accordingly, a public commenting process would be required, and the proposed changes would be evaluated for consistency with the stated goals and objectives of the Plans, applicable industry standards, and AHFA policies.
- Narrative comments, opinions, or questions which do not clearly define an actionable request or are unrelated to the current Draft Plans. Under these circumstances, staff is prohibited from attempting to interpret the commenter's intent.
- Industry specific or changes in regulatory guidance which require corrections to technical language in the Plans.

AHFA reviewed the comments received and revised the Plans based on certain comments submitted. A listing of the comments received are attached for review. Once the final Plans have been formally approved, we strongly encourage each reader to review the final Plans completely to view any changes made by AHFA in their full context. When revisions have been finalized and approved, the Plans will be available for review in their entirety at the following AHFA website link: https://www.ahfa.com/multifamily/allocation-application-information/current-year-allocation-plans

AHFA wishes to thank the many individuals and organizations who provided comments during the commenting period. While all comments were carefully reviewed and considered, only the most equitable comments pertaining to the process for the entire state and the variety of program participants resulted in changes being made to the final Plans. As the administrator of the Plans, AHFA's goal is to develop written criteria for the Plans that will provide equal access to all types of affordable housing developments, which include but are not limited to: various construction types (new construction, acquisition, rehabilitation, and adaptive reuse, etc.); diverse target populations (families, seniors, persons with mental and physical disabilities, Veterans, and homeless populations, etc.); and geographical characteristics (rural, metropolitan, qualified census tracts, distressed areas, etc.). In attempting to reach varied needs and population types across the state, our greatest challenge is to develop a fair and balanced allocation methodology with the intent to ensure that all applications, regardless of the targeted population and construction type, will have a fair chance of competing during each Application Cycle.

To that end, please keep in mind that certain perceived scoring impediments for a particular type of organization can be offset by other incentives in the Plans, which may not be necessarily applicable to other types of organizations. In addition, please consider that the Plans are not intended to serve as a replacement for other discontinued housing programs, which may have had different standards, costs, or otherwise. This is especially true as it relates to construction design standards. Any applicant that proposes to include design standards that significantly exceed AHFA standards or to include other design standards mandated by other programs must obtain additional funding sources to offset any additional costs, assuming the project's costs exceed AHFA's definition of reasonable costs. As an alternative and when feasible, applicants should consider submitting an application for Multifamily Housing Revenue Bonds, which are subject to availability, and subject to the criteria and requirements of the applicable Plan.

See Attached, Listing of Comments Received

A. Public Comments Submitted to AHFA. The comments are available for viewing at the following AHFA website link: https://www.ahfa.com/multifamily/allocation-application-information/current-year-allocation-plans.

2025 Citizen Participation Process

Listing of Comments Received

2025 Draft Plans:

This document contains the cumulative list of comments received with respect to the 2025 Citizens Participation Process.

Index of Comments Received

AHFA Draft 2025-2026 Low-Income Housing Credit Qualified Allocation Plan, 2025 HOME Action Plan, and 2025 National Housing Trust Fund Allocation Plan

Public Comment Form

Commenting Period February 8, 2024 – March 8, 2024

All comments regarding the Draft Plans must be submitted using this form by 5:00 p.m. CDT on March 8, 2024. ***Comments which include cut-and paste text (or redlined/re-worded sections) of the proposed Plans will be rejected.*** *AHFA will not respond (or seek to interpret) to suggested change in language without a complete explanation of the suggested language change.* Please provide full explanatory and careful comments regarding your proposed changes, keeping in mind that your proposed changes might have an unintended consequence for a different project or location in the state. All forms should be submitted to ahfa.mf.qap@ahfa.com as an attachment to the email. Other documentation, e.g., product information or photos, may also be submitted. All comments will be posted at www.ahfa.com for review.

Select Date Submitted

Name: Chris Retan Organization: Aletheia House Email: cretan@specialkindofcaring.org Phone: 205-533-6012

Plan Section	Section Reference	Page #	Specific Comments
Housing Credit	Point Scoring	A-9	CHDOs that are using state HOME funds are always going to be doing new construction. They are at a disadvantage when competing against projects that can earn two points for doing a rehab. AHFA should either remove the two points for doing a rehab or provide another way for the CHDO doing new construction to earn two points that will level the competition.
HOME	Point Scoring	A-9	CHDOs are at a disadvantage because they cannot earn the 5 minority GP points since they are controlled by a board of directors. While the highest scoring CHDO will be able to take advantage of the CHDO set-aside, every other CHDO will be at a disadvantage when competing against for-profit developers that include minority and/or woman GPs. This disadvantage recently caused us to withdraw our CHDO application since we could have a higher score not being a CHDO. The plan should provide an alternative method for CHDOs to earn 5 points. We would recommend giving these points to CHDOs whose board composition is at least 33% women and/or minorities.
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2/10/2024

Name: Chris Retan Organization: Aletheia House Email: cretan@specialkindofcaring.org Phone: 205-365-3694

Plan Section	Section Reference	Page #	Specific Comments
HTF	I	5	We would like to do a standalone HTF project for veterans. However, it would not be feasible to do so based on the maximum subsidy caps that are in the plan. For example, we would need the maximum amount of allowable operating reserve funds since rents will be low. As an alternative to these caps, we recommend AHFA include as an option that AHFA will negotiate with developers a reasonable development and operating budget (including the operating reserve) that is not subject to predetermined caps.
HOME	Point Scoring	A-4	We believe points should be awarded for services, not just physical amenties. For example, in addition to providing points for an exercise room, provide points for a weekly exercise class. Or in addition to providing points for a senior arts and crafts center, provide points for arts and crafts classes. Otherwise, you risk having projects include physical amenities for points but having these amenities underutilized because there is no incentive to provide instructors.
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2/28/2024

Name: Cynthia M. Prater, HCCP Organization: The Bennett Group Email: cindy@thebennettgrp.net Phone: 334-758-8404

Plan Section	**Section Reference**	**Page #**	**Specific Comments**
HOME	III	4	AHFA should add development in rural counties as a housing priority and incentivie same with points or a set-aside to ensure that individuals in the state's most under served parts of the state continue to have access to quality affordable housing. Along these lines, AHFA should consider a sliding point scale for new construction projects in countines that have seen no new housing developed in the past 5, 10, or even 15 years.
Housing Credit	I	3	AHFA should add development in rural counties as a housing priority and incentivie same with points or a set-aside to ensure that individuals in the state's most under served parts of the state continue to have access to quality affordable housing. Along these lines, AHFA should consider a sliding point scale for new construction projects in countines that have seen no new housing developed in the past 5, 10, or even 15 years.
General Comment	Section		AHFA should consider removing the requirement for telephone service letters as part of its application process. The use of land-line telephones is virtually non-existant and this letter continues to be increasingly difficult to obtain with several providers simply refusing to provide same.
HOME	Point Scoring	A-6	New Funds: AHFA should consider adding points for alternate sources of new funds, i.e., capital magnet funds, or provide owners with guidance as to what criteria AHFA requires for other sources to qualify for points. Said sources being grants or other favorable financing products an owner may be able to secure from an organization not currently noted in the HOME Action Plan.
Housing Credit	Point Scoring	A-7	New Funds: AHFA should consider adding points for alternate sources of new funds, i.e., capital magnet funds, or provide owners with guidance as to what criteria AHFA requires for other sources to qualify for points. Said sources being grants

			or other favorable financing products an owner may be able to secure from an organization not currently noted in the Housing Credit QAP.
HOME	Point Scoring	A-7	Tenant Needs: AHFA should require annual recertification of the MOU with service providers for the set-aside units for disabled/homeless populations.
Housing Credit	Point Scoring	A-8	Tenant Needs: AHFA should require annual recertification of the MOU with service providers for the units set-aside for disabled/homeless populations.
HOME	Point Scoring	A-7	Tenant Needs: AHFA should require written evidence of efforts made to lease the units set-aside for disabled/homeless populations before they are made available to the general public.
Housing Credit	Point Scoring	A-9	Project Type: AHFA should consider a sliding point scale for projects that have maturing HOME loans but are financially unable to pay off the loan in full or paydown the balance by 30%. For example, 2 points could be awarded to those projects that paydown 10%, 4 points for 20%, etc. This is of particular concern for smaller, rural developments that don't cash flow as well as larger, metro developments. Several of which are located in counties that have seen little to no economic development since construction while the need to keep for affordable housing has become increasingly important.
Housing Credit	Point Scoring	A-9	Location: For acquisition/rehablilitation projects, AHFA should consider submission/approval of waiver/deviation requests for neighborhood services located outside a 3 mile radius of the site, or any negative neighborhood service not noted in the QAP when the project was originally constructed. Alternatively, AHFA could create separate neighborhood service requirements for acquistion/rehabilitation projects that allow them to remain competitive. The rehabilitaiton of these projects, and the value of keeping them affordable, should not be invalidated by changes in their communities since they were originally approved by AHFA.
Housing Credit	Point Scoring	A-9	Project Type: AHFA should consider adding points for the acquistion/rehabilitation of LIHTC only projects as they are currently unable to compete with the acquisition/rehabilitation of HOME projects that have paid off their HOME loan in full or paid it down by 30%.
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2/29/2024

Name: Ketcia D. Barlow Organization: ADMH, Housing Coordinator Email: ketcia.barlow@mh.alabama.gov Phone: 334-353-8954

Plan Section	**Section Reference**	**Page #**	**Specific Comments**
HOME	Point Scoring	A-7	(iv.) Tenant Needs Plan provides for 1 point to be given for those projects that provide a minimum of 5% of the dwelling units be designed and constructed to be readily accessible to individuals with mobility impairments. An Additional 2% of the dwelling units must be accessible to individuals with sensory impairments (i.e. hearing or vision impairments). Per HUD, "for a federally-assisted new construction housing project, Section 504 requires 5% of the dwelling units to be accessible for persons with mobility disabilities. An additional 2% of the dwelling units must be accessible for persons with hearing or visual disabilities. Because this is already a mandatory requirement for federally-assisted newly-constructed housing giving points in this category is a "moot point". Perhaps AHFA can replace this scoring criteria with one designed to achieve a better outcome of assisting more persons over and above the requirement (for projects pursuing HOME), or one that leads to more production of housing units in locales where there has not been new units produced for some time.
HOME	Point Scoring	A-7	(iv.) Tenant Needs, (c.) Per the Plan, up to 2 points will be given to projects who set-aside a minimum of up to 10% of the total proposed units for tenants with disabilities or homeless populations for a minimum period of thirty (30) years. The point allowance is missing (2) for those projects who chose to set-aside a minimum of 10% of the total units for tenants with disabilities or homeless populations for a minimum of 30 years.

Housing Credit	II	16	C. Application Threshold Requirements. 15) Extended Use Period QAP States "All Projects must commit in writing to not apply for a Qualified Contract until after the 19th year of the Extended Use Period, which is 6 years after the end of the 15-Year Compliance Period. This appears to be an error. The 19th year of the Extended use period would be 4 years after the end of the 15-Year Compliance Period. *AHFA should add "end" so that it reads "…until after the end of the 19th Year of the Extended Use Period", which will clarify that project owners cannot submit an application until the 19th year has ended.
Housing Credit	II	16	C. Application Threshold Requirements. 15) Extended Use Period QAP States "If eligible to apply, the Responsible Owner and proposed purchaser must mutually agree via a fully executed option/sales agreement to provide reasonable written notice to AHFA regarding the proposed date of sale and require all ownership information and other required documents be provided to AHFA for its review and action well in advance of the proposed sale date. Although this requirement is needed it should be referenced in the Qualified Contract Policies and Procedures. Because this is listed as a Threshold Requirement in the QAP to determine if an owner is eligible for a Qualified Contract, a more appropriate statement would be to require owners who expect to take advantage of the QC option to have a corresponding duty to maintain records necessary to allow computation of the QC price. Failure to fulfill the record-keeping requirements necessary for determining QC Price will deem the Project ineligible for consideration of a QC Request. Adding this language would be in line with the QC Policies and Procedures. It will provide adequate notice to owners (at initial allocation of credits) that retaining adequate records is a must for those who want to exercise this right in the future. It is essential for owners to maintain adequate records that enable independent Certified Public Accountants to perform correct calculations to determine QC sales pricing. The owner QC option has reduced the number of affordable housing units substantially in recent years. If an owner has failed to keep adequate records it should hinder their ability to exercise the QC option.

			It seems misleading to require that the proposed purchaser submit documentation at eligibility. It is rare that a proposed purchaser would be known at the time of QC submission and eligibility review. Any such requirements regarding documentation between owners and proposed sellers should be added to QC Policies and Procedures where those policies can be updated over time as needed.
Housing Credit	I	3	1. Housing Credits, B. Establishment of Housing Priorities Under this section the QAP states the following as one of its housing priorities: Projects that, without Housing Credits, would not likely set aside units for lower income tenants, inclusive of tenants with disabilities who are able to live independently with limited supportive services, and/or persons who are homeless. This is a commendable priority listed as 1 of 5 priorities in the AHFA QAP. It is demonstrated by your point-scoring initiative to increase housing units for this population. It is duly-noted that this increase has gone from 5% to, 7% and up to 10% over the last few years for those developers willing to set-aside units for these vulnerable population. As such, much emphasis should be placed upon accountability along with real assessments made to increase the likelihood that the intended purpose of this priority is met and those needing the housing (homeless/disabled) are able to reside in the units. Because the targeted population are homeless and/or disabled, they are not likely to be able to meet the application standards or the minimum income requirements (as most qualifying tenants under the LIHTC program have incomes in the 50 to 60% of AMI or greater, whereas this target group is more likely to have incomes of 30% or lower). Along with this, there are additional items in the application such as employment and rental history that may hinder this population to successfully apply to occupy the units that were set-aside for them. Many are served by third party providers who offer service and financial support on an ongoing basis. It is often that an allowance of a sponsor-based rental assistance (SBRA) is needed, which without this may hinder their chances of qualifying for the units based upon their personal income. To ensure that the state's priority to realistically address the housing needs for this population the following is suggested changes to be made withing the application, funding and final cost certification process:

			1. Those who received points in this category should provide additional adequate documentation at reservation and/or cost certification to show that (1) They will/or have exhausted all marketing efforts to reach the Member party to the MOU (service provider), or (2) the established local and/or regional services providers that serve the disabled/homeless populations in a "reasonable time". Documentation could be in a form signed by the service provider noting that they have been contacted of available units. Owners should provide evidence of marketing and advertising to reach this population along with evidence of a separate waiting list (Per the Homeless/Disability Election Form). It should be made clear that regardless of who executed the MOU; if the provider does not have eligible tenants, any eligible tenant who is homeless and/or disabled can apply to occupy the units. 2. Projects with set-aside units should be readily available and easily identifiable by the general public and listed on AHFA's website along with information on how to apply for the units. 3. Ongoing efforts should be made to address the application disparities that may exist for this population (disparities such as qualifying rental and employment histories; minimum income requirements). Keep in mind that many in this population may require sponsor-based rental assistance (due to the nature of their disabilities and/or history of homelessness) to ensure that their rents are affordable. All efforts should be exhausted by owners to work with advocates, Veterans Administration, PHAs and other organizations to increase the likelihood units can be filled by intended parties for the set-aside units. Please keep in mind certain Reasonable Accommodations allowed by HUD. (For example: A person transitioning from a nursing, group home or other facility my not be able to provide prior landlord references because they have previously lived in settings that serve individuals with disabilities. Another example: Due to the nature of their disability, a person may require reasonable accommodation to allow a sponsor agency (SBRA) to help pay their rental fees).
Housing Credit	Point Scoring	A-8	(iii.) Rent Affordability (d.) Extended Use Period Per the QAP, 3 points will be given to projects that irrevocably commit in writing to forego submitting a request for Qualified

			Contract and to remain a Qualified Affordable Housing Project throughout the Extended Use Period (total of 30 years). AHFA should make every effort to ensure that Land Use Restrictive Covenants reflect that owners who receive points in the category have agreed to forego the request for a Qualified Contract (since this action will be 19 or more years in the future).
HTF	Section	8 -9	I. AHFA Housing Priorities and Scoring Criteria f. Limitation on Beneficiauries or Preferences The HTF Plan allows applicants a choice of providing an MOU or a Beneficiary Plan to receive points in this category. The 15 points for providing a Beneficiary Plan should be removed/eliminated from this Plan. Any owner providing units under HTF that benefit the homeless, veteran, or disabled population should provide an MOU with a servicing organization that will be providing the necessary services to meet the various servicing needs for these populations. The 15 points should be removed to show 25 Points for providing an MOU. If owners who have received prior LIHTC awards and were awarded points for the Disabled/Homeless set-aside, chose to compete for HTF awards, they should be required to provide stand- alone MOU (separate from any previously provided on a LIHTC application). Owners should keep in mind that HTF units target those in the 0 – 30% AMI. It is essential that this population has access to professional services and that they receive the needed supports maintain a normal quality of life in the community; therefore it is essential that an MOU be a required document.
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2/29/2024

Name: Carrie Bearden Organization: Cahaba Center for Mental Health Email: carrie.bearden@cahabamentalhealth.com Phone: 334-418-6500

Plan Section	**Section Reference**	**Page #**	**Specific Comments**
HOME	Point Scoring	A-7	(iv.) Tenant Needs Plan provides for 1 point to be given for those projects that provide a minimum of 5% of the dwelling units be designed and constructed to be readily accessible to individuals with mobility impairments. An Additional 2% of the dwelling units must be accessible to individuals with sensory impairments (i.e. hearing or vision impairments). Per HUD, "for a federally-assisted new construction housing project, Section 504 requires 5% of the dwelling units to be accessible for persons with mobility disabilities. An additional 2% of the dwelling units must be accessible for persons with hearing or visual disabilities. Because this is already a mandatory requirement for federally-assisted newly-constructed housing giving points in this category is a "moot point". Perhaps AHFA can replace this scoring criteria with one designed to achieve a better outcome of assisting more persons over and above the requirement (for projects pursuing HOME), or one that leads to more production of housing units in locales where there has not been new units produced for some time.
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			Contract and to remain a Qualified Affordable Housing Project throughout the Extended Use Period (total of 30 years). AHFA should make every effort to ensure that Land Use Restrictive Covenants reflect that owners who receive points in the category have agreed to forego the request for a Qualified Contract (since this action will be 19 or more years in the future).
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2/29/2024

Name: Lisa S. Coleman Organization: Mental Health Center or North Central Alabama Email: lcoleman@mhcnca.org
Phone: 256-260-7324

Plan Section	**Section Reference**	**Page #**	**Specific Comments**
HOME	Point Scoring	A-7	(iv.) Tenant Needs Plan provides for 1 point to be given for those projects that provide a minimum of 5% of the dwelling units be designed and constructed to be readily accessible to individuals with mobility impairments. An Additional 2% of the dwelling units must be accessible to individuals with sensory impairments (i.e. hearing or vision impairments). Per HUD, "for a federally-assisted new construction housing project, Section 504 requires 5% of the dwelling units to be accessible for persons with mobility disabilities. An additional 2% of the dwelling units must be accessible for persons with hearing or visual disabilities. Because this is already a mandatory requirement for federally-assisted newly-constructed housing giving points in this category is a "moot point". Perhaps AHFA can replace this scoring criteria with one designed to achieve a better outcome of assisting more persons over and above the requirement (for projects pursuing HOME), or one that leads to more production of housing units in locales where there has not been new units produced for some time.
HOME	Point Scoring	A-7	(iv.) Tenant Needs, (c.) Per the Plan, up to 2 points will be given to projects who set-aside a minimum of up to 10% of the total proposed units for tenants with disabilities or homeless populations for a minimum period of thirty (30) years. The point allowance is missing (2) for those projects who chose to set-aside a minimum of 10% of the total units for tenants with disabilities or homeless populations for a minimum of 30 years.

Housing Credit	II	16	C. Application Threshold Requirements. 15) Extended Use Period QAP States "All Projects must commit in writing to not apply for a Qualified Contract until after the 19th year of the Extended Use Period, which is 6 years after the end of the 15-Year Compliance Period. This appears to be an error. The 19th year of the Extended use period would be 4 years after the end of the 15-Year Compliance Period. *AHFA should add "end" so that it reads "…until after the end of the 19th Year of the Extended Use Period", which will clarify that project owners cannot submit an application until the 19th year has ended.
Housing Credit	II	16	C. Application Threshold Requirements. 15) Extended Use Period QAP States "If eligible to apply, the Responsible Owner and proposed purchaser must mutually agree via a fully executed option/sales agreement to provide reasonable written notice to AHFA regarding the proposed date of sale and require all ownership information and other required documents be provided to AHFA for its review and action well in advance of the proposed sale date. Although this requirement is needed it should be referenced in the Qualified Contract Policies and Procedures. Because this is listed as a Threshold Requirement in the QAP to determine if an owner is eligible for a Qualified Contract, a more appropriate statement would be to require owners who expect to take advantage of the QC option to have a corresponding duty to maintain records necessary to allow computation of the QC price. Failure to fulfill the record-keeping requirements necessary for determining QC Price will deem the Project ineligible for consideration of a QC Request. Adding this language would be in line with the QC Policies and Procedures. It will provide adequate notice to owners (at initial allocation of credits) that retaining adequate records is a must for those who want to exercise this right in the future. It is essential for owners to maintain adequate records that enable independent Certified Public Accountants to perform correct calculations to determine QC sales pricing. The owner QC option has reduced the number of affordable housing units substantially in recent years. If an owner has failed to keep adequate records it should hinder their ability to exercise the QC option.

			It seems misleading to require that the proposed purchaser submit documentation at eligibility. It is rare that a proposed purchaser would be known at the time of QC submission and eligibility review. Any such requirements regarding documentation between owners and proposed sellers should be added to QC Policies and Procedures where those policies can be updated over time as needed
Housing Credit	I	3	1. Housing Credits, B. Establishment of Housing Priorities Under this section the QAP states the following as one of its housing priorities: Projects that, without Housing Credits, would not likely set aside units for lower income tenants, inclusive of tenants with disabilities who are able to live independently with limited supportive services, and/or persons who are homeless. This is a commendable priority listed as 1 of 5 priorities in the AHFA QAP. It is demonstrated by your point-scoring initiative to increase housing units for this population. It is duly-noted that this increase has gone from 5% to, 7% and up to 10% over the last few years for those developers willing to set-aside units for these vulnerable population. As such, much emphasis should be placed upon accountability along with real assessments made to increase the likelihood that the intended purpose of this priority is met and those needing the housing (homeless/disabled) are able to reside in the units. Because the targeted population are homeless and/or disabled, they are not likely to be able to meet the application standards or the minimum income requirements (as most qualifying tenants under the LIHTC program have incomes in the 50 to 60% of AMI or greater, whereas this target group is more likely to have incomes of 30% or lower). Along with this, there are additional items in the application such as employment and rental history that may hinder this population to successfully apply to occupy the units that were set-aside for them. Many are served by third party providers who offer service and financial support on an ongoing basis. It is often that an allowance of a sponsor-based rental assistance (SBRA) is needed, which without this may hinder their chances of qualifying for the units based upon their personal income. To ensure that the state's priority to realistically address the housing needs for this population the following is suggested changes to be made withing the application, funding and final cost certification process:

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HTF	Section	8-9	I. AHFA Housing Priorities and Scoring Criteria f. Limitation on Beneficiaurics or Preferences The HTF Plan allows applicants a choice of providing an MOU or a Beneficiary Plan to receive points in this category. The 15 points for providing a Beneficiary Plan should be removed/eliminated from this Plan. Any owner providing units under HTF that benefit the homeless, veteran, or disabled population should provide an MOU with a servicing organization that will be providing the necessary services to meet the various servicing needs for these populations. The 15 points should be removed to show 25 Points for providing an MOU. If owners who have received prior LIHTC awards and were awarded points for the Disabled/Homeless set-aside, chose to compete for HTF awards, they should be required to provide stand- alone MOU (separate from any previously provided on a LIHTC application). Owners should keep in mind that HTF units target those in the 0 – 30% AMI. It is essential that this population has access to professional services and that they receive the needed supports maintain a normal quality of life in the community; therefore it is essential that an MOU be a required document.
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Select Date Submitted

Name: John I. Huff Organization: John Huff Consultants, Inc. Email: huffdev@huffmgt.com Phone: 334-749-0885

Plan Section	**Section Reference**	**Page #**	**Specific Comments**
Housing Credit	II	12	The Draft QAP states that Responsible Owners of projects that received an initial allocation of Housing Credits in 2023 and are not at least 50% complete as of the application date will not be eligible to submit projects in the 2025 funding round. Housing Credit awards for 2023 Credits were announced in December 2023. Per AHFA's presentations at the QAP Hearing for the 2024 funding round, AHFA is aware that projects are currently estimated to take up to 18 months to construct. With this timing requirement, Responsible Owners would have three months to close on projects after receiving the awards, followed by nine months of construction estimated to reach 50% completion. This timeline is not feasible for projects to have construction documents created, update all applicable third-party reports, and complete all other steps necessary for closing on funding and completing the project. The timeline is made more infeasible if Rural Development funds are involved in a transfer of an existing property, as the timeline for closing on RD funding after submitting a Transfer Application is nine months at a minimum, which would allow three months for a project to reach 50% completion under perfect circumstances. The subsequent paragraph in the Draft QAP presents a similar problem, particularly making it infeasible for Responsible Owners with existing Rural Development properties to apply for Credits in the 2026 funding round should their applications be approved in the 2024 funding round.
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Select Date Submitted

Name: Tommy Wright Organization: South Central Alabama MHC Email: tommy.wright@scamhc.org Phone: 334-428-5011

Plan Section	Section Reference	Page #	Specific Comments
HOME	Point Scoring	A-7	(iv.) Tenant Needs Plan provides for 1 point to be given for those projects that provide a minimum of 5% of the dwelling units be designed and constructed to be readily accessible to individuals with mobility impairments. An Additional 2% of the dwelling units must be accessible to individuals with sensory impairments (i.e. hearing or vision impairments). Per HUD, "for a federally-assisted new construction housing project, Section 504 requires 5% of the dwelling units to be accessible for persons with mobility disabilities. An additional 2% of the dwelling units must be accessible for persons with hearing or visual disabilities. Because this is already a mandatory requirement for federally-assisted newly-constructed housing giving points in this category is a "moot point". Perhaps AHFA can replace this scoring criteria with one designed to achieve a better outcome of assisting more persons over and above the requirement (for projects pursuing HOME), or one that leads to more production of housing units in locales where there has not been new units produced for some time.
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3/5/2024

Name: Phil Ellen Organization: Paladin, Inc. Email: phillipellen@aol.com Phone: 256-490-4866

Plan Section	**Section Reference**	**Page #**	**Specific Comments**
Housing Credit	II	19	Application instructions are currently in 3 different places (QAP, manual and in the forms). Please consider consolidating to one instruction document for clariity purposes.
Housing Credit	Section		Please consider Docusign or other legal signature services for all required signatures. These services are legal and binding in the state of Alabama and using would aid all submissions to AHFA.
Housing Credit	Section		Please consider removing the change of concept fee for site plan changes after application awards. Site plans are preliminary at the time of application and are done without a topo survey or local government input. These and other factures make it nearly impossible to have a site plan that isn't modified after the initial application.
Housing Credit	I	23	Include in the definition Responsible Owner the Guarantor(s) of the project. The Guarantor is the controlling entity in the project due to the financial risk assumed for the completion of the project and should be considered part of the Responsible Owner and therefore subject to the limitation of the Housing Credit Cap. Currently it is not a requirement to list entities or individuals who provide guarantees which allows for abuse of the Credit Cap.
Housing Credit	Point Scoring	A-11	Applicant Characteristics section awards points for miniorites and women who participate in the ownership structure. CHDO projects are required to have 100% ownership by the non profit which technically has no owners and therefore cannot receive those points. If a CHDO fails to be awarded in the CHDO set aside they are at a large disadvantage competing in the general pool. The CHDO set aside is a limited amount of funds and allowing non profits to compete for the remaining funds is fair and equitable. Please provide an exemption and therefore the points from that section to 100% to non profit Responsible Owners who cannot comply with that requirement given their structure.

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3/5/2024

Name: Win Yerby Organization: Hollyhand Development, LLC Email: wyerby@hollyhand.com Phone: 2053450955

Plan Section	Section Reference	Page #	Specific Comments
Housing Credit	II	15-16	Jurisdictions receiving Community Development Bloc Grant -- Disaster Relief funds are under strict HUD time constraints to utilize the funds. These funds should be added as funding that will exempt a project from the 2-mile rule.
Housing Credit	II	15-16	Public Housing Authorities with the option often prefer to utilize Project Based Vouchers rather than RAD vouchers in redevelopment projects due to much more streamlined HUD approvals that allow for quicker financing closings. PBV vouchers should be included along with RAD and Capital Funds as exceptions to the 2-mile rule.
Housing Credit	Point Scoring	A-11	Points for Applicant Characteriistics based solely on race and gender should be reduced to 1 point and non-family employees should be eligible for the point. Allocating 5 points based solely on race and gender is excessive and effectively allocates credits based on the race and gender of the applicant rather than the quality of the project. Furthermore, if the goal is to broaden the characteristics of potential eligible applicants, parties active in the development industry should be encouraged to mentor and develop younger non-family related parties including employees who can develop experience initially via a non-majority ownership role. This section should be amended to a) reduce points to 1; b) apply only identity of interest provisions related to family relations as contained in II(G)(4)(1)(a) and c) delete the paragraph requiring 51% ownership. The new language should read: "1 Point Minorities (Asian American, Native Hawaiian, Pacific Islander, African American, Hispanic, Puerto Rican, Native American, or an Alaska Native) or women have ownership in the Ownership Entity or any Responsible Owner; and must not have an Identity of Interest defined in Section II(G) (4) (1)(a) of this QAP."

HOME	Point Scoring	A-9	Points for Applicant Characteriistics based solely on race and gender should be reduced to 1 point and non-family employees should be eligible for the point. Allocating 5 points based solely on race and gender is excessive and effectively allocates credits based on the race and gender of the applicant rather than the quality of the project. Furthermore, if the goal is to broaden the characteristics of potential eligible applicants, parties active in the development industry should be encouraged to mentor and develop younger non-family related parties including employees who can develop experience initially via a non-majority ownership role. This section should be amended to a) reduce points to 1; b) apply only identity of interest provisions related to family relations as contained in II(G)(4)(1)(a) and c) delete the paragraph requiring 51% ownership. The new language should read: "1 Point Minorities (Asian American, Native Hawaiian, Pacific Islander, African American, Hispanic, Puerto Rican, Native American, or an Alaska Native) or women have ownership in the Ownership Entity or any Responsible Owner; and must not have an Identity of Interest defined in Section II(G) (4) (1)(a) of this QAP."
Housing Credit	Point Scoring	A1	The AHFA selection of applicants under the CHDO 15% set aside in Allocation Selection paragraph 1 should not limit funding of another applicant with an otherwise sufficient qualifying score in the same county under Allocation Paragraph 2. Accordingly, both a CHDO set aside applicant and a second project could be eligible for funding in the same county based upon standard scoring.
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AHFA Draft 2025-2026 Low-Income Housing Credit Qualified Allocation Plan, 2025 HOME Action Plan, and 2025 National Housing Trust Fund Allocation Plan
Public Comment Form
Commenting Period February 8, 2024 – March 8, 2024

All comments regarding the Draft Plans must be submitted using this form by 5:00 p.m. CDT on March 8, 2024. ***Comments which include cut-and paste text (or redlined/re-worded sections) of the proposed Plans will be rejected.*** *AHFA will not respond (or seek to interpret) to suggested change in language without a complete explanation of the suggested language change.* Please provide full explanatory and careful comments regarding your proposed changes, keeping in mind that your proposed changes might have an unintended consequence for a different project or location in the state. All forms should be submitted to ahfa.mf.qap@ahfa.com as an attachment to the email. Other documentation, e.g., product information or photos, may also be submitted. All comments will be posted at www.ahfa.com for review.

3/4/2024

Name: James Crego Organization: JBS Mental Health Authority Email: jcrego@jbsmha.com Phone: 205.443.2226

Plan Section	**Section Reference**	**Page #**	**Specific Comments**
HOME	Point Scoring	A-7	iv.) Tenant Needs Plan provides for 1 point to be given for those projects that provide a minimum of 5% of the dwelling units be designed and constructed to be readily accessible to individuals with mobility impairments. An Additional 2% of the dwelling units must be accessible to individuals with sensory impairments (i.e. hearing or vision impairments). Per HUD, "for a federally-assisted new construction housing project, Section 504 requires 5% of the dwelling units to be accessible for persons with mobility disabilities. An additional 2% of the dwelling units must be accessible for persons with hearing or visual disabilities. Because this is already a mandatory requirement for federally-assisted newly-constructed housing giving points in this category is a "moot point". Perhaps AHFA can replace this scoring criteria with one designed to achieve a better outcome of assisting more persons over and above the requirement (for projects pursuing HOME), or one that leads to more production of housing units in locales where there has not been new units produced for some time.
HOME	Point Scoring	A-7	(iv.) Tenant Needs, (c.) Per the Plan, up to 2 points will be given to projects who set-aside a minimum of up to 10% of the total proposed units for tenants with disabilities or homeless populations for a minimum period of thirty (30) years. The point allowance is missing (2) for those projects who chose to set-aside a minimum of 10% of the total units for tenants with disabilities or homeless populations for a minimum of 30 years.

Housing Credit	II	16	C. Application Threshold Requirements. 15) Extended Use Period QAP States “All Projects must commit in writing to not apply for a Qualified Contract until after the 19th year of the Extended Use Period, which is 6 years after the end of the 15-Year Compliance Period. This appears to be an error. The 19th year of the Extended use period would be 4 years after the end of the 15-Year Compliance Period. *AHFA should add “end” so that it reads “…until after the end of the 19th Year of the Extended Use Period”, which will clarify that project owners cannot submit an application until the 19th year has ended.
Housing Credit	II	16	C. Application Threshold Requirements. 15) Extended Use Period QAP States “If eligible to apply, the Responsible Owner and proposed purchaser must mutually agree via a fully executed option/sales agreement to provide reasonable written notice to AHFA regarding the proposed date of sale and require all ownership information and other required documents be provided to AHFA for its review and action well in advance of the proposed sale date. Although this requirement is needed it should be referenced in the Qualified Contract Policies and Procedures. Because this is listed as a Threshold Requirement in the QAP to determine if an owner is eligible for a Qualified Contract, a more appropriate statement would be to require owners who expect to take advantage of the QC option to have a corresponding duty to maintain records necessary to allow computation of the QC price. Failure to fulfill the record-keeping requirements necessary for determining QC Price will deem the Project ineligible for consideration of a QC Request. Adding this language would be in line with the QC Policies and Procedures. It will provide adequate notice to owners (at initial allocation of credits) that retaining adequate records is a must for those who want to exercise this right in the future. It is essential for owners to maintain adequate records that enable independent Certified Public Accountants to perform correct calculations to determine QC sales pricing. The owner QC option has reduced the number of affordable housing units substantially in recent years. If an owner has failed to keep adequate records it should hinder their ability to exercise the QC option. It seems misleading to require that the proposed purchaser submit documentation at eligibility. It is rare that a proposed purchaser would be known at the time of QC submission and eligibility review. Any such requirements regarding documentation between owners and proposed sellers should

			be added to QC Policies and Procedures where those policies can be updated over time as needed.
Housing Credit	I	3	1. Housing Credits, B. Establishment of Housing Priorities Under this section the QAP states the following as one of its housing priorities: Projects that, without Housing Credits, would not likely set aside units for lower income tenants, inclusive of tenants with disabilities who are able to live independently with limited supportive services, and/or persons who are homeless. This is a commendable priority listed as 1 of 5 priorities in the AHFA QAP. It is demonstrated by your point-scoring initiative to increase housing units for this population. It is duly-noted that this increase has gone from 5% to, 7% and up to 10% over the last few years for those developers willing to set-aside units for these vulnerable population. As such, much emphasis should be placed upon accountability along with real assessments made to increase the likelihood that the intended purpose of this priority is met and those needing the housing (homeless/disabled) are able to reside in the units. Because the targeted population are homeless and/or disabled, they are not likely to be able to meet the application standards or the minimum income requirements (as most qualifying tenants under the LIHTC program have incomes in the 50 to 60% of AMI or greater, whereas this target group is more likely to have incomes of 30% or lower). Along with this, there are additional items in the application such as employment and rental history that may hinder this population to successfully apply to occupy the units that were set-aside for them. Many are served by third party providers who offer service and financial support on an ongoing basis. It is often that an allowance of a sponsor-based rental assistance (SBRA) is needed, which without this may hinder their chances of qualifying for the units based upon their personal income. To ensure that the state's priority to realistically address the housing needs for this population the following is suggested changes to be made withing the application, funding and final cost certification process: 1. Those who received points in this category should provide additional adequate documentation at reservation and/or cost certification to show that (1) They will/or have exhausted all marketing efforts to reach the Member party to the MOU (service provider), or (2) the established local and/or regional services providers that serve the disabled/homeless populations in a "reasonable time". Documentation could be in a form signed by the service provider noting that they have been contacted of available units. Owners should provide evidence of marketing and advertising to reach this

			population along with evidence of a separate waiting list (Per the Homeless/Disability Election Form). It should be made clear that regardless of who executed the MOU; if the provider does not have eligible tenants, any eligible tenant who is homeless and/or disabled can apply to occupy the units. 2. Projects with set-aside units should be readily available and easily identifiable by the general public and listed on AHFA's website along with information on how to apply for the units. 3. Ongoing efforts should be made to address the application disparities that may exist for this population (disparities such as qualifying rental and employment histories; minimum income requirements). Keep in mind that many in this population may require sponsor-based rental assistance (due to the nature of their disabilities and/or history of homelessness) to ensure that their rents are affordable. All efforts should be exhausted by owners to work with advocates, Veterans Administration, PHAs and other organizations to increase the likelihood units can be filled by intended parties for the set-aside units. Please keep in mind certain Reasonable Accommodations allowed by HUD. (For example: A person transitioning from a nursing, group home or other facility my not be able to provide prior landlord references because they have previously lived in settings that serve individuals with disabilities. Another example: Due to the nature of their disability, a person may require reasonable accommodation to allow a sponsor agency (SBRA) to help pay their rental fees).
Housing Credit	Point Scoring	A-8	(iii.) Rent Affordability (d.) Extended Use Period Per the QAP, 3 points will be given to projects that irrevocably commit in writing to forego submitting a request for Qualified Contract and to remain a Qualified Affordable Housing Project throughout the Extended Use Period (total of 30 years). AHFA should make every effort to ensure that Land Use Restrictive Covenants reflect that owners who receive points in the category have agreed to forego the request for a Qualified Contract (since this action will be 19 or more years in the future).
HTF	Point Scoring	8-9	I. AHFA Housing Priorities and Scoring Criteria f. Limitation on Beneficiauries or Preferences The HTF Plan allows applicants a choice of providing an MOU or a Beneficiary Plan to receive points in this category. The 15 points for providing a Beneficiary Plan should be removed/eliminated from this Plan. Any owner providing units under HTF that benefit the homeless, veteran, or disabled population should provide an MOU with a servicing organization that will be providing the necessary services to

			meet the various servicing needs for these populations. The 15 points should be removed to show 25 Points for providing an MOU. If owners who have received prior LIHTC awards and were awarded points for the Disabled/Homeless set-aside, chose to compete for HTF awards, they should be required to provide stand- alone MOU (separate from any previously provided on a LIHTC application). Owners should keep in mind that HTF units target those in the 0 – 30% AMI. It is essential that this population has access to professional services and that they receive the needed supports maintain a normal quality of life in the community; therefore it is essential that an MOU be a required document.
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3/6/2024

Name: Russell Griebel Organization: United Consulting Email: rgriebel@unitedconsulting.com Phone: 205-699-4484

Plan Section	**Section Reference**	**Page #**	**Specific Comments**
HOME	ENV Policy	Addendum B	AHFA has indicated in the past that it is held to more onerous environmental standards than HUD has published. We are requesting that AHFA adopt the requirements per the HUD Noise Standards and that only these standards be implemented moving forward. a. AHFA adopt the following HUD Environmental Standards: i. Permit the use of engineering and institutional controls to mitigate environmental conditions as addressed under HUD Multifamily Accelerated Processing (MAP) Guide; Section 9.4.5 (D)(1): Engineering and Institutional Controls (EC/IC): An Engineering Control is a physical measure that reduces or eliminates exposure to contamination. An Institutional Control is a non-engineered instrument, such as administrative and legal control. ICs typically limit land and/or resource use or provide information that helps modify or guide human behavior at a site. An appropriate mix of ECs such as capping and slurry walls, and ICs such as protective covenants, access restrictions and tenant and employee notification, are usually required for all RBCAs or other accepted cleanup program as approved by the LSTF authority. ii. Do not impose exterior noise standards at the property line. Per 24CFRPart 51, Subpart B; 51.103(c)(1): Exterior standards. (1) The degree of acceptability of the noise environment at a site is determined by the sound levels external to buildings or other facilities containing noise sensitive uses. The standards shall usually apply at a location 2 meters (6.5 feet) from the building housing noise sensitive activities in the direction of the predominant noise source. Where the building location is undetermined, the standards shall apply 2 meters (6.5 feet) from the building setback line

			nearest to the predominant noise source. The standards shall also apply at other locations where it is determined that quiet outdoor space is required in an area ancillary to the principal use on the site. b. Remove meeting Environmental Policy Requirements as a Threshold item: The conclusions of such assessments are based on the professional opinion of Environmental Professionals (EPs) who sign the reports. The EPs firms are licensed and insured. AHFA is provided with a reliance letter for the reports, including specific insurance requirements. If AHFA or their retained attorneys or environmental consultant(s) have a difference of opinion, all parties should be permitted to resolve the differences of opinion within an adequately allotted appeal timeframe. If AHFA is not open to removing environmental as a Threshold item, consider leaving it as Threshold relative to the identification of recognized environmental conditions (RECs), but allow for differences of opinion relative to scopes of Phase II Environmental Assessments to be addressed between the parties, or resolved by getting a third environmental professional to opine.
Housing Credit	ENV Policy	Addendum B	Same as above.
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3/6/2024

Name: Thom Amdur Organization: Lincoln Avenue Communities Email: tamdur@lincolnavenue.com Phone: 646.585.5526

Plan Section	**Section Reference**	**Page #**	**Specific Comments**
Housing Credit	II	14	We agree it is appropriate for AHFA to consider the status of recently funded projects when considering potential allocations for new projects that may be located in the same market area. However, we suggest that the ban on funding proposed projects within a 2-mile radius of existing projects that have not achieved AHFA's occupancy standards (for new construction 90% and rehabs 50%) be updated to projects of the same residency tenure. For example, a family/general occupancy development that is under construction and is not yet fully occupied should not trigger the 2 mile radius requirement if the proposed project under consideration serves an age restricted tenancy and/or a permanent supportive housing resident base. This of course assumes that demand for the proposed project is also demonstrated in the market study. AHFA may also consider reducing the 2mile radius to 1 mile in urban high demand areas.
Housing Credit	II	17	We believe it is in AHFA's interest to create a regulatory environment that encourages the most talented, experienced and best capitalized LIHTC developers to work in Alabama. We wholeheartedly agree that past successful tax credit development experience is one of the strongest indicators of the future success of an affordable housing development. We further recognize that multifamily bond developments are inherently more challenging than competitive 9% developments, largely due to the scale of these developments and the more limited subsidy available. We believe it is reasonable that AHFA limit the number of applications that a true first-time LIHTC developer can submit if they have not previously and successfully financed, developed, built, and delivered affordable units to market. We believe that AHFA's policy as drafted, which prohibits "any applicant having a single (first time AHFA funded) Multifamily

			Housing Revenue Bond Project" from submitting a first-time competitive application [9% LIHTC] until the bond project is complete, 90% occupied and having completed a 3rd party construction inspection may be appropriate for a true first-time LIHTC developers but discourages experienced developers that have yet to do work yet in Alabama from investing in infrastructure and development pipeline that would benefit the state's low income residents. We strongly encourage AHFA to give positive consideration to applicants with demonstrated LIHTC experience gained out-of-state and permit them to submit multiple applications. For context, Lincoln Avenue Communities (as well as other high-capacity developer peers) has successfully developed and delivered dozens of LIHTC and bond developments across the country in recent years. We have dedicated teams to handle all aspects of the development process including design and construction management team, financial management, asset management and a deep bench of more than 115 development and project management professionals. Furthermore, LAC works exclusively with high-capacity property management firms that have been approved to work in the state and also have a demonstrated capacity to deliver multiple projects simultaneously. LAC has been further recognized by our financial partners for our capacity to work at scale. For example, we have been vetted and designated by Freddie Mac as an Impact Sponsor. We share this resume to emphasize that some "first-time applicants" bring substantive, demonstrated experience that should deserve different treatment than the language that is currently in the QAP. Unfortunately, this year we have declined to pursue several competitive and highly impactful affordable housing development opportunities in Alabama because of the current first-time AHFA funded language in the QAP limiting us to just a single bond application. Given the current affordable housing crisis, we believe it is in the best interest of AHFA and low-income residents across the state to incentivize high-capacity developers that can demonstrate capacity to invest in the state and, when possible, to do so at scale. We recommend that AHFA waive the current first time AHFA funded language for experienced LIHTC developers. We suggest that a developer that can demonstrated that it has successfully placed in service and received 8609s at 8-10 LIHTC projects (regardless of location) over the past 3 years should give AHFA confidence of their ability to successfully manage multiple developments and at a minimum be able to submit a simultaneous competitive 9% application.

Housing Credit	II	22	Construction materials pricing and supply chain disruptions continue to be a significant challenge to financing affordable housing in Alabama. The industry is also experiencing significant inflation in the cost of insurance and land prices and building acquisition costs remain stubbornly high and labor costs are a significant barrier to financing and delivering quality affordable housing communities to the market. The compelling financial attribute of the four percent LIHTC program is the “as of right” credits that come with meeting the IRC Section 142 requirements along with the threshold requirements set forth in AHFA’s QAP. While PAB volume cap is a limited resource, the credits associated with Tax-Exempt Bond (TEB) transactions are only limited by the amount of eligible basis. This is a significant difference from the nine percent LIHTC program where the allocation of annual credit authority is capped. We recommend that AHFA take proactive steps in its QAP to maximize eligible basis at properties financed with private activity bonds and 4% LIHTCs, which in turn will generate additional tax credits and make more projects financially feasible with TEBs. From a practical perspective, increasing developer fees in a rising cost environment, as we are experiencing today, generates additional eligible basis and additional tax credit equity. This can be particularly impactful on 4% bond transactions where the LIHTCs are capped by eligible basis rather than an annual state ceiling. Maximizing developer fees, within the constraints of the tax law, regulation, and reasonable underwriting, is a proven and successful method of generating additional LIHTC eligible basis, and in turn, equity proceeds which help fill project gaps and/or reduce the need to obtain state gap financing resources. We defer a substantial portion of our developer fees to fill project gaps. We also believe it is important to acknowledge the role developer fees play in affordable housing transactions as well when you consider the appropriate fee setting mechanism. The IRS permits the inclusion of developer fees in eligible basis because these fees serve as the primary form of compensation for LIHTC developers. They pay for overhead of essential functions, including accounting, human resources, information technology, asset management, insurance and legal fees and many others. Developer fees also serve as the primary form of reimbursement for pre-development costs and resident services. Furthermore, unlike with the 9% program, there is no mechanism to provide additional supplemental allocations of LIHTCS to fill project gaps under exigent circumstances.

			We believe that a 15% developer fee for bond-financed projects is low, as compared to your peer state housing finance agencies. The following states all permit high-developer fees for TEB financed projects and include the total development costs in the fee calculations: Tennessee (25%), Oklahoma (20%), Ohio (20%), Arizona (19%) and Wisconsin (20%). We recommend the AHFA to raise the developer fee for bond financed deals from 15% of total development costs to a flat 20% of total development costs (excluding the developer fee and reserves). We further recommend that AHFA require developers of bond financed projects to defer all developer fee above 15% or at least 20% of the total developer fee, whichever is greater. Maximizing developer fees, within the constraints of the tax law, regulation and reasonable underwriting, is a proven and successful method of generating additional LIHTC equity proceeds and filling project gaps.
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3/7/2024

Name: Gary Hall Organization: Alabama Affordable Housing Association Email: ghall@hallhousing.net Phone: 334-701-9024

Plan Section	**Section Reference**	**Page #**	**Specific Comments**
General Comment	Section		AAHA appreciates the aim of the proposed two year QAP to add a greater likelihood consistency of the QAP over time and thus permit more effective planning, especially with respect to site control. However, in light of this more extended period, which may span significant economic, policy and legal changes, we believe that the AHFA has unduly constrained its ability to timely respond to such changes in conditions in Section I.E (Amendments). We suggest that you revise the existing language by adding the following (i) after "implement" add "or address" and (ii) at the end of the sentence which now concludes with "or their applicable regulations.", add: "or material changes in economic conditions, including interest rates, unemployment, inflation and commercial credit availability, the funding or lack of funding for new or existing programs, force majeure events or significant legal developments, including new state or federal legislation, court orders or changes in regulations applicable to multi-family housing or the QAP." Absent such flexibility for AHFA to respond to changing conditions, AAHA reluctantly would prefer a one year QAP.
General Comment	Section		Due to rising insurance premiums, AAHA is requesting that AHFA, (1) allow for Insurance Deductibles be up to $100,000, (2) or allow for developers to use creative measures such as Insurance Captives to help offset rising insurance premiums. Operating Budgets cannot absorb the increase and the rents cannot be raised enough to cover the costs.
Housing Credit	ENV Policy		We are requesting that AHFA adopt the requirements per the HUD Noise Standards and that only these standards be implemented moving forward. a. AHFA adopt the following HUD Environmental Standards:

			i. Permit the use of engineering and institutional controls to mitigate environmental conditions as addressed under HUD Multifamily Accelerated Processing (MAP) Guide; Section 9.4.5 (D)(1): Engineering and Institutional Controls (EC/IC): An Engineering Control is a physical measure that reduces or eliminates exposure to contamination. An Institutional Control is a non-engineered instrument, such as administrative and legal control. ICs typically limit land and/or resource use or provide information that helps modify or guide human behavior at a site. An appropriate mix of ECs such as capping and slurry walls, and ICs such as protective covenants, access restrictions and tenant and employee notification, are usually required for all RBCAs or other accepted cleanup program as approved by the LSTF authority. ii. Do not impose exterior noise standards at the property line. Per 24CFRPart 51, Subpart B; 51.103(c)(1): Exterior standards. (1) The degree of acceptability of the noise environment at a site is determined by the sound levels external to buildings or other facilities containing noise sensitive uses. The standards shall usually apply at a location 2 meters (6.5 feet) from the building housing noise sensitive activities in the direction of the predominant noise source. Where the building location is undetermined, the standards shall apply 2 meters (6.5 feet) from the building setback line nearest to the predominant noise source. The standards shall also apply at other locations where it is determined that quiet outdoor space is required in an area ancillary to the principal use on the site. b. Remove meeting Environmental Policy Requirements as a Threshold item: The conclusions of such assessments are based on the professional opinion of Environmental Professionals (EPs) who sign the reports. The EPs firms are licensed and insured. AHFA is provided with a reliance letter for the reports, including specific insurance requirements. If AHFA or their retained attorneys or environmental consultant(s) have a difference of opinion, all parties should be permitted to resolve the differences of opinion within an adequately allotted appeal timeframe. If AHFA is not open to removing environmental as a Threshold item, consider leaving it as Threshold relative to the identification of recognized environmental conditions (RECs), but allow for differences of opinion relative to scopes of Phase II Environmental Assessments to be addressed between the parties, or resolved by getting a third environmental professional to opine.
Housing Credit	II	22	Status of Previously Funded Projects - remove the requirement for previously funded projects to meet 50%

			construction complete to be eligible for competition in the next 9% tax credit round. Suggestion: Tax Credit developments must have closed construction/equity for current round eligibility. AHFA HOME deals have 180 days after receiving NEPA clearance to close construction/equity for current round eligibility.
Housing Credit	Point Scoring	A-19	Applicant Characteristics (i) states that 5 points are awarded to minorities or women who have served as a general partner or managing member of the Ownership Entity or Responsible Owner with at least a 51% ownership interest in the general partner [not the typo “general partnership”] in the ownership entity or responsible owner and must not have an Identity of Interest as defined in Section II(G) of this QAP. The Alabama Affordable Housing Association strongly supports an inclusive affordable housing industry and encourages AHFA to look for appropriate means to support and encourage participation in its programs by women and minorities within constitutional limits. However, the proposed provisions should be reconsidered. This provision for additional points based expressly upon race and sex categories appears to violate the Equal Protection Clause of the United States Constitution, as construed by the U.S. Supreme Court in Students for Fair Admissions, Inc. v. President and Fellows of Harvard College, 601 U.S. 181 (2023) (Fourteenth Amendment applies "without regard to any difference of race, of color, or of nationality". P. 206.) Similar to the affirmative action programs held unconstitutional, the AHFA provisions "lack sufficiently focused and measurable objectives warranting the use of race, unavoidably employ race in a negative manner, involve racial stereotyping, and lack meaningful end points.” P. 230. In addition, such provisions appear to conflict with Alabama’s Fiscal Responsibility and Economic Development Act 2023-409, which provides in part “no company in this state shall be required by a governmental entity to . . . establish or implement policies, procedures, guidelines, rules . . . that further social, political, or ideological interests . . . .” Sec. 4(a). The newly added language for 2025 – 26, excluding from consideration women and minorities with an identity of interest with other project participants, also discourages (and in some circumstances entirely prohibits) the involvement of family members, e.g., daughters, complicating succession planning in these highly illiquid real estate projects.
Housing Credit	II	30	Extended use period - Qualified contract 19th year extended use period, which is 4 years after the end of the 15 year compliance. Draft version shows 6 yrs in blue. AAHA believes this is typo.

Housing Credit	Point Scoring	A-14	Disability/Homeless Set Aside - AAHA is opposed to the increase to 10% in the disabled/homeless set aside. If AHFA would like to stratify the scoring in this section, AAHA suggest 1 point for 5% and 2 points for 7% disabled/homeless set aside.
Housing Credit	II	26	J.1. During plan reviews by cities, changes to the site configuration may occur to satisfy the reviewing entity. Would suggest that a change in the site configuration should not also carry with it a penalty fee if it varies from the original site plan submitted in the application so long as the overall intent of the application has been achieved.
Housing Credit	II	27	J. 3. On occasion the initial syndicator's pricing changes and another syndicator is more competitive by the time the project closes. Would suggest that changing syndicators should not be a negative action and when notifying AHFA of a change of syndicator there shouldn't be a penalty fee assessed.
Housing Credit	I	14-16	Non-refundable fees, missing or incomplete docs is currently $2000. A reasonable fee would be $1000 per occurance
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Marh 7, 2024

Name: Judy Van Dyke Organization: Vizion Driven Communities Email: judy@viziondriven.com Phone: 334-44-9494

Plan Section	**Section Reference**	**Page #**	**Specific Comments**
Housing Credit	IV		The 2025 QAP has removed Addendum E. Removing this addendum has limited AHFA's discretionery authority to accept returned 2025 low income housing tax credits and reissue 2026 or later tax credits to projects which have been unable to closed equity or place in service due to unforseen economic conditions. Construction costs and interest rates remain volitle. Projects continue to experience challenges related to this volitility. Additionally, we have seen election years drastically impact tax credit pricing, marketability and HUD regulatory environoment. AHFA staff need to retain the ability to respond to and resolve such issues quickly. Maintaining the ability to swap credit under Addendum E allows AHFA staff the tools needed to ensure full use of the tax credit allocations. Addendum E should remain in the 2025 LIHTC QAP.
HOME	IV		The 2025 QAP has removed Addendum E. Removing this addendum has limited AHFA's discretionery authority to accept returned 2025 low income housing tax credits and reissue 2026 or later tax credits to projects which have been unable to closed equity or place in service due to unforseen economic conditions. Construction costs and interest rates remain volitle. Projects continue to experience challenges related to this volitility. Additionally, we have seen election years drastically impact tax credit pricing, marketability and HUD regulatory environoment. AHFA staff need to retain the ability to respond to and resolve such issues quickly. Maintaining the ability to swap credit under Addendum E allows AHFA staff the tools needed to ensure full use of the tax credit allocations. Addendum E should remain in the 2025 HOME QAP.
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3/8/2024

Name: JasonFreeman Organization: Gateway Development Corporation Email: jfreeman@gatewaymgt.com
Phone: 256-760-9657

Plan Section	**Section Reference**	**Page #**	**Specific Comments**
General Comment	Section		Gateway appreciates the aim of the proposed two year QAP to add a greater likelihood consistency of the QAP over time and thus permit more effective planning, especially with respect to site control. However, in light of this more extended period, which may span significant economic, policy and legal changes, we believe that the AHFA has unduly constrained its ability to timely respond to such changes in conditions in Section I.E (Amendments). We suggest that you revise the existing language by adding the following (i) after “implement” add “or address” and (ii) at the end of the sentence which now concludes with “or their applicable regulations.”, add: “or material changes in economic conditions, including interest rates, unemployment, inflation and commercial credit availability, the funding or lack of funding for new or existing programs, force majeure events or significant legal developments, including new state or federal legislation, court orders or changes in regulations applicable to multi-family housing or the QAP.” Absent such flexibility for AHFA to respond to changing conditions, Gateway reluctantly would prefer a one year QAP.
General Comment	Section		Due to rising insurance premiums, Gateway is requesting that AHFA, (1) allow for Insurance Deductibles be up to $100,000, (2) or allow for developers to use creative measures such as Insurance Captives to help offset rising insurance premiums. Operating Budgets cannot absorb the increase and the rents cannot be raised enough to cover the costs.
Housing Credit	ENV Policy		We are requesting that AHFA adopt the requirements per the HUD Noise Standards and that only these standards be implemented moving forward. a. AHFA adopt the following HUD Environmental Standards:

			i. Permit the use of engineering and institutional controls to mitigate environmental conditions as addressed under HUD Multifamily Accelerated Processing (MAP) Guide; Section 9.4.5 (D)(1): Engineering and Institutional Controls (EC/IC): An Engineering Control is a physical measure that reduces or eliminates exposure to contamination. An Institutional Control is a non-engineered instrument, such as administrative and legal control. ICs typically limit land and/or resource use or provide information that helps modify or guide human behavior at a site. An appropriate mix of ECs such as capping and slurry walls, and ICs such as protective covenants, access restrictions and tenant and employee notification, are usually required for all RBCAs or other accepted cleanup program as approved by the LSTF authority. ii. Do not impose exterior noise standards at the property line. Per 24CFRPart 51, Subpart B; 51.103(c)(1): Exterior standards. (1) The degree of acceptability of the noise environment at a site is determined by the sound levels external to buildings or other facilities containing noise sensitive uses. The standards shall usually apply at a location 2 meters (6.5 feet) from the building housing noise sensitive activities in the direction of the predominant noise source. Where the building location is undetermined, the standards shall apply 2 meters (6.5 feet) from the building setback line nearest to the predominant noise source. The standards shall also apply at other locations where it is determined that quiet outdoor space is required in an area ancillary to the principal use on the site. b. Remove meeting Environmental Policy Requirements as a Threshold item: The conclusions of such assessments are based on the professional opinion of Environmental Professionals (EPs) who sign the reports. The EPs firms are licensed and insured. AHFA is provided with a reliance letter for the reports, including specific insurance requirements. If AHFA or their retained attorneys or environmental consultant(s) have a difference of opinion, all parties should be permitted to resolve the differences of opinion within an adequately allotted appeal timeframe. If AHFA is not open to removing environmental as a Threshold item, consider leaving it as Threshold relative to the identification of recognized environmental conditions (RECs), but allow for differences of opinion relative to scopes of Phase II Environmental Assessments to be addressed between the parties, or resolved by getting a third environmental professional to opine.
Housing Credit	II	22	Status of Previously Funded Projects - remove the requirement for previously funded projects to meet 50%

			construction complete to be eligible for competition in the next 9% tax credit round. Suggestion: Tax Credit developments must have closed construction/equity for current round eligibility. AHFA HOME deals have 180 days after receiving NEPA clearance to close construction/equity for current round eligibility.
Housing Credit	Point Scoring	A-19	Applicant Characteristics (i) states that 5 points are awarded to minorities or women who have served as a general partner or managing member of the Ownership Entity or Responsible Owner with at least a 51% ownership interest in the general partner [not the typo "general partnership"] in the ownership entity or responsible owner and must not have an Identity of Interest as defined in Section II(G) of this QAP. The Alabama Affordable Housing Association strongly supports an inclusive affordable housing industry and encourages AHFA to look for appropriate means to support and encourage participation in its programs by women and minorities within constitutional limits. However, the proposed provisions should be reconsidered. This provision for additional points based expressly upon race and sex categories appears to violate the Equal Protection Clause of the United States Constitution, as construed by the U.S. Supreme Court in Students for Fair Admissions, Inc. v. President and Fellows of Harvard College, 601 U.S. 181 (2023) (Fourteenth Amendment applies "without regard to any difference of race, of color, or of nationality". P. 206.) Similar to the affirmative action programs held unconstitutional, the AHFA provisions "lack sufficiently focused and measurable objectives warranting the use of race, unavoidably employ race in a negative manner, involve racial stereotyping, and lack meaningful end points." P. 230. In addition, such provisions appear to conflict with Alabama's Fiscal Responsibility and Economic Development Act 2023-409, which provides in part "no company in this state shall be required by a governmental entity to . . . establish or implement policies, procedures, guidelines, rules . . . that further social, political, or ideological interests . . . ." Sec. 4(a). The newly added language for 2025 – 26, excluding from consideration women and minorities with an identity of interest with other project participants, also discourages (and in some circumstances entirely prohibits) the involvement of family members, e.g., daughters, complicating succession planning in these highly illiquid real estate projects.
Plan	Section		
Housing Credit	Point Scoring	A-14	Disability/Homeless Set Aside - Gateway is opposed to the increase to 10% in the disabled/homeless set aside. If AHFA would like to stratify the scoring in this section, Gateway

			suggest 1 point for 5% and 2 points for 7% disabled/homeless set aside.
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3/8/2024

Name: Jennifer Adams Organization: ITEX Development Email: jennifer.adams@itexgrp.com Phone: 409 679-5323

Plan Section	Section Reference	Page #	Specific Comments
Plan	II	12	The Draft QAP states that Responsible Owners of projects that received an initial allocation of Housing Credits in 2022 or 2023 and are not at least 50% complete as of the application date will not be eligible to submit projects in the 2025 funding round for both Competitive and Noncompetitive applications. Housing Credit awards for 2023 Credits were announced in December 2023. Assuming a 2025 application intake in February 2025, similar to this year, that allows 14 months to reach the milestone. With a construction schedule of 14 to 18 months, the timeline to close within 6 to 8 months is not feasible, especially if soft funding from federal sources is part of the capital sources. These federal sources provide important leverage rewarded elsewhere in the QAP. However, these programs, such as HUD RAD and Choice Neighborhood, add additional layers of environmental clearance and funding proposal review prior to closing. Although these programs can take longer to close, they provide AHFA additional assurance that the projects are financially feasible and designed and constructed to a high quality standard. The subsequent paragraph in the Draft QAP regarding 2026 allocation presents a similar problem. We suggest that a threshold requirement to reach financial closing and construction commencement by the date of the application demonstrates sufficient progress to submit a new application.
General Comment	Section		We request that AHFA consider removing the requirement for telephone service letters as part of its application process. The use of land-line telephones is virtually non-existant and this

			letter continues to be increasingly difficult to obtain with several providers simply refusing to provide same.
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3/5/2024

Name: Joshua Latter Organization: Huntley Witmer Development, LLC Email: josh@hwdevllc.com Phone: 310.207.0882

Plan Section	**Section Reference**	**Page #**	**Specific Comments**
Housing Credit	II	17	We propose adding the HUD Green and Resilient Retrofit Program (GRRP) as an exempt funding source for applicants that have a single Multifamily Housing Revenue Bond Project. The funds are time-sensitive and must be used by a certain date. In order to meet that date, applications will need to be submitted to AHFA in 2025 and 2026.
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3/8/2024

Name: Amanda Slaton Organization: Vantage Development Email: aslaton@thevantagegroup.biz Phone: 256-601-0801

Plan Section	**Section Reference**	**Page #**	**Specific Comments**
General Comment	Section		Vantage appreciates the aim of the proposed two year QAP to add a greater likelihood consistency of the QAP over time and thus permit more effective planning, especially with respect to site control. However, in light of this more extended period, which may span significant economic, policy and legal changes, we believe that the AHFA has unduly constrained its ability to timely respond to such changes in conditions in Section I.E (Amendments). We suggest that you revise the existing language by adding the following (i) after “implement” add “or address” and (ii) at the end of the sentence which now concludes with “or their applicable regulations.”, add: “or material changes in economic conditions, including interest rates, unemployment, inflation and commercial credit availability, the funding or lack of funding for new or existing programs, force majeure events or significant legal developments, including new state or federal legislation, court orders or changes in regulations applicable to multi-family housing or the QAP.” Absent such flexibility for AHFA to respond to changing conditions, Vantage reluctantly would prefer a one year QAP.
General Comment	Section		Due to rising insurance premiums, Vantage is requesting that AHFA, (1) allow for Insurance Deductibles be up to $100,000, (2) or allow for developers to use creative measures such as Insurance Captives to help offset rising insurance premiums. Operating Budgets cannot absorb the increase and the rents cannot be raised enough to cover the costs.
Housing Credit	ENV Policy		We are requesting that AHFA adopt the requirements per the HUD Noise Standards and that only these standards be implemented moving forward. a. AHFA adopt the following HUD Environmental Standards:

			i. Permit the use of engineering and institutional controls to mitigate environmental conditions as addressed under HUD Multifamily Accelerated Processing (MAP) Guide; Section 9.4.5 (D)(1): Engineering and Institutional Controls (EC/IC): An Engineering Control is a physical measure that reduces or eliminates exposure to contamination. An Institutional Control is a non-engineered instrument, such as administrative and legal control. ICs typically limit land and/or resource use or provide information that helps modify or guide human behavior at a site. An appropriate mix of ECs such as capping and slurry walls, and ICs such as protective covenants, access restrictions and tenant and employee notification, are usually required for all RBCAs or other accepted cleanup program as approved by the LSTF authority. ii. Do not impose exterior noise standards at the property line. Per 24CFRPart 51, Subpart B; 51.103(c)(1): Exterior standards. (1) The degree of acceptability of the noise environment at a site is determined by the sound levels external to buildings or other facilities containing noise sensitive uses. The standards shall usually apply at a location 2 meters (6.5 feet) from the building housing noise sensitive activities in the direction of the predominant noise source. Where the building location is undetermined, the standards shall apply 2 meters (6.5 feet) from the building setback line nearest to the predominant noise source. The standards shall also apply at other locations where it is determined that quiet outdoor space is required in an area ancillary to the principal use on the site. b. Remove meeting Environmental Policy Requirements as a Threshold item: The conclusions of such assessments are based on the professional opinion of Environmental Professionals (EPs) who sign the reports. The EPs firms are licensed and insured. AHFA is provided with a reliance letter for the reports, including specific insurance requirements. If AHFA or their retained attorneys or environmental consultant(s) have a difference of opinion, all parties should be permitted to resolve the differences of opinion within an adequately allotted appeal timeframe. If AHFA is not open to removing environmental as a Threshold item, consider leaving it as Threshold relative to the identification of recognized environmental conditions (RECs), but allow for differences of opinion relative to scopes of Phase II Environmental Assessments to be addressed between the parties, or resolved by getting a third environmental professional to opine.
Housing Credit	II	22	Status of Previously Funded Projects - remove the requirement for previously funded projects to meet 50%

			construction complete to be eligible for competition in the next 9% tax credit round. Suggestion: Tax Credit developments must have closed construction/equity for current round eligibility. AHFA HOME deals have 180 days after receiving NEPA clearance to close construction/equity for current round eligibility.
Housing Credit	Point Scoring	A-19	Applicant Characteristics (i) states that 5 points are awarded to minorities or women who have served as a general partner or managing member of the Ownership Entity or Responsible Owner with at least a 51% ownership interest in the general partner [not the typo “general partnership”] in the ownership entity or responsible owner and must not have an Identity of Interest as defined in Section II(G) of this QAP. The Alabama Affordable Housing Association strongly supports an inclusive affordable housing industry and encourages AHFA to look for appropriate means to support and encourage participation in its programs by women and minorities within constitutional limits. However, the proposed provisions should be reconsidered. This provision for additional points based expressly upon race and sex categories appears to violate the Equal Protection Clause of the United States Constitution, as construed by the U.S. Supreme Court in Students for Fair Admissions, Inc. v. President and Fellows of Harvard College, 601 U.S. 181 (2023) (Fourteenth Amendment applies "without regard to any difference of race, of color, or of nationality". P. 206.) Similar to the affirmative action programs held unconstitutional, the AHFA provisions "lack sufficiently focused and measurable objectives warranting the use of race, unavoidably employ race in a negative manner, involve racial stereotyping, and lack meaningful end points.” P. 230. In addition, such provisions appear to conflict with Alabama’s Fiscal Responsibility and Economic Development Act 2023-409, which provides in part “no company in this state shall be required by a governmental entity to . . . establish or implement policies, procedures, guidelines, rules . . . that further social, political, or ideological interests . . . .” Sec. 4(a). The newly added language for 2025 – 26, excluding from consideration women and minorities with an identity of interest with other project participants, also discourages (and in some circumstances entirely prohibits) the involvement of family members, e.g., daughters, complicating succession planning in these highly illiquid real estate projects.
Housing Credit	II	30	Extended use period - Qualified contract 19th year extended use period, which is 4 years after the end of the 15 year compliance. Draft version shows 6 yrs in blue. Vantage believes this is typo.

Housing Credit	Point Scoring	A-14	Disability/Homeless Set Aside - Vantage is opposed to the increase to 10% in the disabled/homeless set aside. If AHFA would like to stratify the scoring in this section, Vantage suggest 1 point for 5% and 2 points for 7% disabled/homeless set aside.
Housing Credit	II	26	J.1. During plan reviews by cities, changes to the site configuration may occur to satisfy the reviewing entity. Would suggest that a change in the site configuration should not also carry with it a penalty fee if it varies from the original site plan submitted in the application so long as the overall intent of the application has been achieved.
Housing Credit	II	27	J. 3. On occasion the initial syndicator's pricing changes and another syndicator is more competitive by the time the project closes. Would suggest that changing syndicators should not be a negative action and when notifying AHFA of a change of syndicator there shouldn't be a penalty fee assessed.
Housing Credit	I	14-16	Non-refundable fees, missing or incomplete docs is currently $2000. A reasonable fee would be $1000 per occurance
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3/8/2024

Name: Dana Sarris Organization: Independent Email: _____ Phone: _____

Plan Section	**Section Reference**	**Page #**	**Specific Comments**
General Comment	Compliance	A-6	The current draft of AHFA'S Design Quality Standards and Construction Manual places undue emphasis on brick construction. This section states that new construction projects will only be awarded full points if projects have "full brick/cementious siding" / minimum of 40% brick construction (multifamily) / minimum 50% brick construction (single-family). Updating these guidelines to allow builders to use more modern and cost-efficient materials will greatly improve the impact of & stretch dollars spent on new housing construction.
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March 8, 2024

Name: Jay Williams Organization: LIHCA Email: jayw@collaborative-solutions.net Phone: 204-939-0411

Plan Section	Section Reference	Page #	Specific Comments
Housing Credit	Establishment of Housing Priorities	3	We commend AFHA for including disabled individuals in your housing priorities, however, all disabled individuals, regardless of their level of support needs should be a priority. Not providing this population access to affordable, community living opportunities is in direct opposition to the 1999 Olmstead ruling which affirmed the rights of disabled people to live and access services in community, regardless of how extensive the services they need are. It also held that public entities have a legal obligation to serve people with disabilities in the most integrated setting possible. Given that disabled people experience the highest rates of housing discrimination and are most likely to be priced out of housing or experience homelessness, not prioritizing Housing Credit allocations for properties that provide disabled people robust supportive services continues the history of unnecessary institutionalization and segregation of disabled people. According to Data from the Alabama Select Network Inc., as of December 1, 2023, there are 1,530 individuals with disabilities under the age of 65 residing in nursing homes and 426 disabled individuals who are eligible for the Alabama Community Transitions Waiver but are not utilizing them because of the severe deficit of supportive, affordable community-integrated housing in Alabama. We urge you to reconsider your stance that the LIHTC program was not designed for disabled people who need more than limited supportive services, given that LIHTC is the primary funding source for new affordable housing units.
Housing Credit	Tenant Needs	A-8	AHFA places people with disabilities and people experiencing homelessness in the same category. Although there is overlap

			in these populations, there are distinct unmet needs of disabled people who use supportive services (who are not yet unhoused but are at risk). We recommend separating these populations in the scoring criteria so that a developer can get 2 points for a 10% set aside for set-aside for people with disabilities and 2 points for a 10% set aside for people experiencing homelessness for a total of 4 points. Additionally, if an owner commits to setting aside and filling 15%, 20%, or 25% of their units with qualified tenants from the identified populations, a higher point value should be assigned to their project. This would also require adding more points to the tenant needs section, which we are strongly in favor of because this section is substantially undervalued. Points could easily be reduced in other sections, primarily the applicant characteristic section. Whether an applicant is a minority or a woman does not increase the likelihood that they will be better housing providers or that they will provide robust resident services that are necessary to tenant retention in affordable housing developments. AFHA's priority should be tenant representation, not developer representation.
Housing Credit	Tenant Needs	A-8	Require evidence of due diligence to lease units set aside for disabled/homeless individuals before they are made available to the general public and extend the time to 60 days. We learned in our community engagement process that many accessible units are not going to disabled individuals because either the marketing strategy is failing or housing providers and public entities need more time to go through their waitlist and find the tenants that need the unit the most. There should be explicit marketing guidelines, referral partners and rubrics to ensure that developers who are taking advantage of these points are doing everything within their power to house disabled individuals.
Housing Credit	Tenant Needs	A-9	We recommend that AHFA incentivize projects that go beyond the minimum accessibility requirement of FHAA. Currently, FHAA does not adequately meet the accessibility needs of people with disabilities, therefore by incentivizing greater access, AHFA funded homes will be more accessible to the diverse needs of Alabama's residents. This type of incentive can be codified by AHFA awarding points to projects that meet The Kelsey design standards at either the Silver/Gold/Platinum level and/or all units meet the American National Standards Institute (ANSI) Type A accessibility standards and/or provide twice the number of accessible and audio/visual units as

			required by Section 504. See attachments for District of Columbia's QAP language.
Housing Credit	Tenant Needs	A-8	AFHA should encourage developments that provide robust supportive services to tenants with disabilities, homeless individuals, and families with young children which will ensure housing success, retention of residents, and will improve health outcomes. This will help connect residents to federally and state funded Home and Community Based Services (HCBS). HCBS helps individuals through providing support in household tasks (e.g. cooking, cleaning, budgeting, etc.) or helping people integrate with the community (e.g. transport to outside appointments, job placement and coaching, etc.). Without these services an individual would likely be forced to live in a congregate setting such as a hospital, group home, or homeless shelter. These services, funded through the Medicaid waiver program In-Home Supportive Services (IHSS) and other programs, explicitly support people with disabilities' protected right to receive self-directed services in their homes in community-based settings. Without service coordination and case management within the residential community, some residents may not be able to tap into these programs to have the confidence to live independently.
Housing Credit	Location	A-11	The use of the language "unsatisfactory" is unclear and will allow developers to circumvent sidewalk accessibility. If a wheelchair or stroller cannot access the site or the surrounding services and amenities then the application should be rejected because the development would violate the Americans with Disabilities Act..
Housing Credit	Minimum Building Standards	C-10	Current parking requirements are cost prohibitive and may go unused for urban infill projects; projects that are better for the residents because they are close to grocery, libraries, public transportation and medical services. Birmingham car ownership rates are half the rest of the state and the City of Birmingham is planning to eliminate parking minimums in the following months. AHFA should follow suit and also provide parking requirements that do not inadvertently push affordable housing away from services so that people need a car. Furthermore, there are only 2 types of housing projects mentioned in this QAP - family and seniors - while enabling more disability inclusive housing, definitions and their appropriate parking minimums should be addressed.
Housing Credit - Design Quality Standards and Construction Manual	Application Threshold Requirements	14	Section 504 of the Rehabilitation Act (5% mobility/ 2% sensory units) should be a requirement, not just an incentive, considering the severe deficit of affordable, accessible housing in the state. Even though this requirement would not resolve

			the deficit, it is a critical step that many state housing finance agencies have already taken. 26% of states, including Texas, Georgia, and North Carolina have not only proven the feasibility of this requirement, but also that it is cost neutral when integrated into design early. Alabama should join these states and continue to lead in the South's ability to finance housing that more effectively meets the needs of the growing number of disabled people and older adults.
Housing Credit	Application Threshold Requirements	15	The requirement for having projects to have a 2 mile distance in between them should not apply to urban infill sites. Birmingham has a population density of 20 times the rest of Alabama. Urban sites with access to strong amenities within walking or a quick bus ride should be incentivized, not prohibited through the 2 mile radius rule.
Housing Credit - General Comment			Allow points for additional sources of new funds, including philanthropic funds, or provide owners with guidance as to what criteria AHFA would require for other sources to qualify for points. Said sources being grants or other favorable financing products an owner seeks out or is able to obtain on their own. With limited resources and high costs of building affordable housing, AHFA can consider incentivizing developers who use a diverse set of funding mechanisms.
Housing Credit - General Comment			Currently, AL does not allow income averaging, which is a critical tool through the Low Income Housing Tax Credit to finance more deeply affordable homes. We urge the allowance of income averaging to ensure that more mixed-income communities are built, which can create more access to those with the lowest incomes and essential workforce housing.
Housing Credit - General Comment			Incentivize renovation projects by providing an additional points to those that increase the number of accessible units, as defined under the Uniform Federal Accessibility Standards. On average less than 5% of the nation's housing stock is accessible to people with mobility and sensory disabilities. Therefore, Alabama's affordable housing shortage is also an acute *accessible*, affordable housing shortage. Moreover, 22% of extremely low-income renter households are disabled, and 23% are seniors. Not only is there a high need for accessible homes, but research continues to prove that a majority of AL residents want to age in place, and it is more cost-effective to do so. Without accessible homes, residents are at higher risk for institutionalization and homelessness. Therefore, AHFA can take leadership and ensure that the housing, both new construction and renovated, is accessible to all eligible residents, including seniors and people with disabilities. With AHFA's leadership in incentivizing increased accessibility, the

			affordable housing industry will be able to better meet the growing needs of the state's extremely low and low-income residents. AHFA will also be able to award projects innovating the state's affordable housing market.
Housing Credit & Home - General Comment			Tenants need more clarification and transparency on what unit they can apply for with their voucher. Accessible Alabama has developed a calculator to help eligible individuals determine whether a rental unit meets the financial criteria for subsidy by the Housing Authority of the Birmingham District. This model could easily be replicated by AFHA.
Housing Credit & Home - General Comment			The language used in the public comment process does not provide equal access to all public members. For a majority of people outside of the affordable housing developer field, the content is virtually impossible. In order to provide equitable access to members of the public, we recommend that AHFA provide plain language executive summaries of each year's QAP and HOME plans. Plain language is proven to be extremely effective in creating more access to people with disabilities, English language learners,and people who may have lower reading levels. Moreover, as a result of creating plain language summaries everyone benefits.
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3/8/2024

Name: Jake Ramsey Organization: Ramsey Ventures, LLC Email: Jake@ramseyventures.net Phone: (256) 577-5044

Plan Section	**Section Reference**	**Page #**	**Specific Comments**
Housing Credit	Section		With the removal of Addendum E from the 2025/26 QAP, the recommendation is that AHFA provide a means to request and exchange housing credits under certain circumstances. With funding sources that require longer lead times to close being much more common in the financing of awarded developments and continued challenges with even longer lead times related to all things required to get to closing, AHFA needs the ability to consider situations out of the control of awardees and have an easy solution to resolve such issues. Without the creation of a new provision, Addendum E should be reinstated in some form in the 2025/26 LIHTC QAP.
Housing Credit	II	15-16	Community Development Bloc Grant Disaster Relief funds must be expended by PJ's in a very short time frame. In order for those funds to be utilized in conjuction with AHFA funds to help create affordable housing, applications that include commitments for those funds should, like other similar special funding included in this section, be exempted from the 2-mile Radius Requirement.
General Comment	Point Scoring	A-1	Non-profit agencies that meet the requirements to be considered a CHDO are typically limited to participation in a specific area. THerefore, CHDO applications that are awarded should not count against the 1 award per county maximum, particularly if it can be shown that the second developmet proposed would not impact the market of the awarded CHDO development due to a distance greater than 5 miles.
General Comment	Point Scoring	A-11	While everyone should agree that minority-owned and women-owned businesses should be incentivized to participate in the ownership of affordable housing, the 5-point award for that participation eclipses other very important scoring criteria that has a greater impact on the quality and likelihood of sucesss of a development. Those 5 points may very well provide a means for a developer to receive an award

			in a county over another development that has the financial and other support of a municipality simply because that developer was able to buy the "participation" of a minority-/women-owned entity or set up a qualifying employee to be arranged as such, whereby the minority- or women-owned business might only benefit in a nominal way. Furthermore, this large of a point award discourages the participation of entities that are not able to qualify, such as non-profits that cannot meet the definition due to their required ownership structure. Please consider reducing the scoring for minority- and women-owned business participation in the ownership role from 5 points to 1 point. The additional 1 point should sufficiently incentivize minority- and women-owned business participation without being such a large determining factor for an award. Also, please consider creating an alternative means for non-profit companies to be awarded these points; ie. having 50% or more of its Board of Directors comprised of minorities and/or women.
Housing Credit	Point Scoring	A-7	The section "(iii) Rent Affordability" has a stated maximum of 16 points. However, the stated maximums of the a, b, c and d subcategories wthin that section total only 13 points. The stated maximum 5-points in the (a) subcategory should be increased to 8 points or the entire section maximum reduced to 13.
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Select Date Submitted

Name: Ann Marie Rowlett Organization: Rowlett & Company, LLC Email: annmarie@thebennettgrp.net Phone: 334-758-8405

Plan Section	**Section Reference**	**Page #**	**Specific Comments**
Housing Credit	I	3	Establishment of Housing Priorities: Due to the lack of new construction of affordable housing in rural parts of the state, AHFA should consider encouraging development in counties which have not had any new affordable development in 5, 10, 15 or 20 years. They could do this by giving points on a sliding scale for such developments. This would help in acheiving balanced distribution of Houing Credits and HOME funds throughout the state in terms of geographical regions.
Housing Credit	II	23	AHFA should consider adding another category for designating one or more buildings in a project to receive an increase in the Eligible Basis if the project is located in one of the rural counties that recieves points (recommended above). The boost could be given to those projects proposed in areas of the state that have had no new construction of affordable housing in the past 5-20 years, even if the project is not located in a census tract designated as a QCT or DDA. Making projects work financially is much harder in very rural areas of the state where area median incomes are extremely low and therefore the rents need to be low as well. Having this boost would definitely allow these developments the opportunity to pencil out financially where they would not otherwise.
Housing Credit	Point Scoring	A-3	Consider adding to the tie breakers owner's/projects proposing a new construction project in a rural county that receives points (recommended above).
Housing Credit	Point Scoring	A-3	Consider adding to the tie breaker owner's/projects that propose to do more than the required amount of homeless/disabled units . Example: set-aside 15% of the total units for homeless/disabled tenants and receive 2 points.
Housing Credit	Point Scoring	A-8	Consider adding points under project type to include points given to new construction projects located in rural counties that have had no new LIHTC/HOME developments in the past 5-20 years, scoring on a sliding scale. For example: 5 years - 1

			point, 10-years - 2 points, 15 years - 3 points and 20 years - 4 points.
Housing Credit	Point Scoring	A-10	Neighborhood Services points should be removed, replaced, or distances should be extended in rural areas of the state for new construction and rehab projects. There are large portions of the state which are rural and have seen a decrease in services and amenities. This affects rehab projects in those areas particularly. Holding the rehab of an existing AHFA rural project to the same standards as others located in metropolitan areas is not feasible. There are communities that need affordable housing desperately but cannot receive funding because of scoring related to distances to services. These small communities often doen't even have doctor's office or hospitals or pharmacies and banks. These services may be located in another town. If the purpose of the AHFA is to provide affordablel housing to as much as the population of Alabama as possible, I feel that there is a large section that is not being served simply due to the location.
Housing Credit	Point Scoring	A-10	Consider removing negative services points for rehabs of existing AHFA LIHTC/HOME funded developments. The projects were built and are where they are. There is no way to pick up and move these developments. These negative services may have been in place when the project was built and approved by AHFA or could have been built or opened since the development has existed. Negatively impacting these developments for somethinig out of the owner's control seems unreasonable.
Housing Credit	Point Scoring	A-11	Consider making an exception to the point deduction for the condition of streets and sidewalks for proposed rehab of an existing AHFA funded project so long as the streets and sidewalks in question are not located on the subject site.
General Comment	Section		Utility Letters for Application: AHFA should consider removing ther requirement for telephone letters or making this an optional letter. The wide use of cell phones, even with older persons, has made land line phones mostly obsolete. The effort that it takes to try and obtain a telephone letter has become cumbersome and in some instances impossible.
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3/8/2024

Name: Doug Turner Organization: self Email: douglas.turner@icloud.com Phone: 2052226639

Plan Section	Section Reference	Page #	Specific Comments
Housing Credit	Point Scoring	A-1	In allocation selection criteria #2 (as well as other portions of the QAP), AHFA is continuing its policy of restricting awards to 1 per county. Alabama counties range in population from almost 700,000 to fewer than 8,000. As the state is allocated credit-issuing capacity based on its total population, this rule seems counterproductive in providing affordable housing to population centers. Very small counties could benefit from a special set-aside to assist properties that agree to charge the most affordable rents. The "one project per county" idea, though has surpressed many applications from more populous counties that have the greatest number of families needing affordable housng. Understandable, AHFA does not receive sufficient resources to meet the affordable houisng need in Alabama. This county-level standard has been in place too long and a more robust examination of need and feasibility could better allocate these precious resources.
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3/8/2024

Name: Connie Hill Organization: GIrls Inc. of Central Alabama Email: chill@girlsinccentral-al.org Phone: 205-599-5542

Plan Section	Section Reference	Page #	Specific Comments
Housing Credit	DQS	71-73	Please revise design specs to allow for most cost-effective options at no loss of effieciency. Example - sq ft
General Comment	Point Scoring	4	Additional weight should be given to urban areas. No tax credits were awarded to Jefferson or Shelby County last year.
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3/8/2024

Name: James Roberts Organization: City of Mobile Email: James.Roberts@CityofMobile.org Phone: 251-208-6291

Plan Section	Section Reference	Page #	Specific Comments
Housing Credit	II	15	Jurisdictions receiving Community Development Block Grant-Disaster Recovery funds are under strict time constraints to utiltize the funds. Please exempt project applications from the 2-mile rule when the application is within a jurisdiction that has been awarded CDBG-DR funds, either by HUD or ADECA.
Housing Credit	Point Scoring	A-1	Areas that receive CDBG-DR funds have been designated by HUD as an area of greatest need and/or an area most impacted by the storms the funding derived from. Please allow more than one 9% housing tax credit project per county in a single year for locations that have been awarded CDBG-DR funds, either by ADECA or HUD, within a rolling 6 year time frame. This will allow those areas to recover more quickly by leveraging funding for more units in a quicker time frame.
Housing Credit	Point Scoring	A-1	Nearly 20% of the State of Alabama population is located within its two largest counties. The population of the largest city within each county is so great that HUD has designated each as an entitlement city for CDBG and eligible participating jurisdiction for HOME. The county population is so great within these counties than when removing the population of the HUD designated entitlement cities within them, the counties still qualify as a HUD designated Urban County. This causes many competitng applications within both the entitlement city and urban county of the same county that could both potentially outscore other locations within the State. Please adjust the language of the QAP so that it treats HUD designated entitlement cities that are a HUD HOME Program

			Participating Jurisdiction and are also located within an Urban County as a separate county for the purpose of the one approved project per county housing tax credit award in a single year restriction.
HOME	Point Scoring	A-1	There are chances that a much lesser scored CHDO application can potentially beat a high scoring non-CHDO application within the same county in any given year. Please adjust the language and scoring criteria so that being a CHDO applicant is a 3-point scoring component insead of being listed as an outright preference.
Housing Credit	II	14	Applications from developers where the site location is located in an unincorporated area, but within a HUD entitlement city planning or police jurisdiction can have a major impact on the city even though not technically within the City Limits. Also, many times these areas are later annexed into the city. Please add language that applicants for projects located in unincorporated areas of a county, but within a HUD entitlement city police or planning jurisdiction, be required to obtain a Certification of Consistency with Consolidated Plan completed by an authorized official of the entitlement city.
Housing Credit	Point Scoring	A-1	In recent years HUD has been allocated HOME Program funds where the authorizing legislation removed the requirement for the CHDO set-aside of 15% by reducing it to 0%. While the most recent occurance happened due to the pandemic, this waiver is also very common in years when a disaster strikes areas. Please add language that removes the CHDO preference and any scoring related to CHDO preference for HOME fund years where the set-aside requirement has been removed by HUD.
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March 8, 2024

Name: Hunter Herrera-McFarland Organization: The Kelsey Email: hunter@thekelsey.org Phone: 510-421-4056

Plan Section	Section Reference	Page #	Specific Comments
Housing Credit	Establishment of Housing Priorities	3	We commend AFHA for including disabled individuals in your housing priorities, however, all disabled individuals, regardless of their level of support needs should be a priority. Not providing this population access to affordable, community living opportunities is in direct opposition to the 1999 Olmstead ruling which affirmed the rights of disabled people to live and access services in community, regardless of how extensive the services they need are. It also held that public entities have a legal obligation to serve people with disabilities in the most integrated setting possible. Given that disabled people experience the highest rates of housing discrimination and are most likely to be priced out of housing or experience homelessness, not prioritizing Housing Credit allocations for properties that provide disabled people robust supportive services continues the history of unnecessary institutionalization and segregation of disabled people. According to Data from the Alabama Select Network Inc., as of December 1, 2023, there are 1,530 individuals with disabilities under the age of 65 residing in nursing homes and 426 disabled individuals who are eligible for the Alabama Community Transitions Waiver but are not utilizing them because of the severe deficit of supportive, affordable community-integrated housing in Alabama. We urge you to reconsider your stance that the LIHTC program was not designed for disabled people who need more than limited supportive services, given that LIHTC is the primary funding source for new affordable housing units.
Housing Credit	Tenant Needs	A-8	AHFA places people with disabilities and people experiencing homelessness in the same category. Although there is overlap

			in these populations, there are distinct unmet needs of disabled people who use supportive services (who are not yet unhoused but are at risk). We recommend separating these populations in the scoring criteria so that a developer can get 2 points for a 10% set aside for set-aside for people with disabilities and 2 points for a 10% set aside for people experiencing homelessness for a total of 4 points. Additionally, if an owner commits to setting aside and filling 15%, 20%, or 25% of their units with qualified tenants from the identified populations, a higher point value should be assigned to their project. This would also require adding more points to the tenant needs section, which we are strongly in favor of because this section is substantially undervalued. Points could easily be reduced in other sections, primarily the applicant characteristic section, which is weighed too heavily.
Housing Credit	Tenant Needs	A-8	Require evidence of due diligence to lease units set aside for disabled/homeless individuals before they are made available to the general public and extend the time to 60 days. We learned in our community engagement process that many accessible units are not going to disabled individuals because either the marketing strategy is failing or housing providers and public entities need more time to go through their waitlist and find the tenants that need the unit the most. There should be explicit marketing guidelines, referral partners and rubrics to ensure that developers who are taking advantage of these points are doing everything within their power to house disabled individuals.
Housing Credit	Tenant Needs	A-9	We recommend that AHFA incentivize projects that go beyond the minimum accessibility requirement of FHAA. Currently, FHAA does not adequately meet the accessibility needs of people with disabilities, therefore by incentivizing greater access, AHFA funded homes will be more accessible to the diverse needs of Alabama's residents. This type of incentive can be codified by AHFA awarding points to projects that meet The Kelsey design standards at either the Silver/Gold/Platinum level and/or all units meet the American National Standards Institute (ANSI) Type A accessibility standards and/or provide twice the number of accessible and audio/visual units as required by Section 504. See attachments for District of Columbia's QAP language.
Housing Credit	Tenant Needs	A-8	AFHA should encourage developments that provide robust supportive services to tenants with disabilities, homeless individuals, and families with young children which will ensure housing success, retention of residents, and will improve

			health outcomes. This will help connect residents to federally and state funded Home and Community Based Services (HCBS). HCBS helps individuals through providing support in household tasks (e.g. cooking, cleaning, budgeting, etc.) or helping people integrate with the community (e.g. transport to outside appointments, job placement and coaching, etc.). Without these services an individual would likely be forced to live in a congregate setting such as a hospital, group home, or homeless shelter. These services, funded through the Medicaid waiver program In-Home Supportive Services (IHSS) and other programs, explicitly support people with disabilities' protected right to receive self-directed services in their homes in community-based settings. Without service coordination and case management within the residential community, some residents may not be able to tap into these programs to have the confidence to live independently.
Housing Credit	Location	A-11	The use of the language “unsatisfactory” is unclear and will allow developers to circumvent sidewalk accessibility. If a wheelchair or stroller cannot access the site or the surrounding services and amenities then the application should be rejected because the development would violate the Americans with Disabilities Act..
Housing Credit	Minimum Building Standards	C-10	Current parking requirements are cost prohibitive and may go unused for urban infill projects; projects that are better for the residents because they are close to grocery, libraries, public transportation and medical services. Birmingham car ownership rates are half the rest of the state and the City of Birmingham is planning to eliminate parking minimums in the following months. AHFA should follow suit and also provide parking requirements that do not inadvertently push affordable housing away from services so that people need a car. Furthermore, there are only 2 types of housing projects mentioned in this QAP - family and seniors - while enabling more disability inclusive housing, definitions and their appropriate parking minimums should be addressed.
Housing Credit - Design Quality Standards and Construction Manual	Application Threshold Requirements	14	Section 504 of the Rehabilitation Act (5% mobility/ 2% sensory units) should be a requirement, not just an incentive, considering the severe deficit of affordable, accessible housing in the state. Even though this requirement would not resolve the deficit, it is a critical step that many state housing finance agencies have already taken. 26% of states, including Texas, Georgia, and North Carolina have not only proven the feasibility of this requirement, but also that it is cost neutral when integrated into design early. Alabama should join these states and continue to lead in the South’s ability to finance

			housing that more effectively meets the needs of the growing number of disabled people and older adults.
Housing Credit	Application Threshold Requirements	15	The requirement for having projects to have a 2 mile distance in between them should not apply to urban infill sites. Birmingham has a population density of 20 times the rest of Alabama. Urban sites with access to strong amenities within walking or a quick bus ride should be incentivized, not prohibited through the 2 mile radius rule.
Housing Credit - General Comment			Allow points for additional sources of new funds, including philanthropic funds, or provide owners with guidance as to what criteria AHFA would require for other sources to qualify for points. Said sources being grants or other favorable financing products an owner seeks out or is able to obtain on their own. With limited resources and high costs of building affordable housing, AHFA can consider incentivizing developers who use a diverse set of funding mechanisms.
Housing Credit - General Comment			Currently, AL does not allow income averaging, which is a critical tool through the Low Income Housing Tax Credit to finance more deeply affordable homes. We urge the allowance of income averaging to ensure that more mixed-income communities are built, which can create more access to those with the lowest incomes and essential workforce housing.
Housing Credit - General Comment			Incentivize renovation projects by providing an additional points to those that increase the number of accessible units, as defined under the Uniform Federal Accessibility Standards. On average less than 5% of the nation's housing stock is accessible to people with mobility and sensory disabilities. Therefore, Alabama's affordable housing shortage is also an acute *accessible*, affordable housing shortage. Moreover, 22% of extremely low-income renter households are disabled, and 23% are seniors. Not only is there a high need for accessible homes, but research continues to prove that a majority of AL residents want to age in place, and it is more cost-effective to do so. Without accessible homes, residents are at higher risk for institutionalization and homelessness. Therefore, AHFA can take leadership and ensure that the housing, both new construction and renovated, is accessible to all eligible residents, including seniors and people with disabilities. With AHFA's leadership in incentivizing increased accessibility, the affordable housing industry will be able to better meet the growing needs of the state's extremely low and low-income residents. AHFA will also be able to award projects innovating the state's affordable housing market.
Housing Credit & Home - General Comment			Tenants need more clarification and transparency on what unit they can apply for with their voucher. Accessible Alabama

			has developed a calculator to help eligible individuals determine whether a rental unit meets the financial criteria for subsidy by the Housing Authority of the Birmingham District. This model could easily be replicated by AFHA.
Housing Credit & Home - General Comment			The language used in the public comment process does not provide equal access to all public members. For a majority of people outside of the affordable housing developer field, the content is virtually impossible. In order to provide equitable access to members of the public, we recommend that AHFA provide plain language executive summaries of each year's QAP and HOME plans. Plain language is proven to be extremely effective in creating more access to people with disabilities, English language learners,and people who may have lower reading levels. Moreover, as a result of creating plain language summaries everyone benefits.

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3/8/2024

Name: Patti Adams Organization: Rainbow Housing Assistance Corporation Email: padams@rainbowhousing.org
Phone: (786) 288-3227

Plan Section	**Section Reference**	**Page #**	**Specific Comments**
Housing Credit	Point Scoring	A-8	(iv.)Tenant Needs. Consider offering a points category to applicants who commit to provide enhanced resident services through services providers with a Certified Organization for Resident Engagement and Services (CORES) Certification and commitment to maintaining the certification throughout the Compliance Period.
HOME	III	5	Consider qualifying eligible service providers for "Projects that promote healthy living and tenant quality of life by providing tenant services such as blood pressure screening, CPR and first aid training, promoting nutrition and healthy eating, budget counseling and various other quality of life services" through certifications such as Certified Organization for Resident Engagement and Services (CORES).
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AHFA Draft 2025-2026 Low-Income Housing Credit Qualified Allocation Plan, 2025 HOME Action Plan, and 2025 National Housing Trust Fund Allocation Plan
Public Comment Form
Commenting Period February 8, 2024 – March 8, 2024

All comments regarding the Draft Plans must be submitted using this form by 5:00 p.m. CDT on March 8, 2024. ***Comments which include cut-and paste text (or redlined/re-worded sections) of the proposed Plans will be rejected.*** *AHFA will not respond (or seek to interpret) to suggested change in language without a complete explanation of the suggested language change.* Please provide full explanatory and careful comments regarding your proposed changes, keeping in mind that your proposed changes might have an unintended consequence for a different project or location in the state. All forms should be submitted to ahfa.mf.qap@ahfa.com as an attachment to the email. Other documentation, e.g., product information or photos, may also be submitted. All comments will be posted at www.ahfa.com for review.

3/8/2024

Name: Natalie Bennie Organization: Independent Email: _____ Phone: _____

Plan Section	**Section Reference**	**Page #**	**Specific Comments**
General Comment	Point Scoring	A-6	The current draft of AHFA's 2025-2026 QAP Point Scoring System places undue and dated emphasis on the use of brick in new construction projects. The plan specifies that "a minimum of 40% of each building, defined as the exterior façade from furnished grade elevation to eave line, shall be brick." This does not account for advances in construction materials that are of equal or better quality and lower cost than brick. Removing this restriction will encourage more developers to create new and affordable housing at an even lower cost and will strech the impact of dollars spent on new construction.
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3/8/2024

Name: David Morrow Organization: WDM, L.L.C. Email: davidm@morrowrealty.com Phone: 205-759-5781

Plan Section	**Section Reference**	**Page #**	**Specific Comments**
General Comment	Section		We appreciate the aim of the proposed two year QAP to add a greater likelihood consistency of the QAP over time and thus permit more effective planning. However, in light of this more extended period, which may span significant economic, policy and legal changes, we believe that AHFA may have constrained its ability to timely respond to such changes in conditions. We suggest that AHFA allow for changes in economic conditions, including interest rates, unemployment, inflation and commercial credit availability, the funding or lack of funding for new or existing programs, force majeure events or significant legal developments, including new state or federal legislation, court orders or changes in regulations applicable to multi-family housing or the QAP. Underwriting would need the flexibility to change from each year to assure project feasibility. Therefore, we prefer a one year QAP.
General Comment	Section		Due to rising insurance premiums and fewer options in the insurance market, we request that AHFA, (1) allow for Insurance Deductibles be increased to a minimum of $50,000 up to $100,000; and (2) allow for developers to use creative measures such as Insurance Captives to help offset rising insurance premiums. Operating Budgets cannot absorb the insurance increases and the rents cannot be raised enough to cover the costs.
Housing Credit	II	22	Status of Previously Funded Projects Please remove the requirement for previously funded projects to meet 50% construction complete to be eligible for competition in the next 9% tax credit round. Recommendation: Tax Credit only developments must have closed construction/equity for current round eligibility. AHFA HOME deals have 90-180 days after receiving NEPA clearance to close construction/equity for current round eligibility.
Housing Credit	Point Scoring	A-19	Applicant Characteristics (i) states that 5 points are awarded to minorities or women who have served as a general partner

			or managing member of the Ownership Entity or Responsible Owner with at least a 51% ownership interest in the general partner [not the typo "general partnership"] in the ownership entity or responsible owner and must not have an Identity of Interest as defined in Section II(G) of this QAP. This is contrary to all other federal and state programs which have owner or contractors having an identity of interest. We strongly support an inclusive affordable housing industry and encourage AHFA to look for appropriate means to support and encourage participation in its programs by women and minorities within constitutional limits. Increasing the credit caps for minority or women owned entities could be an alternative. Other states have instituted a owner minority preference to only remove it in later years due to legal concerns. We recommend AHFA find more appropriate alternatives. Non-profits and CHDO's are also limited to received such points and there is no real effective method for providing them the points that would be fair and equal to applying to all applicants. Mutiple counsel have indicated that a provision for additional points based expressly upon race and sex categories appears to violate the Equal Protection Clause of the United States Constitution, as construed by the U.S. Supreme Court in Students for Fair Admissions, Inc. v. President and Fellows of Harvard College, 601 U.S. 181 (2023) (Fourteenth Amendment applies "without regard to any difference of race, of color, or of nationality". P. 206.) Similar to the affirmative action programs held unconstitutional, the AHFA provisions "lack sufficiently focused and measurable objectives warranting the use of race, unavoidably employ race in a negative manner, involve racial stereotyping, and lack meaningful end points." P. 230. In addition, such provisions appear to conflict with Alabama's Fiscal Responsibility and Economic Development Act 2023-409, which provides in part "no company in this state shall be required by a governmental entity to . . . establish or implement policies, procedures, guidelines, rules . . . that further social, political, or ideological interests . . . ." Sec. 4(a). The newly added language for 2025-26 excludes from consideration women and minorities with an identity of interest with other project participants discourages and entirely prohibits from a practical standpoint of receiving point priorities the involvement of family members (including women and minorities), complicating succession planning in these highly illiquid real estate projects.
Housing Credit	Point Scoring	A-14	Disability/Homeless Set Aside

			We request that AHFA keep the 7% in the disabled/homeless set aside. If AHFA would like to stratify the scoring in this section, we suggest 1 point for 5% and 2 points for 7% disabled/homeless set aside. Alternatively, AHFA could lower the vacancy length to hold units open to 15 days.
Housing Credit	II	26	J.1. Changes of the plans from the original submission are always going to happen either due to unexpected soils conditions or reviews by cities and counties. We request relief from a change penalty fee if it varies from the original site plan submitted in the application so long as the overall intent of the application has been achieved.
Housing Credit	Point Scoring		Please provide point preferences (i) in areas where the housing is the most expensive and affordable housing needs are highest such as in areas with higher cost relative to other other areas and (ii) in areas where there is the highest job growth. Census.gov and onthemap.ces.census.gov are good resources for such information.
General Comment	Section		We suggest increasing the basis in census tract areas that are adjacent to QCT areas or within a certain mile radius of an QCT or any rural designated areas to open up better sites so as to avoid property bid wars and sites with bad site conditions. It allows QCT sites to grow as well.
Housing Credit	II	23	G.2)(i) By allowing the applicant to request the increase in Eligible Basis at application, the applicant would be better able to present a true picture of the financial structure of the deal to AHFA. The increase in basis is needed to add additional credits to make it financially feasible up front in application as it requires more resources due to overall increased costs so it is requested AHFA to increase the 100% basis of the computed credits and up to 130% basis boost for projects. We also request that AHFA make the determination on increase in Eligible Basis at the time of allocation of credits to the project and reserve the right to adjust the increase prior to construction loan closing to make the project financially feasible.
HOME	IV	18	IV.C.10) 9) Applications submitted in other Participating Jurisdictions. We request AHFA consider state HOME loan applications from for other nonprofit applicants on a site located in a Participating Jurisdiction if a local HOME loan commitment from the Participating Jurisdiction is included in the AHFA application. Otherwise, the resources of the PJ cannot be utilized in the development or be a benefit to AHFA by using less state HOME or tax credit resources. This would allow for more combined funding sources and allow PJs to spend their HOME funds on adding new housing rather than on a few

			houses or supplementing other operating agency budgets so that housing is actually built. After meeting CHDO set aside requirements, it would help better utilize HOME funds to allow other nonprofit applicants to be eligible due to the amount of resources needed to make projects financially feasible unless other provisions are taken.
Housing Credit	ENV Policy		We request that AHFA adopt the requirements per the HUD Noise Standards.
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