## AHFA 2022 Draft Low-Income Housing Credit Qualified Allocation Plan, HOME Action Plan, and National Housing Trust Fund Allocation Plan Public Comment Form Commenting Period July 28, 2021 – August 27, 2021

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 <a href="mailto:ahfa.mf.qap@ahfa.com">ahfa.mf.qap@ahfa.com</a> as an attachment to the email. Other documentation, e.g., product information or photos, may also be submitted. All comments will be posted at <a href="mailto:www.ahfa.com">www.ahfa.com</a> for review.

## 7/28/2021

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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 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.
Plan	ENV Policy	B9	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.  For Housing Credit applications, the QAP indicates  "mitigating measures should should be incorporated into the project to the fullest extent practicable."  Please add clarrifying language to explain the meaning of "should" and "fullest extent practicable." It is critical to

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			understand when what applies, and how, as this is a Threshold item.
Plan	Section	B1	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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