

## **2025 QAP DRAFT PUBLIC COMMENT SUMMARY**

SUMMARY OF PUBLIC COMMENT. The public comment period was held September 20, 2024, to October 11, 2024, to receive stakeholders comment on the new proposed sections. Comment was received from **54** commenters as listed below:

(1) Jim Sari, (2) Housing Authority of the City of Brownsville, (3) Stewardship Properties, (4) JCM Ventures, (5) LeadingAge Texas, (6) National Church Residences, (7) O-SDA Industries, (8) Kittle Properties, (9) NRP Group, (10) Blazer, (11) Robbye Meyer, (12) Antonio Williams, (13) Marie Allen, (14) Caroline Hurst, (15) Reagan Brown, (16) True Casa, (17) Rural Rental Housing, (18) National CORE, (19) TALHFA, (20) Danco, (21) Plano Community Homes, (22) Representative Erin Elizabeth Gámez , (23) cdc, (24) MRE Capital, (25) Sullivan PLLC, (26) Enterprise Community Partners, (27) State Senator José Menéndez, (28) TAAHP, (29) Stewardship Development, (30) Pivotal, (31) Purple Martin Real Estate, (32) Alyssa Carpenter, (33) The Brownstone Group, (34) Arx Advantage, (35) Harris 284 Team, (36) Foundation Communities, (37) Structure Development, (38) Resolution Companies, (39) Insurance Institute for Business & Home Safety, (40) Javelin Development Partners, (41) Generation Housing Partners, (42) City of Austin, (43) Robbye Meyer, (44) City of San Antonio, (45) DMA Companies, (46) State Senator Morgan LaMantia, (47) Texas Housers, (48) Vault Consulting, (49) TIFHC, (50) Mountain West Housing, (51) Oaklake Community Housing Development, (52) Texas Network of Youth Services, (53) Brompton Community Housing Development Corporation, (54) SuperUrban Realty

It should be noted that in the interest of brevity, some of the more extensive comments received have been summarized significantly. However, copies of all comments received have the commenter's number denoted, are all available on the Department Website.

### **§11.1(d)(125)(B)(ii) Definitions - Supportive Housing**

COMMENT SUMMARY: Commenter 36 provided recommended language for Supportive Housing developments regarding the 30 SF per unit of Common Area requirement. The suggested language allows the space to be used for resident amenities in addition to supportive services and excludes property management offices and interior corridors.

STAFF RESPONSE: Staff appreciates Commenter 36 support of this item regarding the requirement for 30 SF per unit of Common Area for Supportive Housing developments. Staff concurs with the suggestion to include resident amenities as an allowable use for the Common Area and a responsive change has been made to this extent.

Regarding excluding property management offices and interior corridors from Common Area, Staff does not currently review architectural plans to this specificity, and would recommend in future Roundtables to discuss increasing this 30 SF per unit requirement if this added language does not have the intended outcome.

### **§11.1(e) Data**

COMMENT SUMMARY: Commenter 32 is requesting that Neighborhoodscout data be accepted at the time of the Full Application instead of the Pre-Application Delivery Date. Commenter 32 states now that Neighborhoodscout is not part of the Tie Breaker, the documentation submission should be consistent with the rest of the Full Application process.

STAFF RESPONSE: Staff appreciates Commenter 32's suggestion to create consistency among the Application in regard to the acceptance of data. Staff will make a responsive change.

### **§11.3(b) Two Mile Same Year**

COMMENT SUMMARY: Commenters 6, 21, 42, and 44 support the proposed language in the 2025 QAP Draft, which prioritizes At-Risk over Regional Pools in the Two-mile Same Year rule.

STAFF RESPONSE: Staff appreciates Commenter 6, 21, 42, and 44 for their support on this change regarding the prioritization of At-Risk in the Two-mile Same Year rule.

### **§11.4(c) Tax Credit Request, Award Limits, and Increase in Eligible Basis**

COMMENT SUMMARY: Commenter 40 requests 4% applications proposing new construction in low-poverty areas automatically qualify for a 30% Boost in eligible basis. Commenter 40 believes that this change would increase new construction in the 4% program.

STAFF RESPONSE: Staff acknowledges Commenter 40's suggestion allowing new construction 4% projects in low-poverty areas to qualify for the 30% Boost in Eligible Basis. Staff believes that this change is not allowable given federal regulation that limits under what criteria 4% transactions may qualify for the boost in Eligible Basis.

### **§11.5(3)(A) – At-Risk Set-Aside**

COMMENT SUMMARY:

Commenter 27 suggests the proposed language in this section appears to be in conflict with 2306.6702. Commenter 27 states that the provision as drafted seems to eliminate eligible USDA-financed applications from competing as an At-Risk Development and appears to restrict certain subsidies from At-Risk when they are specifically listed as a qualifying subsidy in statute. Commenter 25 finds the proposed language highly concerning, and believes it will have a negative impact on rural Texans.

Commenters 5, 6, and 21 support the additional language proposed in in §11.5(3)(A).

Commenters 17 and 43 states that the proposed language in §11.5(3)(A) is inconsistent with state statute. Commenter 43 believes that the new language acts to treat one subsidy source differently than other subsidy sources listed under At-Risk, which diverts from the plain language of the statute. Commenter 43 recommends that if TDHCA wants to limit an applicant from trying to complete in both At-Risk and USDA set-asides, then TDHCA may limit an applicant through the application by choosing the set-aside to compete under. Commenter 43 recommends that the proposed changes be struck from the final QAP and allow the industry to work through the upcoming 2025 legislative session.

Commenter 32 states the proposed language in §11.5(3)(A) has unintended consequences of preventing an application that legitimately qualifies for both USDA and At-Risk to be funded in At-Risk. Commenter 32 provides suggested language to be added after the proposed changes in the 2025 QAP Draft.

Commenters 5, 6 and 21 support the additional language proposed in §11.5(3)(B)(ii). Commenters 6 and 21 suggest extending the eligible contract expiration date from 2 years after July 31 of the year the Application is submitted to 5 years.

Commenters 17 and 43 do not support the proposed language in §11.5(3)(B)(ii) and recommend the removal of the suggested language. Commenter 17 states it is in direct conflict with state statute. Commenter 43 states this language has never been necessary in the past and could have unintended consequences.

Commenters 17, 19, 27, 34, and 43 all suggest that the Department should allow the industry and advocates handle any clarification of the At-Risk set aside in the 2025 legislative session.

#### STAFF RESPONSE:

Staff acknowledges the concerns of 17, 19, 25, 27, 32, 34, and 43 regarding the proposed changes to At-Risk Set-Aside. Several responsive revisions have been made. Staff has removed the proposed language in §11.5(3)(A) and §11.5(3)(B)(ii). Staff will revisit these topics following the 2025 legislative session and further discussion at the 2026 QAP roundtables.

Staff appreciates the suggestion of Commenter 43 to instead limit Applicants that qualify for both the USDA and At-Risk set-asides from competing in both through the application by choosing the set-aside to compete under. A responsive revision has been made to §11.5(3)(A) to allow this.

In regard to Commenters 5,6, and 21, Staff appreciates support of the draft language but believes the responsive revisions will be effective while preventing any unintended consequences. Staff recommends discussing these items further at the 2026 QAP Roundtable Discussions.

#### **§11.6(3)(C)(vi) Award Recommendation Methodology – Limitations on Supportive Housing Awards in Certain Regions**

COMMENT SUMMARY: Commenter 42 does not support the proposed rule of limiting Urban and Rural subregions that do not contain a county with a population of at least 2,500,000 to one Supportive Housing award per cycle. Commenter 42 recommends that two or more Supportive Housing be eligible for an award in such regions.

STAFF RESPONSE: Staff acknowledges Commenter 42's recommendation to increase the number of Supportive Housing Applications allowed to compete in subregions that do not contain a county with a population of at least 2,500,000. Staff believes that with the point advantage allotted to supportive housing developments, this change is necessary to ensure a diverse array of target populations in all subregions.

### **§11.7 Tie Breaker Factors**

COMMENT SUMMARY: Commenters 32 and 37 both believe that features under §11.7(2)(A) should be able to qualify for multiple categories instead of just meeting the condition of one feature. Commenter 32 provided suggested language that requires local municipality approval for two or more features in the same location by Full Application Deadline. Commenter 37 states that proposed language is counterintuitive and does not benefit residents. Commenter 40 recommends adding back the Poverty Rate Tiebreaker from the 2023 QAP as the first tiebreaker. Commenter 47 suggests adding urgent care facilities as a fifth tiebreaker option.

STAFF RESPONSE: Staff acknowledges Commenter 32, 37, 40, and 47's suggestions to the Tie-Breaker Factors section. Staff believes that administering this item will be greatly simplified if each amenity counts in only one category and will refrain from allowing them to qualify in multiple categories. Staff appreciates Commenter 40 and 47's suggestion to include additional items in the Tie-breaker, but does not believe adopting these changes is necessary at this time.

### **§11.7(2)(A)(i) Tie Breaker Factors – Parks**

COMMENT SUMMARY: Commenter 32 suggests clarifying language regarding admission fees in the Parks Tie Breaker Factor. The recommended language is to address parks that could be disqualified for charging admission on certain sections of the park, such as a pool, but not the entirety of the park itself.

STAFF RESPONSE: Staff appreciates Commenter 32's suggestion to revise language in the Tie-Breaker regarding the disqualification of parks that charge admission from being used. Staff has made a responsive change to the item.

### **§11.6(3)(C)(iv) HUD Choice Neighborhood**

COMMENT SUMMARY: Commenters 2, 22, and 46 all express support of lowering the population threshold of the HUD Choice Neighborhood program from 950,000 to 750,000.

STAFF RESPONSE: Staff appreciates the support from Commenter 2, 22, and 46 regarding the lowering the population threshold of the HUD Choice Neighborhood program from 950,000 to 750,000.

### **§11.6(5) Credit Returns Resulting for Force Majeure Events**

COMMENT SUMMARY: Commenter 6 has requested additional language in regards to Force Majeure. Commenter 6 states that there are many surprises and issues out of developer control that cause delays for closing and that the Board should allow discretion on extenuating circumstances.

STAFF RESPONSE: Staff acknowledges Commenter 6's suggestion for providing additional language to allow for issues out of the developer's control in regards to Force Majeure. Staff does not believe this change is necessary, and believes the Applicant can submit a waiver if these circumstances arise.

### **§11.9(b) Competitive HTC Selection Criteria**

COMMENT SUMMARY: Commenter 39 encourages the Department to consider creating point items for resilience housing construction. Commenter 39 states resilient construction is necessary in response to the number of severe weather and natural disasters the state of Texas has endured.

STAFF RESPONSE: Staff appreciates Commenter 39's suggestion to include language and point items related to resilient construction methods. Staff believes this is too significant of a change to make at this time as it could drastically impact the cost of prospective 2025 Applications. Staff recommends discussing these items at the 2026 QAP Roundtable Discussions.

### **§11.9(b)(3) Quantity of Low-Income Units**

COMMENT SUMMARY: Commenters 3, 4, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 20, 24, 28, 30, 31, 32, 33, 34, 35, 37, 38, 41, 48, 49, 50, 51, 53, and 54 believe that points for quantity of low income units is unattainable with the current fixed credit maximum, which requires greater need for limited property tax exemptions and soft funding. Commenters 3, 4, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 20, 24, 28, 30, 31, 32, 33, 34, 35, 37, 38, 41, 48, 49, 50, 51, 53, and 54 suggest that the percentage increase for this item be lowered to 4% and 6% for 1 and 2 points respectively. Commenters 3 states that they prefer to leave the property taxes in place in order

to support the communities that are servicing the project. Commenters 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 20, 24, 28, 30, 31, 32, 33, 34, 35, 37, 38, 41, 48, 49, 50, 51, 53, and 54 cite that high construction and insurance costs, high interest rates, and a drop in equity pricing, have made it difficult to produce increased unit counts.

Commenters 17, 28, 34, 38, 45 cite additional issues that developers encounter when trying to reduce costs for construction to create greater unit counts. Commenters 17, 28, 34, 45 discuss a need to rely on the availability of soft funding or tax-exemptions when this was not as common as in prior years.

Commenter 29 opposes the quantity of low income units point item and urges TDHCA to abolish it. Commenter 29 cites a shortfall in their recent project and the lack of other funding sources to help fill it. Commenter 29 suggests that TDHCA could further its goal of maximizing the states dollars by working with cities and counties to provide gap funding.

Commenters 31, 41, and 45 state a desire by the applicant community to increase production of units, but the new language is problematic and challenging for financial feasibility.

Commenter 40 strongly encourages TDHCA to remove this point item as it will result in the further decline of housing quality. Commenter 40 states that this item forced developers to seek out high poverty and high crime areas.

Commenter 45 suggests the removal of this point item until it can be discussed further for the 2026 QAP. Commenter 45 has provided data that purports an increasing percentage of Elderly and Supportive Housing population, and projects a decreasing share of General population projects.

STAFF RESPONSE: Staff appreciates Commenter 3, 4, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 20, 24, 28, 30, 31, 32, 33, 34, 35, 37, 38, 41, 48, 49, 50, 51, 53, and 54's suggestion to lower the percentage increase for this item to 4% and 6% for 1 and 2 points respectively. Staff concurs that a decrease may be appropriate, but disagrees that the thresholds should be lowered to this extent. A revision has been made to decrease thresholds to 9% and 18%. Staff acknowledges the concerns around the current economic environment, the increasing needs for scarce soft funding, and the commenters that wish for this item to be removed in its entirety. Staff maintains its conclusion that this item is necessary in some form to ensure an appropriate number of Low-Income units are produced for Texans in 2025.

#### **§11.9(c)(4) Section 811 Project Rental Assistance Program (811 PRA) and Residents with Special Housing Needs**

COMMENT SUMMARY: Commenters 17 and 34 have concerns with this item specifically for rural areas where homeless service providers are lacking. Commenters 17 and 34 state that they were once exempt from this requirement and that having to hold units available for 6 months before being able to lease for other residents can be financially problematic for

developments. Commenters 17 and 34 request that USDA applications be exempt from this point category until appropriate coordinating agencies are available for rural developments to work with.

Commenter 47 recommends an update to the special needs populations to better reflect the special needs populations in statute. Commenter 47 has provided a list of these special needs populations, pointing out that statute includes two target populations; youth aging out of foster care and youth experiencing homelessness, should be added to this section.

#### STAFF RESPONSE:

Staff acknowledges Commenter 17 and 34's concerns regarding financial implications but is hesitant to make exclusions that will reduce this item's potential coverage. Staff recommends no change, but will monitor the impact of the language in the subsequent round and recommends discussing this further at the 2026 QAP Roundtable Discussions.

Staff appreciates Commenter 47's suggestion to expand the list of special needs populations to include youth aging out of foster care and youth experiencing homelessness. Because of the QAP requires providing a preference in admissions to Special Needs Populations, staff does not believe that including these groups in the scoring item is allowable under current Federal statute for Developments containing federal funding (which many LIHTC applications do), absent a specific federal funding source allowing such an age preference.

### **§11.9(c)(6) Underserved Area**

COMMENT SUMMARY: Commenter 34 appreciates the changes to Underserved area with the attempt to broaden the areas to allow more development.

Commenter 44 appreciates the modification to this section that lowers the last award serving the same population in a given census tract from 30 years to 20 years. Commenter 44 states that this aligns both with the reality of site scarcity we are seeing and with the cadence of the scoring in the section.

Commenter 47 expressed minor concern with reducing the year threshold in item (C) from 30 to 20 as it will slightly weaken the provision while increasing the number of points. Commenter 47 suggests that if the goal is to make more areas eligible for underserved points, the clause "...that serves the same Target Population as the proposed Development" from items (C) and (F) could be added to other scoring items in the category.

Commenter 47 supports the new 5-point item for high income tracts as it allows for more concentration of HTC units in high-opportunity areas. Commenter 47 also states that this change will increase the number of areas eligible for underserved points.

STAFF RESPONSE: Staff appreciates the support from Commenter 34, 44, and 47 regarding the changes to Underserved Area. Staff acknowledges Commenter 47's concerns regarding the "weakening" of the item and will monitor impacts in 2025.

#### **§11.9(c)(7)(A) Proximity to Jobs**

COMMENT SUMMARY: Commenters 42 and 44 oppose widening the proximity to jobs radius to 5 miles, citing that it undermines the policy intent of the scoring item and is an unrealistic reflection of true access to job opportunities. Commenter 44 states that they previously opposed the expansion of the radius from 1 to 2 miles. Commenter 44 states that nearly anywhere within a large city is 5 miles from 10,000 jobs.

Commenter 47 appreciates staff reducing the increase in the distance between the development and jobs needed for points for rural areas from the Staff Draft. Commenter 47 is concerned that the more than doubled radius for urban areas in item (A) is still too large. Commenter 47 recommends a smaller increase, one mile like the rural increase, citing that a smaller increase will continue to encourage the placement of affordable housing near places of employment while opening additional areas for points

STAFF RESPONSE: Staff acknowledges Commenter 42, 44, and 47's concerns regarding widening the proximity to jobs radius and will monitor this item accordingly in the 2025 Application Round. Staff has not recommended a change at this time but encourages further discussion on the matter at upcoming Governing Board meetings and the 2026 QAP Roundtable Discussions.

#### **§11.9(c)(7)(C) Access to Jobs**

COMMENT SUMMARY: Commenter 44 supports the inclusion of additions that ensure a paved walkway between the development site and a nearby transit stop. Commenter 44 also supports the requirements for the sidewalk to consist of smooth hard surfaces, curb ramps, and market pedestrian crossings.

Commenter 47 strongly supports the added language to ensure that properties do not get credit for proximity to public transit without being fully accessible to anyone who needs it.

STAFF RESPONSE: Staff appreciates the support from Commenters 44 and 47 for this item regarding additions to the language that ensure a paved walkway between the development site and a nearby transit stop.

#### **§11.9(d)(7) Concerted Revitalization Plan (CRP)**

COMMENT SUMMARY: Commenter 1 suggests that points for this item should be available to new construction in rural markets. Commenter 1 proposes that we mirror the requirements for

urban Concerted Revitalization Plans for rural in the new language as it will level the playing field and ensure an equal distribution of state resources.

In order to provide a “level playing field” for urban At-Risk developments, Commenter 32 proposes that (B) be revised to also include Rehabilitation developments in the At-Risk Set-Aside.

STAFF RESPONSE: Staff appreciates Commenter 1 and 32’s suggestions regarding the Concerted Revitalization Plan point item. Staff is open to changes related to the Concerted Revitalization Plan scoring item, but recommends bringing this item to the 2026 QAP Roundtable discussions given that there is not sufficient time to discuss the implications of this change for the 2025 Application Round.

#### **§11.9(e)(1) Financial Feasibility**

COMMENT SUMMARY: Commenter 34 supports the changes to financial feasibility scoring and related requirements in the threshold section.

STAFF RESPONSE: Staff appreciates Commenter 34’s support for this item around changes to the financial feasibility point item.

#### **§11.9(e)(4) Leveraging of Private, State, and Federal Resources**

COMMENT SUMMARY: Commenters 17 and 34 support the increase in 1% leveraging for USDA applications stating that this will greatly benefit the preservation of USDA developments. Commenters 17 and 34 ask for a revision of the language to remove the 50 units or less limit for USDA applications citing that this limit is only in place because of a bad actor and USDA applications should not be punished because of this.

STAFF RESPONSE: Staff appreciates Commenter 17 and 34’s support for the 1% increase. In regard to the unit limit, Staff’s understanding is this change addresses negative impacts of the scoring item felt most acutely by small Developments. Opening up the item to a wider range of Applications may warrant further discussion at the 2026 QAP roundtables.

#### **§11.101(a)(2)(E) – Undesirable Site Features**

COMMENT SUMMARY: Commenter 47 supports the added language specifying that developments with ongoing federal support or a current TDHCA LURA are not exempt from protections against environmental hazards. Commenter 47 also suggests additional language to a number of sections that would better protect tenants from environmental hazards, including

increasing floodplain elevation requirements and protection from other disasters including wildfire, winter storms and tornados.

STAFF RESPONSE: Staff appreciates Commenter 47's support of the added language related to protections against environmental hazards. Additionally, staff appreciates the suggestions related to providing more advanced protections from other environmental hazards and recommends discussing these concerns in the 2026 QAP Roundtable discussions.

### **§11.101(a)(3)(i) & (ii) Neighborhood Risk Factors**

COMMENT SUMMARY: Commenter 47 expressed that they previously opposed the exemption for rehabilitation developments from crime and poverty neighborhood risk factors. Commenter 47 specifies while the new language is not ideal, they support TDHCA's effort to balance the need for preserving affordable units with a need to locate new units in high opportunity areas that are not harmful to tenants.

STAFF RESPONSE: Staff appreciates both Commenter 47's concerns and general support on this item. Staff suggests bringing up any concerns related to improving this mechanism in the 2026 QAP Roundtable discussions.

### **§11.101(a)(3)(D)(iii) Neighborhood Risk Factors – TEA Accountability Rating**

COMMENT SUMMARY: Commenter 23 states that Neighborhood Risk Factors associated with school ratings have an unintended consequence for housing affordability in rural communities. Commenter 23 additionally states that school Accountability Ratings have not been released yet given a pending lawsuit, so current language regarding 2024 Ratings cannot be used. Commenter 23 also cites unreliability with the scoring process and disproportionate impacts to schools with high-poverty student populations.

Commenters 31 and 38 request the reinstatement of 2022 language that provided an exemption for developments encumbered by a TDHCA LURA. Commenters 31 and 38 believe this is important as it will remove barriers to preserving existing affordable housing.

Commenters 32 and 37 believe this item should be suspended for 2025 as 2024 Accountability Ratings have not been released given a pending lawsuit. Commenter 37 cites that the currently available ratings are outdated and do not accurately reflect how schools are currently performing.

STAFF RESPONSE: Staff acknowledges Commenter 23, 31, 32, 37, and 38's concerns regarding the Neighborhood Risk Factor and the delayed release of TEA Accountability Ratings. Due to this uncertainty, Staff supports the reinstatement of 2024 language related to this item has made responsive changes to this extent. Staff appreciates hearing the concerns related to the

reliability of TEA Accountability Ratings, but will not be suspending the item at this time as 2022 ratings can still be used. Regarding Commenters 31 and 38, staff understands that existing Developments have little control over their school district but nonetheless believe the mitigation is an important resource to residents.

### **§11.101(a)(3)(E)(iii) School Mitigation**

COMMENT SUMMARY: Commenter 23 suggests that the proposed mitigation to provide a 15 hours/week after school learning center is a burden to the cost of the development and does not provide a viable resource for the tenants of a Development. Commenter 23 cites that service coordinators often lack specialized training and expertise needed to address gaps in learning and will not provide targeted support for students with disabilities.

Commenters 31, 38, and 41 suggest that an after school learning center should not be a baseline for mitigation for the entire Affordability Period given the disruptions to education and school ratings during the pandemic. Commenters 31, 38, and 41 suggest that after school learning centers should only be required until the subject school achieves an acceptable rating, as was the case in the 2022 QAP.

STAFF RESPONSE: Staff acknowledges the issues raised by Commenter 23 regarding the burden that providing an after-school learning center has on cost of the development and the lack of expertise that housing developers have in providing this resource. Additionally, staff appreciates the suggestion from Commenter 31, 38, and 41 that the after-school learning center should only be required until the subject school receives an acceptable rating. Staff nonetheless believes this item is significant for tenants and such significant changes should be discussed first during the 2026 QAP Roundtables.

### **§11.101(b) Development Requirements and Restrictions**

COMMENT SUMMARY: Commenter 39 suggest that a new Resilient Construction section that requires all projects to be constructed with a Fortified designation with hail supplement. Commenter 39 cites preparedness and resilience from natural disasters and the adoption of these standards in other State's QAP.

Commenter 47 suggests incentivizing the use of resilient construction materials, fire-resistant designs, and reinforced structures.

STAFF RESPONSE: Staff appreciates Commenter 39 and 47's suggestions to implement the use of more resilient construction methods to help protect tenants from natural disasters. Staff believes this is too big of a change to make at this time and would suggest bringing up these items at the 2026 QAP Roundtable Discussions.

### **§11.101(b)(7)(C)(vii) – Eviction Prevention Program**

COMMENT SUMMARY: Commenter 44 agrees with the intent and vision of the Eviction Prevention program scoring item and encourage the agency to make it an appealing option. Commenter 44 suggests that the requirement for a dedicated case manager with no more than 50 cases at a time is far too high. Commenter 44 supports the guidance on payment plans and flexibility for property managers to tailor these to individual resident's needs.

Commenter 47 has provided various revisions to this point item and has provided language to this extent. Commenter 47 has provided specific recommendations of the various changes for this point item related to; maintaining a six-month holdoff period, establish standards for case managers, forbid rent increases during six-month holdoff period, remind tenants of due dates, cap late fees at no more than 4% of tenants rent share, limit assessment of late fees to no more than three consecutive months and allow residents receiving fixed income to pay rent within three business days of receiving their payment without penalty. Commenter 47 has provided an explanation for each of these aspects as well as responded to concerns raised by other commenters on this item.

Commenter 47 suggests moving this item to the Definitions section as it will provide greater flexibility as the item evolves, avoid the need for future LURA amendments, and ensure consistent monitoring.

STAFF RESPONSE: Staff appreciates Commenter 44 and Commenter 47's suggestions. Staff believes it is too late in the QAP Development process to make significant changes to this item and would suggest bringing up these items at the 2026 QAP Roundtable Discussions.

In regard to Commenter 47's concern of the item's placement in the QAP, staff believes the location of the language within the document is immaterial in these respects. No change is recommended.

### **§11.101(b)(1)(A)(vii) Ineligible Developments – Efficiencies and One Bedroom**

COMMENT SUMMARY: Commenters 31, 38 and 41 suggest that the limitation on one bedroom and efficiency units should be raised to 50%. Commenters 31, 38 and 41 believe this limitation should be determined on the needs of each individual market and that this policy may be preventing increased unit counts.

Commenter 45 supports staff's increase of the limitation from 30% to 35%, but believes this is still too restrictive for family population developments. Commenter 45 cites the desire to meet demand at the individual market level, which typically sites around 40%-50% for efficiency and one bedroom units.

STAFF RESPONSE: Staff appreciates the suggestions raised by Commenter 31, 38, 41, and 45 regarding the restrictions to the number of Efficiency and One Bedrooms in General population

developments. Staff appreciates Commenter 45's limited support of the proposed change for 2025 bringing this limitation up from 30% to 35%. Staff believes this change is sufficient in balancing the needs of the development community, while also ensuring that ample units for families are being constructed.

#### **§11.101(b)(1)(C) Ineligible Developments – School Attendance Zones**

COMMENT SUMMARY: Commenter 32 has requested that this item be suspended for 2025 as the 2024 Accountability Ratings have not been released.

STAFF RESPONSE: Staff appreciates Commenter 32's concerns and acknowledges that the release of 2024 Accountability Ratings have been delayed. Existing language indicating that the item is suspended remains in place in the current draft.

#### **§11.101(b)(6)(B)(VI) Green Building Features**

COMMENT SUMMARY: Commenter 26 suggests revision of existing language related to Enterprise Green Communities. Commenter 26 believes the language outlined in the QAP is more stringent than other similar Green Certifications, as it requires the inclusion of all mandatory and optional features to score points for the item.

STAFF RESPONSE: Staff appreciates Commenter 26's suggestion to reduce the number of requirements needed to attain Green Certifications in our QAP to be at parity with other similar items. Staff supports the inclusion of this revision to the section, and has made a responsive change to this extent.

#### **§11.203(14) Feasibility Report**

COMMENT SUMMARY: Commenter 6 recommends removing the requirement for a Survey to be provided for Rehabilitation Developments. Commenter 6 cites added costs to an expensive Application process. Commenter 6 instead suggests only requiring a Site Plan or requiring a Survey that is within 10 years.

STAFF RESPONSE: Staff acknowledges Commenter 6's concerns but does not agree that the proposed language introduces a new requirement as surveys are required for cost certification. Providing a survey at Application will assist staff throughout the asset management process and reduce material amendments that can be necessary if key facts about the site are not known at that time. Regarding the allowable age of the survey, staff feels the current language of §11.203(14)(D) already states that the 24-month limit does not apply to Rehabilitation Developments.

## **Other Comments**

COMMENT SUMMARY: Commenter 52 recommends prioritizing housing for youth and young adults age 18-25. Commenter 52 suggests implementing this through the creation of a Set-Aside or providing additional points, paired with supportive services.

### **STAFF RESPONSE:**

Staff appreciates Commenter 52's suggestion to prioritize housing youth and young adults age 18-25. The QAP currently includes youth aging out of foster care as a specific needs type listed within the Supportive Housing definition. Regarding Commenter 52's suggestion to create a set-aside or new point item, Staff believes this is too big of a change to make at this time and would suggest bringing up these items at the 2026 QAP Roundtable Discussions.