

AHFA 2021 Draft HOME Action Plan, Low-Income Housing Credit Qualified Allocation Plan,
and National Housing Trust Fund Allocation Plan
Public Comment Form
Commenting Period July 2, 2020 – August 20, 2020

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.gap@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.

8/20/2020

Name: Willie B. McMahand, Jr. Organization: Anniston Housing Authority Email:
wmcmahand@annistonhousing.org Phone: 256-236-1575

Plan Section	Section Reference	Page #	Specific Comments
Housing Credit	ENV Policy	B1	The Environmental Policy should be amended to read that the environmental report "must sufficiently demonstrate that all environmental conditions associated with the project are appropriate for residential use as defined by the Alabama Department of Environmental Management ("ADEM") including use of institutional and engineered controls as reviewed and approved by ADEM." Under the current QAP, projects are required to meet Alabama Department of Environmental Managements definition of unrestricted residential use and, 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 to meet safety standards for residential properties and HUD accepts this approach for purposes of HUD financed projects. The current QAP language results in an unintended consequence of disadvantaging many Alabama communities with the greatest need for affordable housing by making them ineligible for AHFA funding. The Environmental Policy should permit risk based corrective actions and both engineering and institutional controls that have been reviewed and approved by ADEM. The AHFA Environmental Policy should permit funding for for properties that utilize 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 through this program. These LOL protections can also extend to the AHFA to the extent that

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Willie "Sonny" McMahon, Jr.
Executive Director

August 20, 2020

Alabama Housing Finance Authority

To Whom It May Concern:

As Executive Director of the Anniston Housing Authority I am writing to request consideration of future decisions that are made by the Alabama Housing Finance Authority on Engineer Solutions that are recommended by Alabama Department of Environmental Management (ADEM).

The Anniston Housing Authority is on the forefront of the effort to redevelop our City and provide quality new housing opportunities for Anniston residents. As is well known, the City of Anniston is facing complex challenges due to an environmental legacy created many years ago. Ensuring that new developments meet rigorous environmental standards is mandatory and a shared priority of the Anniston Housing Authority as well as by HUD. Many of these neighborhoods were subject to unjust environmental impacts decades ago and are now struggling to recover. New projects would be feasible under HUD and federal standards if appropriate institutional and engineered solutions would be permitted by the Alabama Housing Finance Authority. Accordingly, we understand the need for scrutiny of environmental factors.

There are sites in the City of Anniston where extensive additional soil testing was conducted and a Voluntary Cleanup Plan has been accepted by the Alabama Department of Environmental Management (ADEM). AHFA should permit such institutional solutions at least on 4% bond transactions. We urge the Alabama Housing Finance Authority to consider engineered solutions that are reviewed and approved by ADEM.

Our ability to access Alabama Housing Finance Authority resources is essential to our efforts to redevelop the City of Anniston. We recognize that the Alabama Housing Finance Authority certainly can choose to impose standards higher than those required by HUD or the federal government or make the policy decision to only fund projects in so-called "greenfield" sites. However, at a minimum, these standards should be defined in concise ways that avoids discretionary second guessing. Allowing engineered solutions approved by ADEM will address this concern. We are willing to work in partnership with the Alabama Housing Finance Authority to provide new affordable housing in the Anniston area.

I urge the Alabama Housing Finance Authority consider our request.

Sincerely,

Willie "Sonny" McMahon, Jr.
Executive Director



CITY OF ANNISTON
P.O. Box 2168 ANNISTON, AL 36202

OFFICE OF THE MAYOR
JACK DRAPER

TELEPHONE (256) 236-7691
EMAIL: JDRAPER@ANNISTON.AL.GOV

June 18, 2020

Mr. David C. Young
Multifamily Administrator
Alabama Housing Finance Authority
7460 Halcyon Pointe Drive, Suite 200
Montgomery, AL 36117

Re: Engineered Environmental Solutions

Dear Mr. Young:

As Mayor of the City of Anniston, I am writing to request that the Alabama Housing Finance Authority permit funding for affordable residential projects with environmental conditions that utilize engineered solutions that have been reviewed and approved by the Alabama Department of Environmental Management.

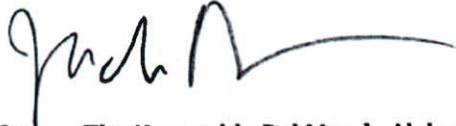
The City of Anniston, like many cities in our state, has a heritage that includes industrial and manufacturing activities. Unfortunately, whether by negligence or intentional misconduct, environmental problems often resulted from these activities and the impacts were felt in adjoining neighborhoods. These neighborhoods were often lower-income, working class neighborhoods, and many were predominantly minority communities. As a result, these communities are now struggling to redevelop but these efforts are hampered or barred by the environmental conditions that were created decades ago.

Redevelopment is vitally important and the City of Anniston has not abandoned these neighborhoods and neither should the State of Alabama. Cities like Anniston need to be able to access the resources made available by the Alabama Housing Finance Authority to support such efforts. However, by barring use of engineered solutions to environmental conditions, the AHFA has essentially redlined many of our neighborhoods and areas of our City by making redevelopment financially unfeasible in many cases.

The City of Anniston certainly does not want any residents to be housed in complexes with unsafe conditions but a rule that a site can only receive AHFA resources if it is essentially a greenfield site is not a realistic policy for cities such as the City of Anniston. The AHFA should rely on ADEM to determine appropriate standards to allow for residential endues, including a full range of engineered solutions. If ADEM has thoroughly reviewed a proposed engineered solution and approved it for residential use, AHFA should rely on this approval and not withhold critical AHFA funding for residential redevelopment projects. Since HUD and other federal agencies do permit such redevelopment with engineered solutions, such residential uses should be appropriate for the AHFA.

I request that the AHFA amend its Qualified Allocation Plan to permit appropriate flexibility in the use of engineered solutions.

Sincerely,

A handwritten signature in black ink, appearing to read "Sonny McMahon", with a long, sweeping horizontal stroke extending to the right.

Cc: The Honorable Del Marsh, Alabama State Senate
Sonny McMahon, Anniston Housing Authority