All comments regarding the Draft Plans must be submitted using this form. General Comments may be submitted at the bottom of the form. ***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](mailto: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.

8/4/2020

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| **Plan Section** | **Section Reference** | **Page #** | **Specific Comments** |
| Plan | IV | 18 | Environmental studies should not be a Threshold item. The conclusions of such assessments are based on the professional opinion of environmental professionals who sign the reports. AHFA is provided reliance for the reports in accordance with AHFA 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 timeframe. The current penalty structure is such that there is incentive for AHFA and their representative(s) to have a difference of opinion, or request for additional information, even if it is not material to the conclusions of such environmental reports. If AHFA is not open to removing environmental as a Threshold item, consider leaving it as Threshold relative to the identificaiton of recognized environmental conditions (RECs), but allow for differrences of opinion relative to scopes of Phase II Environmental Assessments to be addressed between the parties. |
| Plan | ENV Policy | B-1 | "…….Alabama Department of Environmental Management (“ADEM”) under  Alabama Administrative Code regulation 335-15-1.02(ddd) (with the sole exception that AHFA will  permit the use of an institutional control prohibiting the use of groundwater for potable or irrigation purposes  in instances where the water is supplied by a utility)." This "sole exception" language contradicts the allowance for vapor mitigation systems as detailed on page B-3. Also, please consider allowing vapor mitigation systems on HOME projects, vs. Tax Credits only. |
| Plan | ENV Policy | B-7 | Based on the laguage in this section (including the language "….or soils with hydric components on the soils map…"), most every site applying for funding across the State requires a JD from the Army Corps of Engineers. In 2020, due to the volume of JD submittals associated with AHFA projects, Corps personnel indicated that they could not meet the demand. Corps personnel indicated they may contact AHFA regarding this policy requirement. In communication with AHFA staff previously, staff suggested starting due diligence earlier to meet the Corps demand. But the AHFA policiy indicates fieldwork must be done within 180 days, unless a JD already exists. Consider allowing JD submittals outside of this 180 day window. This should not be an issue, as JDs are typically valid for 5-years. Further, requiring a JD just because a soils map has a mapped soil component that is hydric, is excessive. |
| Plan | ENV Policy | B-7 | The QAP indicates that a Project Site (including intergral offsite development areas) cannot contain wetlands, streams, lakes, …". This requirement severly limits opportunities for site selection, without providing real protection for wetlands and other aquatic resources. Further, this requirement is much more stringent than HUD rules. We would like to propose the following language: "AHFA discourages the selection of sites that contain wetlands, streams, lakes, or other water bodies (which also includes waters of the United States). If wetlands or other waters are identified or suspected on a site (suspected wetlands/waters as defined below), then a wetland delineation must be perfomed by a qualified consultant. A copy of the wetland delineation report must be included in the application. Further, a preliminary jurisdictional determination request must be submitted to the U.S. Army Corps of Engineers (USACE) prior to application. A copy of the JD submittal must also be included in the application. The limits of wetlands and other waters must be clearly shown on the proposed site plan. No impacts to wetlands or other waters is allowed except as required for site access or for utility connection (such as sewer connection). If such impacts are proposed, an application (typically a preconstruction notification or PCN) for the appropriate permit must be prepared and submitted to the USACE. A copy of the permit request must be included with the application. Any written approval/denial received from the USACE must be provided to AHFA. Such documentation must be provided to AHFA prior to award. If wetlands or other waters are located on the site, those areas must be protected with a restrictive covenant or conservation easement (RC/CE). A draft copy of the RC/CE must be provided to AHFA prior to award and must be filed in the project county within 90 days following award. A copy of the final recorded document must be provided to AHFA." |
| Plan | ENV Policy | B-9 | AHFA interprets exterior noise requirements to be at the property line. This is not consistent with HUD.  We request that AHFA adopt HUD Guidelines for exterior noise requirements. This would mean that only outdoor areas designated for recreation (such as patios, picnic areas, balconies, etc.) would be subject to the 65 dB threshold for acceptability. Further, AHFA requires less than 65 dB, but HUD says < or = 65 dB. Please consider this </= criteria.  For Housing Credit applications, the QAP indicates "….mitigating measures SHOULD be incorporated into the project to the FULLEST EXTENT PRACTICABLE."  It is not clear why these words are capitalized. Please add clarrifying language to explain the meaning. It is critical to understand when what applies, and how, as this is a Threshold item. |
| Plan | ENV Policy | B-1 | To meet Alabama Department of Environmental Managements definition of unrestricted residential use, per ADEM, soils require remediation to Environmental Protection Agency published Regional Screening Levels (RSLs). These are ultra conservative standards, and were not developed by EPA as cleanup standards, but rather screening standards. ADEM has a risk based approach for developing safe residential cleanup standards. ADEM also allows engineering and institutional controls on residential properties. HUD accepts this approach. The current QAP language seems to have a potential unintended consequence, where some communities with the greatest need for affordable housing have properties not being eligible for AHFA funding. Changes need to be made to allow for risk based corrective actions and both engineering and institutional controls, or these communities are going to be left behind. Of particular note is allowing more flexibility using the ADEM Voluntary Cleanup Program (VCP). In the end, if a property is enrolled and completes the VCP process under ADEMs purview, the applicant receives limitation of liability (LOL) protections for the conditions present. These LOL protections can also extend to AHFA. The VCP allows for calculation of risk based cleanup levels, and engineering and institutional control implementation for residential end uses. It allows for a combination of approaches to develop healthy and safe residential and non-residential properties. Please consider these changes to allow for more properties to qualify for potential funding. Its what some areas in Alabama need. |
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