



Public Comments Received on VHFA Draft Qualified Allocation Plan 2027-2028

PART 2

Public Comment Period from March 24, 2026 through April 24, 2026



Re: [EXTERNAL]QAP

From DevelopmentDept <developmentdept@vhfa.org>
Date Fri 2026-04-10 09:16
To Hemmerick, Jacob <Jacob.Hemmerick@vermont.gov>
Cc Cochran, Chris <chris.cochran@vermont.gov>

Hi Jacob,

Unfortunately there is not a markup version for the draft QAP at this time. I do also appreciate your feedback on Act 181, and have made sure that your notes are passed along for consideration as we continue to refine the plan.

Thank you,

Jameson T. Williams (he/him)
Community Development Underwriter
164 St. Paul St, Burlington VT, 05401
[Vermont Housing Finance Agency](#)



From: Hemmerick, Jacob <Jacob.Hemmerick@vermont.gov>
Sent: Monday, April 6, 2026 14:15
To: DevelopmentDept <developmentdept@vhfa.org>
Cc: Cochran, Chris <chris.cochran@vermont.gov>
Subject: [EXTERNAL]QAP

Is there a way to see a markup version?

One observation, this does not appear to account for any of the changes to the Community Investment Designation Program in Act 181 of 2024.

Best,

Jacob Hemmerick, AICP
Senior Community Planning & Policy Manager | he/him
Vermont Department of Housing & Community Development | Community Planning & Revitalization
1 National Life Drive, Davis Bldg, 6th Floor | Montpelier, VT 05620-0501
802-828-5249

Re: [EXTERNAL]public comment re housing allocations, 181, village "center," viability; urging sensitivity to small town capacity where imagination and allowance may be necessary

From DevelopmentDept <developmentdept@vhfa.org>

Date Fri 2026-04-10 09:03

To Peter Money <projects.peter.money@gmail.com>

Hi Peter,

Thank you for taking the time to review our draft QAP and provide your thoughts and feedback- we appreciate the perspective from folks in towns like Brownsville that also have wants and needs for housing growth, but may not often get the advocacy and visibility other parts of the state do. I've taken your feedback and passed it up the chain to be reflected on and considered as we continue to shape the QAP. If you think of anything else that you would like to share as we continue to public comment period, please don't hesitate to reach out again.

Thank you,

Jameson T. Williams (he/him)
Community Development Underwriter
164 St. Paul St, Burlington VT, 05401
[Vermont Housing Finance Agency](#)



From: Peter Money <projects.peter.money@gmail.com>

Sent: Tuesday, April 7, 2026 14:19

To: DevelopmentDept <developmentdept@vhfa.org>

Cc: Peter Money <projects.peter.money@gmail.com>

Subject: [EXTERNAL]public comment re housing allocations, 181, village "center," viability; urging sensitivity to small town capacity where imagination and allowance may be necessary

To: developmentdept@vhfa.org

From: Peter, Brownsville, VT

Re: Allocations, Act 181, "downtown"/village center, housing concerns

Dear Vermont Housing Finance Agency:

I live in a town with a fairly large land mass (about 25 square miles). However, this town has a small population (about 1,300) spread largely away from the village center.

Our village has *very little "center."* Sewer and water only support a small fraction of properties closest to a larger neighboring town's less populace border.

The town's sole village has a single shop, no fuel pumps, a poor sidewalk system, and no street lamps. Town Hall and the elementary school remain the largest structures and are open only limited hours. While, technically, there is a hotel about a half mile drive from the village center there is no appropriate and developed path or connector from one to the other to shorten the distance and unite a sense of flow. The two manifest almost completely out of sight from one another.

According to recent stats, our town ranks #153 in size in the state of Vermont, yet we do have many natural assets to highlight--and visitors do come here to stay.

I'm concerned that regulations currently favor the ability of larger towns and cities to build accessible housing. A single developer investing in a single property in a small town like ours may have a harder time achieving affordable development given limited tax incentives.

Probably a larger concern is proximity to the village center. Our town would like to contribute to the overall need in Vermont to provide housing. Yet, some of the more viable prospective future properties are well outside the two mile limit and they are in locations that may be just outside of any designated "village."

If the state is to encourage more housing, the state should allow a generous allowance and scope of *what this means in a town like ours.* We would be almost no help at all under most or all of your current regulations, as I understand, and yet we are motivated to provide housing.

Vermont towns may be known for resourcefulness but not so much for infrastructure maintenance, growth, improvements. I urge you to grant town government, county planners, developers and volunteers the ability to stretch their imaginations just enough to apply the things that make a town a destination for residency: housing for a variety of household income, homes for not only single renters or retiring buyers, transportation infrastructure and systems that do not exclude towns like ours, crosswalks (over state roads) and sidewalks and lampposts that guide visitors and residents to pocket parks, trails, and a future downtown that provides a little more (in terms your agency has characterized: including a pharmacy).

We are no longer an agricultural small town. We are an occasional tourist town and bedroom community with commuters traveling at length weekly to a hospital and college--each about forty minutes away. To be inviting, useful and sustainable, any housing that may be developed here would necessarily also come with the features I've mentioned above. Overall, the concept of "village center" is a work in progress, given there's no street parking and the shops that existed here decades ago no longer exist. *We need to think outside the box, to include property farther from any historical "center," while also envisioning ways to revitalize where "downtown" used to be* (hence, sidewalks, crosswalks, lamps, and an invitation to creative retail and services). Please give us the means, guidance, and support to help our town and help our state.

Respectfully,

Peter Money

West Windsor, Vermont 05037



[EXTERNAL]Website contact form

From VHFA.org - Vermont Housing Finance Agency <home@vhfa.org>

Date Fri 4/10/2026 9:26 AM

To DevelopmentDept <developmentdept@vhfa.org>

Email sent to: developmentdept

Contact form submitted on April 10, 2026

Submitted values are:

Your email

marlamcquiston@gmail.com

Your message

In reviewing the current draft of the QAP our group, the Developmental Disabilities Housing Initiative, representing parents of adults, we were not able to see where there is a priority for housing applications that serve our family members. Would this housing be included under the Supportive Housing if it is not owned or managed by the organization providing services?

Most of our family members need high to moderate supports up to 24/7, and we are working with the area housing trusts to be property owners and managers to create more housing options for them. Would this housing be eligible for the QAP?

We thought that our family members with Intellectual and Developmental Disabilities were now considered a priority in the QAP, and want to make sure this will continue. We are happy to submit comments for the Draft to support this.

THanks

Marla McQuiston for Developmental Disabilities Housing Initiative



Outlook

Re: [EXTERNAL]Re: QAP public comment from RPCs

From DevelopmentDept <developmentdept@vhfa.org>**Date** Wed 4/15/2026 2:38 PM**To** Kevin Geiger <kgeiger@trorc.org>; Maura Collins <mcollins@vhfa.org>; DevelopmentDept <developmentdept@vhfa.org>**Cc** Peter G. Gregory <pgregory@trorc.org>; Kyle Katz <kkatz@trorc.org>

Hi Kevin - Thanks very much for submitting these comments. I'm confirming that we've received your comments, and we'll consider them as we work on next steps in developing this QAP.

My best,
Olivia

Olivia Lavecchia (she/her)

Community Development Underwriter

164 St. Paul St., Burlington VT, 05401 | (802) 652-3428

[Vermont Housing Finance Agency](#)

vhfa Affordable homes for a sustainable Vermont

I'm currently working JV/onday-Thursday, and off on Fridays. Thanks for your patience if my response is delayed.

From: Kevin Geiger <kgeiger@trorc.org>**Sent:** Sunday, April 12, 2026 8:58 AM**To:** Maura Collins <mcollins@vhfa.org>; DevelopmentDept <developmentdept@vhfa.org>**Cc:** Peter G. Gregory <pgregory@trorc.org>; Kyle Katz <kkatz@trorc.org>**Subject:** [EXTERNAL]Re: QAP public comment from RPCs

Maura,

Thanks for thinking of us. Short of plowing through the QAP, I'll take door number two and respond to the multiple questions that you asked. I have put my answers right in the questions.

The overall basic answer, though, is we have way more needs than we have resources, so we have to be creative, use a triage mindset, and acknowledge that without some serious distribution of resources, this problem will not go away. I have copied Kyle from our office as well. He is the main author of our newly drafted housing chapter to the regional plan. I hope you can take a look at that sometime.

Kevin

Kevin Geiger, AICP CFM

TRORC
Chief Planner

Sent from my iPhone

This email is a public record and not intended as legal advice.

From: Maura Collins <mcollins@vhfa.org>
Sent: Thursday, April 9, 2026 8:43 PM
To: Charlie Baker <cbaker@ccrpcvt.org>; Catherine Dimitruk <cdimitruk@nrpcvt.com>; Peter G. Gregory <pgregory@trorc.org>; Chris Company <ccompany@windhamregional.org>
Subject: QAP public comment from RPCs

Hi friends!

I know you're not all of VAPDA, but you're some of the RPC directors I've worked with the most so I thought I'd start with you but you are VERY welcome to forward this to others if you think that would be helpful. (But they have to promise to not be offended that I started this with just some of you.)

You know [VHFA's](#) role in the state well and you know we administer the largest source of funding to create affordable rental housing through the federal housing tax credits. Those credits are governed by a [Qualified Allocation Plan \(QAP\)](#). The QAP also controls the *state* housing credits that fund rental and homeownership housing.

Every year or two we update the QAP through a public process, which is open until April 24. As you know as well as anyone - it's always important to get diverse voices weigh in on how the state should be spending its limited public resources. So, I'm asking if you want to write a letter to VHFA to comment on what is important to you and your municipalities in terms of affordable housing.

There are two ways you can do this:

You are welcome to read the (somewhat bureaucratic?) [drafted QAP](#) that lays out the threshold criteria of what kinds of housing we will or won't fund, as well as the evaluation criteria that assigns points to certain project characteristics so you can see the relative weight of different projects.

Or, you can just write a commonsense letter that tells us what you think is most important for rental housing in Vermont. We would love to hear about the regional and local needs that you have.

Such as: do you have enough housing?

No

How much more do you need?

Lots. Thousands. In fact so much that it is almost irrelevant to provide a number, as essentially our needs are beyond production capacities.

Does your region need both rental and owned housing?

Yes, but the affordability gap is greatest amongst renters.

With what characteristics?

We know we have a lot of small households, and so we need both starter units as well as smaller accessible units for independent living for elders and others with accessibility needs. We also need units for new families, so 2 to 3 bedrooms, but we need these at the right price point and in the right locations. And preferably, they would be spread across our communities. That does not fit well with the traditional box of 30+ units in our major downtowns. We could use a boarding house in many small villages as a cheaper way to be housed, but also to provide a social setting with prepared meals. We need cottage courts of small ranches in rural areas on good roads as basic new housing that does not depend upon sewer and water systems and can help prop up our dwindling school populations. We need temporary homeless accommodations across towns so that when people lose their housing and need a place to regroup they don't also lose their community. And we need enormous amounts of independent housing for the elderly in their own communities, and preferably still in their own house that is way larger than they need. Keeping them in their own communities, and even in their own homes is a crucial part of supporting their emotional/social well-being, as well as being able to drive on routes they are familiar with.

How much need is there for deeply affordable housing?

Certainly hundreds of units in the region, but it is spread across towns and so the units need to be spread across towns.

Do you think we need to prioritize large or small sized units?

I think price pressures have led to the apartment block approach, and for more urban settings that also was a great use of land. However, for most of our communities, we need smaller units.

Do you need more age restricted (aka "elderly") or general occupancy apartments?

I think old people love to be around young people so I would mix it up.

Should we prioritize smart growth or sprawling locations?

Is this a trick question?

Are we doing enough already and should we keep things as they are, or should we create more housing with the money we have?

No, you need to do lots more. But you need resources to do that.

Should we continue to prioritize units for homelessness?

From a triage point of view, yes. These are the folks with the greatest need. However, maybe some very basic housing solutions should be in the mix.

Should we continue to spend housing funding on cleaning up brownfields and exceeding energy standards or should we fund more apartments with that funding?

Brownfields and energy standards somewhat have their own funding so I would concentrate on the housing production.

Do you have other thoughts about what we can do better?

Provide short-term capital loans so that people can take advantage of VHIP who do not have their own cash upfront.

Help deal with eviction reform so that more people are comfortable creating rentals, especially if that is a single ADU.

Create specialized assistance for duplexing owner-occupied housing, so that an elderly person can remain in place and use their equity to fund the construction of accessibility improvements, as well as the modification of the house into a duplex. And then the sale of the other half of the duplex pays off the construction loan. Ethel is 80, she does not want long-term debt, she doesn't buy green bananas.

We had a public hearing this week and got feedback from the traditional participants in the program. The applicants who traditionally rely on this funding (Evernorth and associated nonprofits) have weighed in on what works best for them as developers and the primary users of this program. But in addition to their voices we have been challenged to hear more from non-direct users who may have informed opinions about the extent of the housing needed in our state. We'd love to hear from RPCs, non-affordable housing builders and developers, current renters, and Vermonters in general. We want to hear from you! To submit comments, please do so by 4:30 on April 24th either by:

- Email: developmentdept@vhfa.org. Include "QAP Public Comment" in the subject line.
- Mail: **VHFA, 164 Saint Paul Street, Burlington, VT. 05402.**

Maura Collins | Executive Director

Pronouns: she, her, hers

164 St. Paul St, Burlington VT, 05401 | 802.652.3434

Vermont Housing Finance Agency

vhf a Affordable homes for a sustainable Vermont



Outlook

Re: [EXTERNAL]Comments on draft QAP

From DevelopmentDept <developmentdept@vhfa.org>

Date Wed 4/15/2026 2:33 PM

To Jason Rasmussen <jrasmussen@marcvt.org>; DevelopmentDept <developmentdept@vhfa.org>**Cc** Elizabeth Bridgewater <ebriewater@homemattershere.org>; Peter Paggi <ppaggi@homemattershere.org>

Hi Jason - Thanks very much for reviewing the draft QAP and submitting these comments. I'm confirming that we've received your comments, and we'll consider them as we work on next steps in developing this QAP.

My best,
Olivia

Olivia Lavecchia (she/her)

Community Development Underwriter

164 St. Paul St., Burlington VT, 05401 | (802) 652-3428

[Vermont Housing Finance Agency](#)**vhfa** Affordable homes for a sustainable Vermont*I'm currently working Monday-Thursday, and off on Fridays. Thanks for your patience if my response is delayed.*

From: Jason Rasmussen <jrasmussen@marcvt.org>**Sent:** Monday, April 13, 2026 9:14 AM**To:** DevelopmentDept <developmentdept@vhfa.org>**Cc:** Elizabeth Bridgewater <ebriewater@homemattershere.org>; Peter Paggi <ppaggi@homemattershere.org>**Subject:** [EXTERNAL]Comments on draft QAP

Thank you for the opportunity to review the draft OAP. Please see our comments in the attached.

**Jason Rasmussen, AICP****Executive Director**

P.O. Box 320

[38 Ascutney Park Road](#)[Ascutney, Vermont 05030](#)jrasmussen@marcvt.org (email)

802.674.9201 x112 (office)

802.299.6996 (cell)

[https://link.edgepilot.com/s/0797bc5d/YktnD9FGXOi8qhc6i861Sw?](https://link.edgepilot.com/s/0797bc5d/YktnD9FGXOi8qhc6i861Sw?u=http://www.marcvt.org/)[u=http://www.marcvt.org/](http://www.marcvt.org/)

This email is not a legal opinion and is part of the public domain.

Note that our former@swcrpc.org email addresses have been phased out. Please update your records as needed.

April 13, 2026

Vermont Housing Finance Agency (VHFA) Development Staff
164 Saint Paul Street
Burlington, VT 05402
Via email: developmentdept@vhfa.org

SUBJECT: Comments on Draft 2027-2028 Qualified Allocation Plan for Vermont

To Whom it May Concern:

The Mount Ascutney Regional Commission (MARC) appreciates the opportunity to review and comment on the draft Qualified Allocation Plan (QAP) for 2027-2028.

Addressing the region's housing crisis is a major priority for MARC's work at this time. In general, this proposal makes significant changes from the current QAP. We believe these proposed QAP changes will make it harder to fund projects in our region, especially in our smaller towns. For example, Chester and West Windsor are proactively working hard to address their housing needs, and these proposed QAP changes, discussed in more detail below, will make it harder to fund critically needed housing projects in these smaller communities.

1. In the current and past QAPs, there is a stipulation that a single project cannot receive more than 30% of the state's allocation of tax credits. That provision helps to ensure regional equity for smaller towns and for areas outside of Chittenden County. In the draft 2027-2028 QAP, this cap has been removed, meaning that these larger projects could use an outsized amount of credits, thus limiting the available pool of credits for smaller, more rural projects. Coupled with a few other provisions, this essentially incentivizes larger projects that rural communities couldn't support. It is our opinion that leaving this 30% cap in place better serves the state's smaller communities.
2. The current and previous QAPs incentivized mixed income development which allows housing providers to serve a wider income bracket. The income range incentives have changed dramatically in the draft 2027-2028 QAP. The current and previous QAPs incentivized rents targeting those making 50% AMI, which incentivized more affordable units for those that needed it while still being financially sustainable for the housing developer. This draft QAP removes the incentive for 50% units and replaces it with an incentive for 30% AMI units, which are increasingly hard to serve due to the lack of rental assistance available. The overall effect of this is that income restrictions are shifting downward, limiting the market that housing developers can attract and that require larger projects to ensure financial feasibility. Especially in smaller communities, developments may not be able to be large enough to support these income restrictions.
3. The draft QAP prioritizes developments that meet very specific location requirements, including being within a two-mile proximity of full service grocery stores, general retail, schools, AND retail

pharmacies. The "and" severely limits what locations are actually viable for an application without any nuance. In this region, this new provision would limit applicable housing developments to a two-mile radius in Ludlow and Springfield. While we all agree that being close to services is good, this essentially limits development to the downtown cores of our larger towns. Other smaller walkable communities that have infrastructure and some, but not all, of those services (e.g., Cavendish, Chester, West Windsor, Windsor) would be left out. That is not consistent with the goals of our Regional Plan.

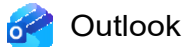
4. In Section 4.01, the proposed QAP refers to [older state designation categories](#). We believe it should instead identify and incentivize developing in Tier 1A and Tier 1B areas. Aligning the new QAP with Act 181 incentives (i.e., Act 250 exemptions for Tier 1A and 1B) would streamline site selection and align state priorities.

Thank you for your consideration. Please do not hesitate to contact me with any questions.

Sincerely,

Jason Rasmussen, AICP
Executive Director

CC: Elizabeth Bridgewater, WWHT



Re: QAP Public Comments

From DevelopmentDept <developmentdept@vhfa.org>

Date Wed 4/15/2026 2:30 PM

To Marla McQuiston <marlamcquiston@gmail.com>; DevelopmentDept <developmentdept@vhfa.org>; Megan Roush <MRoush@vhfa.org>; Jenn Townley <j.e.townley1@gmail.com>; Karen Price <karen.price@vtfn.org>; Laurie Mumley <mjustlaurie@aol.com>; Collins Reading Twing <collinstwing@gmail.com>; Katie Tormey <decarolisk@gmail.com>; Beth Davis <mbeth.davis@gmail.com>

Hi Marla and all - Thanks very much for reviewing the draft QAP and submitting these comments. I'm confirming that we've received your comments, and we'll consider them as we work on next steps in developing this QAP.

My best,
Olivia

Olivia Lavecchia (she/her)

Community Development Underwriter

164 St. Paul St., Burlington VT, 05401 | (802) 652-3428

[Vermont Housing Finance Agency](#)

vhfa Affordable homes for a sustainable Vermont

I'm currently working Monday-Thursday, and off on Fridays. Thanks for your patience if my response is delayed.

From: Marla McQuiston <marlamcquiston@gmail.com>

Sent: Wednesday, April 15, 2026 11:09 AM

To: DevelopmentDept <developmentdept@vhfa.org>; Olivia Lavecchia <OLaVecchia@vhfa.org>; Megan Roush <MRoush@vhfa.org>; Jenn Townley <j.e.townley1@gmail.com>; Karen Price <karen.price@vtfn.org>; Laurie Mumley <mjustlaurie@aol.com>; Collins Reading Twing <collinstwing@gmail.com>; Katie Tormey <decarolisk@gmail.com>; Beth Davis <mbeth.davis@gmail.com>

Subject: QAP Public Comments

Hi Megan, Olivia and all,

The Developmental Disabilities Housing Initiative (DDHI) would like to submit 2 suggestions for changes or additions to the QAP that will support more affordable housing for individuals with intellectual and developmental disabilities.

We appreciate the support and additions made in past QAPs that help to create development of housing and while there has been more development recently, we know you are aware that much more is needed. Attached is a paper with recommendations for advancing disability forward housing through QAPs. We would like to note that Vermont has already included many of the recommendations and is named in the paper!!

We have 2 recommendations from the paper attached, that could help with ongoing efforts to support this housing in Vermont. I have listed them below briefly, if you would like more information they are described in the paper, and we would be happy to discuss them further!

Thanks again for your ongoing support.

Collins Twing, Karen Price, Katie Tormey, Jenn Townley, Laurie Mumley, Marla McQuiston,
for Developmental Disabilities Housing Initiative

Permit the creation of a rental subsidy fund for accessible unit

RECOMMENDATION

Many extremely low-income households, especially those on fixed incomes like Supplemental Security Income (SSI), face a significant affordability gap in housing despite meeting the qualifications for affordable units. For these individuals, the cost of rent remains out of reach without further subsidy, leading to a precarious housing situation even within "affordable" housing programs. Implementing an internal rent subsidy policy within affordable housing developments could be a transformative approach to bridging this gap and providing stability for those most in need.

An internal rent subsidy model would allow developers to directly subsidize rents for extremely low-income tenants rather than depending exclusively on external sources, such as vouchers or government-funded rental assistance programs, which are often scarce or unreliable. To make this feasible, developers could be permitted to increase their development fees, stipulating that a portion of these fees be allocated specifically for subsidizing rents within the project. This approach incentivizes developers to incorporate an internal subsidy system while preserving project viability and reducing reliance on unpredictable external funding streams.

Pennsylvania's QAP provides a noteworthy example of this type of internal rent subsidy policy. In Pennsylvania, developers who receive tax credits can increase their allowable developer fees by a certain percentage if they commit to setting aside funds for an internal rent subsidy. This increase enables developers to subsidize extremely low-income residents' rent while preserving the project's financial viability. Key components of Pennsylvania's model include:

- **Increased Allowable Developer Fees:** Developers can raise their fees beyond standard levels, specifically when committing a portion of this increase to an internal rent subsidy fund.
- **Flexible Use of Subsidy Funds:** The allocated subsidy can be applied directly to reduce rents for tenants with the greatest need, typically those earning 20-30% of the area median income (AMI) or who are on fixed incomes like SSI.
- **Alignment with Tax Credits:** This model works within the LIHTC framework, allowing developers to meet affordability requirements while creating a financial cushion that is a sustainable subsidy source.

Create a tax-credit allocation pool for Accessible Supportive Housing (ASH)

RECOMMENDATION

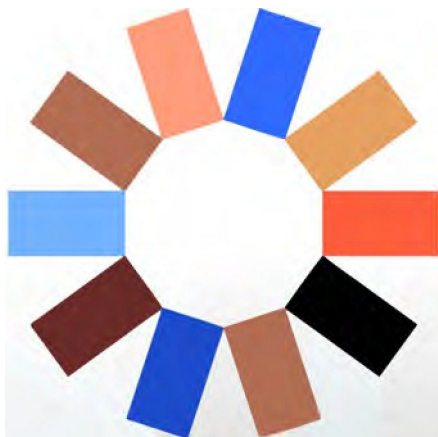
Establish a dedicated Accessible Supportive Housing (ASH) Tax Credit Allocation Pool within the state's Low-Income Housing Tax Credit (LIHTC) program. Modeled after Virginia's Qualified Allocation Plan (QAP), this pool would prioritize developments that:

- Designate at least 15% of units for individuals with disabilities who require supportive services.
- Comply with HUD Section 504 accessibility standards to ensure fully accessible housing options.
- Include project-based rental assistance to make units affordable for extremely low-income households.

Several states have successfully implemented dedicated LIHTC allocation pools for supportive housing, for example:

- The Illinois Housing Development Authority (IHDA) reserves a portion of its LIHTC allocation specifically for supportive housing. The state has successfully utilized this model to develop deeply affordable, accessible housing linked with services, leveraging federal and state resources, including Medicaid waivers and Section 811 PRA.
- Pennsylvania has a dedicated set-aside within its LIHTC Qualified Allocation Plan (QAP) for projects that provide housing for persons with disabilities and other vulnerable populations. This pool has facilitated the expansion of disability-inclusive housing across the state by offering competitive but protected funding opportunities.

By setting aside a specific portion of tax credits for ASH developments, states would streamline funding for disability-inclusive housing and incentivize developers to integrate accessibility and supportive services into their projects.



The Kelsey

An Advocate's Guide to Advancing Disability-Forward Housing through Qualified Allocation Plans

February 2025





Table of Contents

Introduction **05**

Section 1: Advocacy Opportunities **08**

Process for Submitting Public Comment

Tips for Your Public Comment

Increasing Your Impact

Section 2: Disability-Forward QAP Recommendations **12**

Accessibility Provisions

Adherence to ANSI Type A accessibility should be a threshold requirement for all projects.

Incentivize projects that build units beyond the minimum accessibility requirements

Affordability provisions

Permit the creation of a Rental Subsidy Fund for accessible units

Encourage income averaging

Increase affordability periods

Inclusivity provisions

Create a tax-credit allocation pool for Accessible Supportive Housing (ASH)
Disabled people who use supportive services should be a distinct category for point criteria

Property owners should be required to develop a comprehensive marketing plan to lease the units to disabled people

Require that all lease-up documents are in plain language

Section 3: Template **26**

Written Public Comment Template

Section 4: Conclusion **28**

Additional Resources



Executive Summary

In 2022, over [70 million adults in the U.S. reported having a disability](#), yet less than [5% of the national housing supply is accessible](#), and less than 1% of housing is wheelchair-accessible. The nation's severe shortage of accessible housing is one of the primary reasons disabled people are at higher risk of experiencing poverty, housing instability, homelessness, and institutionalization.

The Low-Income Housing Tax Credit (LIHTC) has been the primary driver of affordable rental housing since its creation by Congress in 1986, making housing available to [over 9 million households](#). However, federal LIHTC guidelines do not require the creation of deeply affordable, accessible housing for people with mobility and sensory impairments, nor do they incentivize inclusive housing for individuals who need supportive services to live in integrated, community settings.

State housing agencies play a crucial role in determining how Housing Credits are distributed through their Qualified Allocation Plan (QAP), directly shaping the availability, affordability, and accessibility of housing within their state. These agencies establish specific priorities and selection criteria that developers must meet to secure tax credit allocations, ensuring that resources are directed toward projects that align with state and local housing needs. By shaping both the immediate distribution of Housing Credits and the broader housing policy landscape, state housing agencies play a pivotal role in fostering inclusive, sustainable, and affordable communities.

Advocates have a key opportunity to influence these decisions during public comment periods, where they can push for policies that prioritize accessible housing, integrated supportive services, and deeply affordable units for people with disabilities. By engaging in this process, advocates can help ensure that housing policies reflect the needs of their communities.

This advocacy guide equips disability and housing advocates with the tools to craft compelling public comments. By leveraging these strategies, advocates can amplify their impact, drive meaningful policy changes, and advance housing inclusion for people with disabilities.

Questions?

If you have questions about this guide or need additional advocacy support, please email hello@thekelsey.org. The Kelsey is available to help you throughout your QAP advocacy journey.



Plain Language Summary

Note: Plain language is a style of writing where documents and communications are easily understandable on the first read.

The Low-Income Housing Tax Credit (LIHTC) is the main program that helps create affordable rental housing in the United States. Since 1986, it has helped create [nearly 4 million homes for about 9 million low-income families](#). But the program has gaps. Right now, it does not require housing to be:

- Affordable for people with the lowest incomes
- Accessible for people with disabilities
- Connected to support services that help people live independently

As more people age and develop disabilities, the need for home support services grows. Without affordable, accessible homes, many disabled people are at risk of:

- Paying too much for rent
- Becoming homeless
- Living in nursing homes or psychiatric facilities

Each state decides how to distribute housing tax credits. Each year, the state writes a Qualified Allocation Plan (OAP).

Each state decides how to use Low-Income Housing Tax Credit (LIHTC) funding by creating a Qualified Allocation Plan (OAP) every year. The OAP is a set of rules that explains:

- What kinds of housing projects the state will fund
- What requirements developers must follow
- How the state will choose which projects get funding

You don't need to know very much to share your thoughts! By speaking up, you can help ensure LIHTC housing includes:

- Accessible homes
- Housing that supports independent living





Introduction

The Low-income Housing Tax Credit (LIHTC), also known as the Housing Credit, is responsible for nearly all of the affordable rental housing built and preserved since the program was authorized in the Tax Reform Act of 1986. It has financed [4 million affordable homes](#), which have benefited [over 9 million low-income families](#). LIHTC finances the construction, rehabilitation, and preservation of affordable housing. The program encourages private investment by providing a tax credit to developers, who then exchange their tax credit for the finance capital needed for the building's construction costs.



The federal government does not require or incentivize the housing built or preserved with Housing Credits to be deeply affordable, accessible to people with mobility and sensory impairments, and inclusive to individuals who need supportive services to live in the community. Because the IRS allocates the tax credits to state allocating agencies, LIHTC is not subject to all federal civil rights laws, except the Fair Housing Act. This includes Section 504 of the Rehabilitation Act, which protects individuals from discrimination based on their disability. Section 504 also requires federally funded developers to make 5% of their units accessible to people with mobility disabilities and 2% accessible to people with sensory disabilities.

Why Disability-Forward Housing?

Disability-forward housing is housing that is inclusive, affordable, and accessible for people with and without disabilities. This approach goes beyond minimum compliance with accessibility laws to create integrated, community-driven solutions that prioritize universal design, affordability, and housing equity. Disability-forward housing is critical because:

- **People with disabilities face severe housing barriers-** including affordability challenges, lack of accessible units, and systemic discrimination.
- **Most housing is not designed with disability in mind** - leading to exclusion and limited independent living options.
- **Inclusive housing benefits everyone-** fostering diverse, interdependent communities where people of all abilities can thrive.
- **Policy and funding systems must change-to** prioritize cross-disability accessibility, affordability, and supportive services.



According to the Centers for Disease Control and Prevention (CDC), more than 1 in 4 adults in the United States—over 70 million people—reported having a disability in 2022. A study by the U.S. Department of Housing and Urban Development (HUD) found that less than 1% of the U.S. housing stock is wheelchair accessible, and fewer than 5% of homes are accessible to individuals with moderate mobility difficulties. Regarding sensory disabilities, specific statistics are limited. However, the overall shortage of accessible housing suggests that individuals with sensory disabilities face similar or greater challenges in finding suitable accommodations. Additionally, [people with disabilities experience poverty at more than twice the rate of nondisabled adults](#).

Those who are still impacted by institutionalization, in part because of lack of supportive housing, include the [roughly 1.2 million adults living in nursing homes](#), [more than 360,000 people in psychiatric facilities](#), and the more than [268,980 people with intellectual and developmental disabilities \(IDD\) who live in congregate, institutional settings or are on waitlists for services and residential programs](#).

As the disability population continues to rise, including older adults, the need for supportive services also continues to rise. As of 2022, [4.2 million people use Medicaid home and community-based services \(HCBS\)](#), and [819,886 people are on the waitlist for Medicaid HCBS](#). Federal investment in HCBS continues to be prioritized over institutional care, but the need for further investment is critical. Therefore, LIHTC properties must have accessible units that are deeply affordable and have robust resident services.

What is a Qualified Allocation Plan (QAP)?

Each state has an independent agency, typically called an Allocating Agency or a Housing Finance Authority, that decides how to allocate the state's share of federal housing tax credits. The framework they create is called a Qualified Allocation Plan (QAP). Annually or semi-annually, tax credit allocation agencies release a draft of the QAP and are required by federal law to open a public comment period to inform the final version. Through QAP advocacy, housing developers can be required and incentivized to go beyond minimum accessibility requirements through tools like point-based scoring criteria, minimum thresholds, set-asides, and basis boosts. At a minimum, a QAP must:

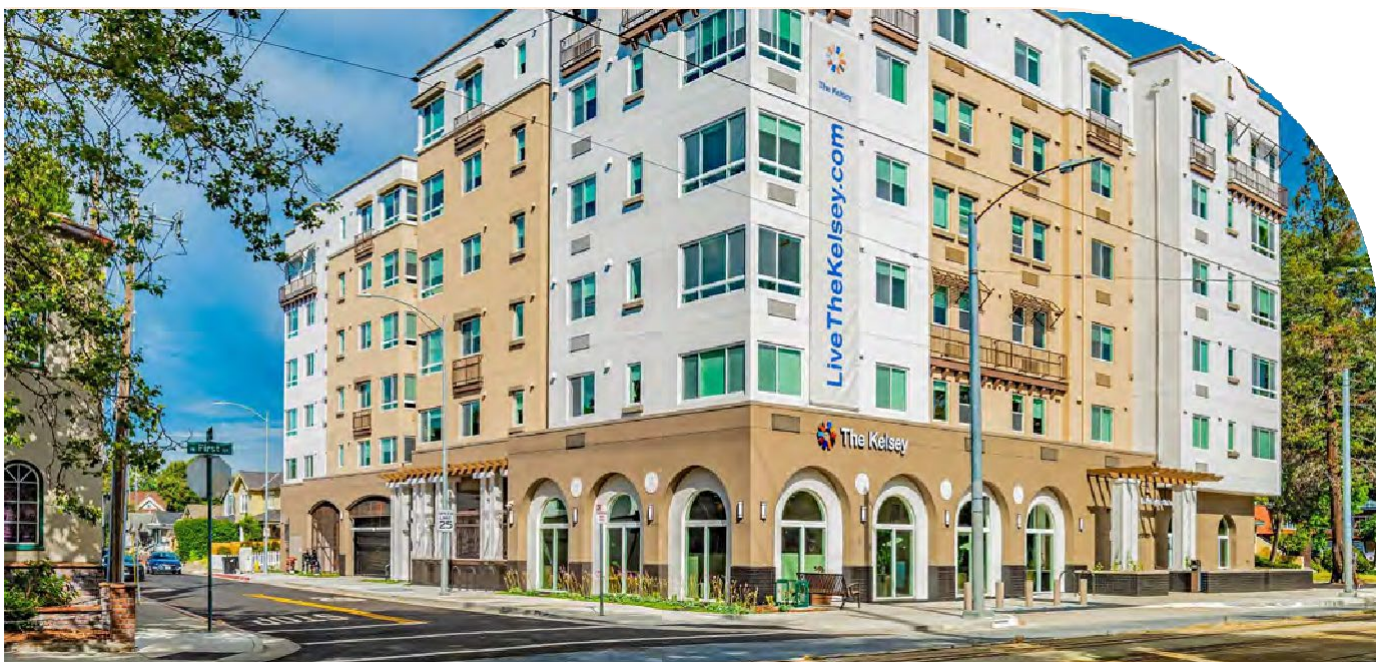




1. Set forth tax credit application selection criteria that reflect the allocating agency's housing priorities as determined by local characteristics;
2. Give preference to:
 - Projects serving low-income tenants,
 - Projects obligated to serve qualified tenants for the longest period and,
 - Projects located in a qualified census tract and the development will contribute to a concerted community revitalization plan;
3. Provide the procedures the allocating agency must follow to monitor program compliance and the steps to notify the IRS of noncompliance.

Additionally, due to the limited number of credits available each year, states implement detailed selection criteria to allocate them effectively, encouraging developers to propose housing projects that address the state's specific needs. Since each state's priorities differ significantly, the criteria can vary widely but often emphasize factors such as housing location, construction and operation standards, target populations, and included services or amenities. These priorities are typically reflected through:

- **Thresholds** represent baseline criteria that developments must meet to qualify. For instance, a state might require a project to achieve certification under **LEED** (Leadership in Energy and Environmental Design) or Enterprise Green Communities or mandate a minimum number of units designated for households with extremely low incomes.
- **Set-asides** allocate funding or credits for particular types of developments or target populations. For example, some states designate resources specifically for permanent supportive housing for individuals needing additional services or for developments in rural areas.
- **Competitive points** incentivize desirable features in proposed developments. A state's OAP might grant more points to projects located within 0.25 miles of a grocery store compared to those 1 mile away or award points to projects that include units for certain populations.





SECTION 1:

Advocacy Opportunities

The OAP is a critical tool advocates can use to influence their state's supply of affordable housing. You do not have to be an expert on this highly complex program to advocate for changes to it. Advocates should use the public hearing and comment requirements to urge their allocating agency to prioritize the development of accessible units, incentivize service-ready housing, require more extremely low-income units, locate projects in priority areas, preserve the existing stock of affordable housing, and other critical reforms.

While understanding the intricacies of your state's OAP can be helpful, it is not a prerequisite for taking action. Your experiences, insights, and willingness to engage are what truly matter. By focusing on what you know, seeking help when needed, and collaborating with others, you can effectively influence your state's OAP and advocate for policies that better serve your community. Consider the following:

- **Lived Experience Matters:** While technical expertise is valuable, your lived experience and understanding of local housing needs are equally important. You bring a unique perspective that can highlight issues or opportunities that experts might overlook.
- **Community Insight:** If you are someone directly impacted by housing policies, your insights into how the OAP affects your community are critical. Your input helps ensure that the plan reflects the real-world needs and challenges of those it is meant to serve.
- **Diverse Input Strengthens Policy:** Policymakers benefit from hearing a range of voices, not just those of experts. Your input adds diversity to the feedback, helping to create a more well-rounded and effective OAP.
- **Encourages Further Participation:** By participating, you encourage others in your community to do the same. Collective action from advocates can drive meaningful change, showing that you don't need to be a policy expert to make a difference.

Process for Submitting Public Comment

State tax credit agencies, also known as allocating agencies, have broad discretion over their OAPs, which allows advocates to engage them directly to pursue policy objectives that federal mandates do not address. Each year, allocating agencies release a draft OAP for public comments and host workshops or public hearings to gather feedback on the proposed changes. Unfortunately, they receive mostly comments from large, legally-savvy housing developers and architectural firms. Often, these companies are more interested in adjusting rules and ensuring their projects will be awarded tax credits. Resident experience, the design environment, and ensuring that disabled people and older adults can live and thrive in the communities of their choosing are not often discussed.



Submitting comments during the OAP draft process is one important way to make an impact. Still, advocates should also schedule meetings with their state and federal policymakers to educate them on this issue. Integrating local and state statistics into talking points will help emphasize the need for more accessible housing. Lived experience is also a powerful tool that advocates can use to shift the dominant narrative that inclusive design for people with disabilities is too expensive or that the demand does not exist. Letter-writing campaigns can be used as a strategy to influence decision-makers. Organizations can circulate a sign-on letter to send to allocating agency staff or draft a template letter for partner organizations to modify and send to allocating agency staff on their own.



In summary, there are several ways to get involved in ensuring that your state's OAP meets the needs of people with disabilities and their families:

- **Submit written public comments to your state's allocating agency**
 - Subscribe to their newsletters to ensure you get all the public comment windows. You can find their websites [here](#).
 - Submit comments via email before and during the public comment period to ensure the agency has time to incorporate your suggestions.
 - Since every allocating agency operates differently, you should confirm how to submit the written comments. For example, there might be an online portal that you have to use or a template form they post you have to download and complete.
- **Speak at a public comment hearing hosted by your state's allocating agency**
 - You can adapt your written comments into a few sentences that summarize your key recommendations that can be shared verbally.
- **Schedule a meeting with your state's allocating agency**
 - Allocation agency staff may be willing to meet with members of the public to discuss ways they can improve their OAP. However, most of the staff members do not make their emails public. Please email Hunter Herrera-McFarland at hello@thekelsey.org, and we will try to help you get in touch with your state's allocating agency staff.

Tips for Your Public Comment

- **Start with What You Know**
 - Identify Key Issues: Focus on specific aspects of the OAP that align with your concerns or



areas of knowledge. Whether it's affordability, accessibility, or geographic equity, starting with what you know will make your input more effective.

- **Review the Current QAP**
 - Identify agency priorities: Look beyond housing to understand other state priorities, such as de-concentration efforts or alignment with strategic zones.
 - Analyze scoring criteria: Review the QAP's point system thoroughly to understand how different project aspects are weighted.
- **Learn As You Go**
 - Ask Questions: Don't hesitate to ask questions or seek clarification on aspects of the OAP you don't understand. Engaging with the process can be a learning experience, helping you build knowledge over time.
 - Tap Into Resources: To learn more about the OAP, utilize resources such as community organizations, advocacy groups, or public forums. Many organizations provide summaries or guidance that make the OAP more accessible.
- **Focus on Impact**
 - Review the Impact: Consider how the OAP affects different types of developments. Identify any assumptions or policies that might inadvertently hinder certain projects.
 - Emphasize Outcomes: Rather than getting bogged down in technical details, focus on the outcomes you want to achieve. Whether it's more affordable units, better accessibility, or improved community engagement, clearly stating your desired impact can be more persuasive than technical arguments alone.
 - Share Real Stories: Use real-life examples and personal stories to illustrate how the OAP impacts people's lives. Storytelling is a powerful tool to make your input more relatable and compelling to decision-makers.
- **Provide Effective Input**
 - Propose balanced solutions: Advocate for scoring criteria that balance financial feasibility with community needs and long-term impact.
 - Be detailed: Clearly outline your requests or concerns with detailed explanations. Vague or general comments are less likely to lead to action. Don't assume the agency knows the background or context of your input.
 - Use data-driven approaches: Leverage historical data and market studies to support your position and validate assumptions.
 - Highlight key takeaways: Focus on the points you want the agency to remember. Highlight these takeaways clearly to ensure they stand out.
 - Make it easy for the agency: If suggesting changes, write out the proposed text word for word. This clarity helps the agency understand what you're advocating for.
 - Provide evidence: Back up your suggestions with examples, data, or case studies. Concrete evidence is more convincing than mere opinions.
- **Weigh in Early and Often**
 - Provide input early: Submit comments early, especially if you advocate for significant changes. Many agencies welcome input year-round, even if they have not officially requested input. Take advantage of this and provide feedback before the draft is posted on



the agency's website.

- Be persistent: If needed, submit comments more than once throughout the process. However, avoid repeating the same points to ensure each submission adds value.
- **Communicate and Learn**
 - Influence often: Submitting emails or letters should be part of a broader communication strategy. Engage with agency personnel directly, whether through meetings or at industry events.
 - Ask questions and listen: Understanding the agency's goals, concerns, and limitations can inform your future advocacy.
 - Engage with stakeholders: Pay attention to the views of other stakeholders and how they might influence or conflict with your position. This awareness can help you craft more effective arguments.
- **Express Support**
 - Don't just criticize: Highlight what you like about current policies. Positive feedback can help preserve beneficial aspects that might otherwise be overlooked or eliminated.

Increasing Your Impact

- **Use Available Tools**
 - Comment Templates: Many organizations provide templates or sample comments that you can adapt to your situation.
 - Simplified Guides: Look for simplified guides or summaries of the OAP that break down complex information into more digestible pieces. These can help you understand the most important aspects of the plan without needing to delve into every detail. Your state's allocating agencies will likely post these along with the draft OAP to their website.
- **Collaborate with Others**
 - Join Forces: Partner with others who have different expertise or perspectives. By collaborating with other stakeholders, you can pool knowledge and resources to provide more comprehensive input.
 - Leverage Advocacy Groups: Many housing advocacy organizations specialize in understanding and influencing OAPs. They can offer guidance and support.





SECTION 2:

Disability-Forward QAP Recommendations

Disability-forward housing prioritizes creating inclusive, accessible, and supportive environments where people with all types of disabilities can thrive and choose their community. A cross-disability inclusive approach ensures that the diverse needs of individuals with physical, sensory, cognitive, and other disabilities are met through thoughtful design, programming, and policy.

Below, you'll find a menu of actionable recommendations that you can encourage your state's allocating agency to incorporate into their next OAP. These suggestions are designed to advance disability-forward practices in affordable housing development.

How to Use This Resource

- **Recommendations:** These are crafted to be copy-pasted or adapted to fit your state's unique context and policy framework
- **Impact:** Provides insight into how each recommendation benefits people with disabilities and their communities
- **Implementation Considerations:** Highlights potential challenges, resources, or steps to bring the recommendation to life effectively

Not all of these recommendations may be relevant to your particular state. You can find and review your state's QAP [here](#). If you need assistance deciphering the technical language, please contact Hunter Herrera-McFarland at hello@thekelsey.org.

I. Accessibility Provisions

Adherence to ANSI Type A accessibility should be a threshold requirement for all projects

RECOMMENDATION

Awarding tax credits only to projects constructing at least 10% of units to meet the 2021 International Building Code ANSI Type A standards supports a specific, rigorous benchmark. This requirement should be the floor, not the ceiling. Requirements should match, at minimum, American Community Survey data on the disability needs of specific areas. Accessibility standards are crucial for ensuring that units are usable by people with and without disabilities. The ANSI Type A accessibility standard provides a higher level of accessibility compared to basic compliance requirements, offering design features that support aging in place and enable people with disabilities to live more independently.



Type A standards include adaptable features that support residents with limited mobility and allow for future modifications if a resident's needs change. Requiring even a small portion of units to meet these standards ensures a base level of accessibility across new projects, meeting immediate needs and allowing for long-term adaptability.

The ANSI Type A standard offers a more accessible and adaptable layout than other building codes. Key features of ANSI Type A accessibility include:

- Wider doorways and hallways to accommodate wheelchairs and mobility aids.
- Reinforced bathroom walls for grab bars, making bathrooms safer for those with mobility impairments.
- Kitchens and bathrooms designed to allow for maneuverability and adaptability.
- Lowered countertops and accessible cabinets for ease of use by individuals with physical disabilities.

IMPACT

- **Enhanced Accessibility:** This requirement would create an accessible housing baseline, increasing the availability of affordable, accessible housing that is urgently needed across communities.
- **Improved Quality of Life:** By integrating accessibility from the beginning, LIHTC-funded housing can better support residents with disabilities and older adults, allowing them to live more comfortably and independently.
- **Economic Efficiency:** The up-front cost of building to ANSI Type A standards is often lower than the cost of retrofitting units later, leading to long-term cost savings for both developers and residents.

IMPLEMENTATION CONSIDERATIONS

- **Stakeholder Engagement:** Collaborate with housing developers, architects, disability advocates, and community organizations to ensure the ANSI Type A requirements are clearly understood and feasible for all LIHTC projects.
- **Compliance Support and Education:** Provide developers and project managers with resources, such as guidelines and training sessions, to facilitate adherence to ANSI Type A standards.
- **Resistance from Developers:** Some developers may initially resist the additional requirements. Engaging developers early and providing education on cost-effective compliance approaches can help mitigate this.
- **Design and Layout Adjustments:** Not all LIHTC projects are designed with accessibility in mind, and changes may impact unit layouts. By working closely with designers to integrate ANSI Type A features, it is possible to implement these changes without significantly impacting overall design aesthetics or unit count.
- **Monitoring and Enforcement:** Integrate ANSI Type A compliance into the LIHTC project approval and monitoring processes. Conduct inspections during project development and



post-completion to verify compliance with ANSI Type A standards.

- **Incentives for Early Adoption:** To ease the transition, offer additional incentives, such as accelerated application review or additional points, for developers who adopt ANSI Type A requirements before the official threshold date.

Incentivize projects that build units beyond the minimum accessibility requirements

RECOMMENDATION

Should the QAP already require accessible units, the QAP should also incentivize projects that go beyond the minimum accessibility requirements. Not only is there a high need for accessible homes, but research shows that most residents want to age in place, and [it is more cost-effective for them to do so](#). Allocating agencies can take leadership and ensure that new and renovated housing is accessible, or adaptable, to all eligible residents, including seniors and people with disabilities. With allocating agency leadership incentivizing increased accessibility, the affordable housing industry will better meet the growing needs of the state's extremely low and low-income residents.

Incentivizing enhanced accessibility in affordable housing could be operationalized through a structured points system, as demonstrated in models like [The Kelsey Inclusive Design Standards](#) and ANSI Type A accessibility standards.

IMPACT

- **Increased Accessible Housing Stock:** Incentivizing projects to exceed minimum accessibility standards will lead to more housing that accommodates a broader range of physical needs, creating safer, more comfortable options for seniors and individuals with disabilities who face difficulty finding appropriate, affordable housing.
- **Enhanced Quality of Life and Aging in Place:** Since many residents want to age in place, accessible housing would support this goal, reducing the likelihood of costly moves to assisted living or nursing facilities. Accessible homes allow residents to live more independently for longer, improving their quality of life and personal agency.
- **Cost-Effective Housing Solutions:** Creating homes that are already accessible or adaptable is typically more cost-effective than retrofitting homes later on. Incentives for increased accessibility can thus reduce long-term healthcare costs and public spending on emergency housing adaptations.
- **Stronger Agency Leadership and Policy Alignment:** Allocating agencies would show leadership by actively promoting inclusive housing solutions, which could encourage broader policy changes and inspire other stakeholders to prioritize accessibility across different housing programs. This aligns with the growing public awareness of and commitment to inclusive and universal design.
- **Better Meeting of State Needs:** By prioritizing accessibility, the affordable housing industry



would more effectively address the growing needs of low-income and extremely low-income households, especially as the population ages. This would help fulfill a broader mandate to serve all residents equitably, reinforcing the role of housing as a foundational public good.

IMPLEMENTATION CONSIDERATIONS

- **Lack of Awareness:** Developers and stakeholders may be unaware of the benefits of accessible design or the specific standards and incentives available.
- **Training Gaps:** Insufficient training for architects, builders, and developers on inclusive design principles may limit the quality of accessible housing.
- **Deprioritization:** If the QAP incentives for accessibility are not substantial enough, developers might deprioritize accessibility in favor of other, higher-point scoring options within the QAP, especially if they are costly or require significant adjustments to standard building plans.

II. Affordability provisions

Permit the creation of a rental subsidy fund for accessible unit

RECOMMENDATION

Many extreme! low-income households, especially those on fixed incomes like Supplemental Security Income (SSI), face a significant affordability gap in housing despite meeting the qualifications for affordable units. For these individuals, the cost of rent remains out of reach without further subsidy, leading to a precarious housing situation even within "affordable" housing programs. Implementing an internal rent subsidy policy within affordable housing developments could be a transformative approach to bridging this gap and providing stability for those most in need.

An internal rent subsidy model would allow developers to directly subsidize rents for extremely low-income tenants rather than depending exclusively on external sources, such as vouchers or government-funded rental assistance programs, which are often scarce or unreliable. To make this feasible, developers could be permitted to increase their development fees⁶, stipulating that a portion of these fees be allocated specifically for subsidizing rents within the project. This approach incentivizes developers to incorporate an internal subsidy system while preserving project viability and reducing reliance on unpredictable external funding streams.

Pennsylvania's OAP provides a noteworthy example of this type of internal rent subsidy policy. In Pennsylvania, developers who receive tax credits can increase their allowable developer fees by a certain percentage if they commit to setting aside funds for an internal rent subsidy. This increase enables developers to subsidize extremely low-income residents' rent while preserving the project's financial viability. Key components of Pennsylvania's model include:

- **Increased Allowable Developer Fees:** Developers can raise their fees beyond standard levels, specifically when committing a portion of this increase to an internal rent subsidy fund.
- **Flexible Use of Subsidy Funds:** The allocated subsidy can be applied directly to reduce rents

¹ Developer fees are payments made to the developer of a housing project as compensation for their time, effort, and risk in managing the development process. These fees typically cover tasks such as project planning, securing financing, coordinating construction, and navigating regulatory requirements. Developer fees are a standard line item in a project's budget and are often funded through project financing sources, including LIHTC.



for tenants with the greatest need, typically those earning 20-30% of the area median income (AMI) or who are on fixed incomes like SSI.

- **Alignment with Tax Credits:** This model works within the LIHTC framework, allowing developers to meet affordability requirements while creating a financial cushion that is a sustainable subsidy source.

IMPACT

- **Reduced Dependence on External Funding:** External subsidies, such as Housing Choice Vouchers, are often limited and subject to unpredictable funding streams. By creating a self-contained subsidy mechanism within each development, developers ensure greater financial stability for the project and tenants, reducing the volatility associated with external subsidies.
- **Incentivizing Development of Extremely Low-Income Units:** Many developers face challenges in creating units for extremely low-income tenants, as the rents generated may not be sufficient to cover operating costs. The internal subsidy mechanism provides developers with a viable means to fill this gap, enabling more units to be targeted to those with the greatest need.
- **Strengthened Financial Viability:** Increasing developer fees can compensate for the lower rents collected through internal subsidies, keeping projects financially viable. This mechanism incentivizes developers to take part in housing initiatives for extremely low-income populations while maintaining their financial goals.
- **Scalability and Sustainability:** By leveraging a model that integrates internal subsidies into the financial planning of each development, this policy can be scaled across different regions and contexts, addressing the affordability crisis on a broader level.



IMPLEMENTATION CONSIDERATIONS

- **Establish clear guidelines:** Eligible uses of increased developer fees for subsidies should be provided to developers.
- **Frequent reporting:** Require developers to report on how the subsidy is being used and demonstrate its impact on affordability.
- **Compliance:** Monitor and ensure





compliance to ensure that the increased fees are effectively lowering rents for the intended populations.

- **Incentivize:** Consider offering additional points in competitive funding rounds for projects that adopt internal subsidies, providing further incentives to developers.

Encourage income averaging

RECOMMENDATION

Allocating agencies should adopt policies that explicitly allow income averaging in LIHTC properties. Instead of restricting eligibility to a narrow band of low-income households, properties can include units for households earning up to 80% of the Area Median Income (AMI) alongside those earning as low as 20% of AMI, which ensures more affordability for people with disabilities on SSI. This flexibility is crucial in high-cost housing markets, where many working families earn slightly above the traditional LIHTC limits yet still struggle to find affordable housing.

IMPACT

- **Inclusion of a Wider Range of Incomes:** Income averaging allows LIHTC (Low-Income Housing Tax Credit) properties to serve households with a broader range of incomes.
- **Flexibility for Tenants:** This flexibility helps to create mixed-income communities where residents at different income levels can coexist, making the property more inclusive and financially diverse. Having a diversity of tenants can also create informal systems of support and interdependence.
- **Higher Rents from Higher AMI Units:** By allowing some units to be rented at rates affordable to households earning up to 80% of AMI, developers can charge higher rents for those units. This can help offset the lower rents charged for units targeted at very low-income households, such as those earning 20%, 30% or 40% of AMI.
- **Improved Cash Flow:** This balance improves the financial viability of the property, ensuring that it generates enough income to cover operating expenses, debt service, and necessary reserves. It can make LIHTC projects more attractive to investors and lenders by reducing financial risk.
- **More Units Serving More People:** Income averaging can encourage the development of more LIHTC properties, as it allows developers to serve a broader range of income levels within a single project. This can result in the construction of more affordable units overall, addressing the high demand for affordable housing.
- **Tailored to Local Markets:** Different communities have varying levels of need across income ranges. Income averaging allows developers to tailor their projects to the specific needs of the local market, ensuring that the property meets the demands of the community it serves.
- **Greater Alignment with Housing Policy Goals:** Many state and local governments are increasingly focused on creating housing solutions that address the needs of a wide spectrum of low- and moderate-income households. Income averaging aligns with these policy goals by providing housing for a diverse range of incomes within a single development.



IMPLEMENTATION CONSIDERATIONS

- **Understanding IRS Guidelines:** Allocating agencies must thoroughly understand and communicate the IRS guidelines for income averaging, including the requirements for calculating average incomes and ensuring compliance with AMI thresholds.
- **Documentation Requirements:** Agencies should establish clear documentation protocols for property owners to verify tenant incomes and ensure that the average income remains within acceptable limits.
- **Training for Property Managers:** Allocating agencies should provide training for property managers on how to implement income averaging effectively, including best practices for tenant outreach, income verification, and compliance monitoring.
- **Ongoing Monitoring and Reporting:** Establishing a system for regular monitoring and reporting of tenant incomes and occupancy levels will help ensure that properties remain compliant with income averaging requirements.

Increase affordability periods

RECOMMENDATION

Federal law requires LIHTC properties to be rent-restricted and only available to low-income tenants for a minimum of 15 years. In 1990, Congress created an "extended use period" of an additional 15 years, for a total of 30 years. Though LIHTC property owners can still opt out of affordability requirements after the first 15 years through a regulatory relief process, research has shown that most LIHTC developments remain affordable past the 15-year initial compliance period. This period of required affordability beyond Year 15 is called the extended-use period.

Some states require LIHTC-financed properties to be affordable for longer than the federal mandate of 30 years, which helps low-income families stay in their homes and supports overall neighborhood stability:

- Vermont: Requires affordability in perpetuity
- California: Requires 55 years of affordability
- Nevada: Requires up to 50 years of affordability, and in 2021, removed the expiration date for the LIHTC program
- Utah: Requires 99 years of affordability
- Texas: Offers incentives for up to 45 years of affordability

IMPACT

- **Reduced Risk of Displacement:** Estimates find that nearly 500,000 current LIHTC units—representing nearly a quarter of the total stock—will reach their 30-year mark by the end of this decade. A longer affordability period helps protect tenants from sudden rent increases or displacement when the affordability restrictions expire. This stability is particularly crucial for low-income families who may struggle to find alternative, affordable housing.



- **Broader Availability of Affordable Units:** By extending the affordability period, more units will remain affordable over a longer timeframe, increasing access for low- and moderate-income households. This helps to meet the ongoing demand for affordable housing in many communities.
- **Mitigation of Housing Crisis:** In areas facing a housing affordability crisis, extending the affordability period can provide a critical buffer, ensuring that low-income families can continue to afford housing as market rates rise.
- **Predictable Housing Costs:** With a longer affordability period, tenants can better plan their finances, knowing that their housing costs will remain stable for an extended period. This predictability allows families to allocate resources to other essential needs, such as education and healthcare.
- **Opportunities for Community Engagement:** Longer affordability periods encourage tenants to invest in their neighborhoods, leading to increased participation in local events, advocacy, and community improvement efforts.
- **Reduced Turnover for Property Owners:** A longer affordability period can lead to more stable tenant relationships, reducing turnover rates for property owners. This can result in lower costs associated with tenant turnover and enhance the overall management of the property.

IMPLEMENTATION CONSIDERATIONS

- **Impact on Developer Incentives:** Agencies should assess how extending the affordability period may affect the financial feasibility of LIHTC projects. Developers must balance the potential for long-term returns with the commitment to maintain affordability.
- **Funding and Resources:** Consider the availability of additional funding or financial incentives to support property owners in managing extended affordability. This could include grants, low-interest loans, or other financial assistance.
- **Oversight Mechanisms:** Establish clear compliance and monitoring requirements to ensure properties adhere to extended affordability commitments. Regular reporting and audits may be necessary to maintain accountability.
- **Enforcement of Regulations:** Agencies should be prepared to enforce compliance measures and address any violations promptly to maintain the integrity of the affordability period.

111. Inclusivity provisions

Create a tax-credit allocation pool for Accessible Supportive Housing (ASH)

RECOMMENDATION

Establish a dedicated Accessible Supportive Housing (ASH) Tax Credit Allocation Pool within the state's Low-Income Housing Tax Credit (LIHTC) program. Modeled after Virginia's Qualified Allocation Plan (OAP), this pool would prioritize developments that:



- Designate at least 15% of units for individuals with disabilities who require supportive services.
- Comply with HUD Section 504 accessibility standards to ensure fully accessible housing options.
- Include project-based rental assistance to make units affordable for extremely low-income households.

Several states have successfully implemented dedicated LIHTC allocation pools for supportive housing, for example:

- The Illinois Housing Development Authority (IHDA) reserves a portion of its LIHTC allocation specifically for supportive housing. The state has successfully utilized this model to develop deeply affordable, accessible housing linked with services, leveraging federal and state resources, including Medicaid waivers and Section 811 PRA.
- Pennsylvania has a dedicated set-aside within its LIHTC Qualified Allocation Plan (OAP) for projects that provide housing for persons with disabilities and other vulnerable populations. This pool has facilitated the expansion of disability-inclusive housing across the state by offering competitive but protected funding opportunities.



By setting aside a specific portion of tax credits for ASH developments, states would streamline funding for disability-inclusive housing and incentivize developers to integrate accessibility and supportive services into their projects.

IMPACT

- **Increased Housing Availability:** More deeply affordable and accessible housing units for people with disabilities, reducing homelessness and institutionalization risks.
- **Enhanced Integration:** Encourages mixed-income, community-based housing models rather than segregated or institutional settings.
- **Stronger Developer Incentives:** Provides clearer funding pathways for developers, reducing barriers to incorporating accessible and supportive housing components.
- **Improved Compliance with Federal Standards:** Aligns state housing policy with the Fair Housing Act, Americans with Disabilities Act (ADA), and Olmstead principles.

IMPLEMENTATION CONSIDERATIONS

- **Funding Allocation:** Determine the percentage of total LIHTC allocations dedicated to the ASH pool, ensuring adequate resources for sustainable development.
- **Scoring Criteria:** Develop scoring incentives within the OAP to reward projects that exceed the 15% minimum, provide robust supportive services, or incorporate universal design.
- **Coordination with Service Providers:** Establish partnerships with Medicaid-funded services,



state developmental disability agencies, and local service providers to ensure residents receive necessary supports.

- **Monitoring and Compliance:** Implement tracking mechanisms to verify compliance with accessibility standards, service provision, and affordability commitments.
- **Stakeholder Engagement:** Engage disability advocacy organizations, developers, and policymakers to refine program guidelines and address potential barriers to implementation.

Disabled people who use supportive services should be a distinct category for point criteria

RECOMMENDATION

As housing needs become increasingly diverse, there is a pressing need to ensure that individuals requiring supportive services to live independently—such as seniors and people with disabilities—can access safe, affordable housing with services tailored to their needs. Disabled people, particularly those who have high support needs, are often at heightened risk of institutionalization due to the lack of accessible, affordable housing combined with inadequate supportive services. This risk is especially acute for low-income people who lack family support or live in areas with limited community-based services. Institutional settings undermine self-determination and are isolating and costly. For disabled individuals, the choice to live in a community setting with proper support is not just a preference but a fundamental right under Title II of the Americans with Disabilities Act, affirmed by the Supreme Court in the *Olmstead v. Lois Curtis* decision.

Currently, 51 allocating agencies have general scoring incentives encouraging supportive housing, special-needs housing, and housing for people with disabilities. However, a more targeted approach is needed to address the specific requirements of those who need supportive services to live independently. Creating a distinct category within QAPs for housing projects that serve individuals requiring supportive services, particularly those at risk of institutionalization, is a vital step in enhancing independence, dignity, and well-being for people with disabilities. It is critical to ensure that every disabled person can live out their rights to community living. Ultimately, it contributes to stronger, more cohesive communities that value and support all their members.

IMPACT

- **Focused Resource Allocation:** Establishing a specific point category ensures that housing resources are directed toward creating environments where disabled individuals can live independently with dignity. It encourages developers to incorporate accessible units and supportive services within their projects, making it more likely that these individuals can avoid institutionalization and transition from institutions to affordable, accessible, and integrated homes.
- **Promotion of Independent Living:** Independent living is not only a preferred option for many disabled individuals and a protected right but also a more cost-effective one for many states. Community-based housing with appropriate support services is generally less expensive than institutional care. The point category can help to expand the availability of such housing, align-



ing with both ethical imperatives and economic considerations.

- **Encouraging Best Practices:** A dedicated point category can encourage developers to adopt best practices in designing and managing housing for people with disabilities. This can include partnerships with service providers, incorporation of inclusive design principles, and ensuring that housing is located near public transportation and community services.
- **Fulfilling Legal and Ethical Obligations:** Creating this point category helps states meet their obligations under the Americans with Disabilities Act (ADA) and the Olmstead decision, which mandate that disabled people have the right to live in the most integrated setting appropriate to their needs.
- **Community Integration:** Housing developments that serve individuals at risk of institutionalization can promote greater community integration. By living in mixed-income, inclusive communities, disabled individuals can participate more fully in society, benefiting both the individuals and the community at large.
- **Setting a National Example:** If adopted widely, this approach could set a precedent for other states, leading to a broader national movement towards inclusive housing policies that prioritize the needs of people with disabilities. This could influence federal housing policies and funding priorities, further expanding the availability of appropriate housing.

IMPLEMENTATION CONSIDERATIONS

- **Defining Eligibility:** States must clearly define the criteria for being "at risk of institutionalization." This could include individuals who are currently in institutions but are eligible for community-based care, those on waiting lists for such care, or those in precarious housing situations that could lead to institutionalization if not addressed. One of the most relevant programs where this term is defined and applied is the Home and Community-Based Services (HCBS) waiver program under Medicaid. This program allows states to provide services to individuals in their homes or communities rather than in institutional settings. Another program where this term is used is the Money Follows the Person (MFP) program. This federal program helps people transition from institutions back into the community and often includes individuals "at risk of institutionalization." Each program or state may have its own specific criteria or definitions, but the underlying concept is consistent across these federal initiatives.
- **Stakeholder Collaboration:** Work with local agencies, service providers, advocacy groups, and potential residents to ensure that the criteria accurately reflect the needs of those requiring supportive services.
- **Designing and Operating for Resident Needs:** Projects that elect to claim points for including homes/units for people with disabilities who use supportive services should be required to demonstrate that the project provides design approaches, affordability, and supportive services that meet the needs of this population.
- **Supportive Service Integration:** Projects that serve people with disabilities who use services must design their resident services program to meet the specific needs of people with disabilities and be aligned with the HCBS Settings rule. Developments should connect to and integrate supportive services that meet the needs of the target population but only require some residents to access the same services or utilize a single service provider. Service linkages



should include access to case management, personal care attendants, mental health support, and other community-based services that enable independent living.

- **Monitoring and Accountability:** To ensure that the intended outcomes are achieved, states should establish mechanisms for monitoring and evaluating the effectiveness of the housing projects developed under this category. This might involve regular reporting on the number of disabled individuals served, the services provided, and the success rates in preventing institutionalization.

Property owners should be required to develop a comprehensive marketing plan to lease the units to disabled people

RECOMMENDATION

People with disabilities, who often face significant housing barriers, remain underrepresented among LIHTC tenants. This population requires targeted outreach and accessible information to ensure equitable access to affordable housing units. By requiring property owners to develop a comprehensive marketing plan to lease LIHTC units to individuals with disabilities, allocating agencies can improve access, promote inclusivity, and fulfill the program's intent of providing housing to those in need.

Allocating agencies can encourage the following outreach strategies:

- **Partner with Disability-related Organizations:** Collaborate with local, regional, statewide, and national disability advocacy groups, service providers, fair housing organizations, and support networks to spread the word about available units. These organizations often have established connections with potential tenants and can help disseminate information effectively.
- **Utilize Multiple Channels:** Use a variety of marketing channels, including social media, community newsletters, local newspapers, and online housing portals. Ensure that these channels are accessible to people with different types of disabilities, such as those who use screen readers or need easy-to-read formats.

IMPACT

- **Addressing Unmet Housing Needs:** People with disabilities face high rates of poverty, housing insecurity, and discrimination. Yet, a lack of targeted outreach often limits their access to affordable housing. A dedicated marketing plan will raise awareness and streamline the application process for LIHTC units.
- **Stronger Community Relationships:** Partnerships with disability advocacy organizations and other disability service organizations will foster stronger community bonds, enhancing the property's reputation and community engagement.
- **Enhanced Compliance with Fair Housing and Accessibility Laws:** The proposed requirement will reinforce non-discriminatory practices and adherence to FHA and ADA standards in housing.



- **Data Collection and Continuous Improvement:** A periodic reporting requirement can provide data on outreach effectiveness, enabling adjustments and refinements to meet the needs of people with disabilities better.
- **Regulatory Compliance:** Federal and state guidelines already outline the importance of non-discriminatory marketing. A targeted marketing plan helps ensure that property owners meet FHA and ADA requirements by creating accessible outreach materials and strategies.

IMPLEMENTATION CONSIDERATIONS

- **Develop Guidelines:** State housing agencies can develop a standardized set of marketing guidelines that includes strategies for accessible advertising, community outreach, and reporting.
- **Training and Education:** Provide property managers with training on disability awareness, accessible marketing practices, and partnership building with disability organizations.
- **Integration:** Incorporate the marketing plan as a requirement in the LIHTC application process; this should include ongoing compliance checks to assess adherence to the marketing plan.
- **Increased Administrative Burden on Property Managers:** Allocating agencies should provide templates, training, and technical assistance to streamline the marketing plan and development process.
- **Resistance to Additional Marketing Costs:** Allow property owners to leverage free or low-cost outreach options through partnerships with community organizations. State agencies could also consider offering small grants or incentives to assist with these efforts. Cost should not be an excuse for providing inaccessible marketing materials.
- **Difficulty Reaching Target Audiences:** Facilitate partnerships with local disability organizations to bridge the gap and support property managers in effectively reaching potential tenants with disabilities.





Require that all lease-up documents are in plain language

RECOMMENDATION

Plain language is a style of writing crafted to make documents and communications understandable on the first read. It involves simplifying language by avoiding jargon, technical terms, and complex sentence structures that may confuse or alienate readers. This approach is essential in housing documents, such as applications, lease agreements, and notices, as it ensures that all individuals—regardless of literacy level, cognitive ability, or primary language—can understand critical information without additional assistance.

Plain language is particularly beneficial for individuals with cognitive access needs, lower literacy levels, and those facing language barriers, such as non-native English speakers. By making information clear and direct, plain language improves accessibility, empowering individuals to make informed decisions and engage fully with the information provided. This is especially important in housing, where misunderstandings can lead to missed deadlines, non-compliance with lease terms, and loss of essential benefits or housing stability. The Kelsey has an online plain language leasing guide where stakeholders can learn more about plain language in housing.

IMPACT

- **Enhanced Trust and Transparency:** When residents feel that documents are straightforward, they are more likely to trust the agency, improving overall relationships and reducing stress on the allocating agency or property management staff.
- **Reduced Administrative Burden:** Clearer documents mean fewer follow-up questions and misunderstandings, which can reduce the time agencies spend on clarifications and conflict resolution.
- **Increased Compliance and Engagement:** Residents are more likely to understand their responsibilities, leading to higher compliance and engagement rates with housing programs.

IMPLEMENTATION CONSIDERATIONS

Collaboration with Plain Language and Legal Experts: Agencies can partner with experts to create documents that are both clear and legally compliant. These professionals can review current documents and identify areas where language or structure may confuse or mislead readers.

- **Training for Staff:** Training staff on plain language principles enables them to produce clear communications consistently and respond to residents' questions in understandable terms.
- **Testing and Feedback:** Testing documents with a diverse sample of the intended audience can provide insight into areas where language might still be unclear. Feedback from individuals with disabilities, non-native speakers, and individuals with lower literacy levels can guide further refinements. When requesting feedback from individuals who represent the end-user, their time should be compensated.
- **Continual Review and Updates:** As policies and community needs evolve, agencies should periodically review documents to ensure they remain current, clear, and accessible.



SECTION 3:

Template

Written Public Comment Template

Dear Housing Tax Credit Staff,

[Insert brief description of your organization or your personal connection to disability]

Thank you for the opportunity to comment on the *[Insert given OAP you are commenting on, i.e., 2025-2026 Qualified Allocation Plan]*. Our comments are focused on the impact the OAP has on the production of affordable, accessible, integrated, and inclusive housing that meets the needs of disabled residents who are extremely low-income and who need supportive services to live and thrive in the communities of their choice. Although the Americans with Disabilities Act (ADA) Title 11, as affirmed by the Olmstead Supreme Court case, mandates community integration, *[x state]* has underinvested in developing community-based integrated housing for disabled people that meets that mandate.



According to the U.S. Census Bureau, *[nearly one in four adults in x state]* lives with a disability. Despite this, the availability of disability-inclusive housing units remains low. Without a combination of increased mandates and incentives, developers will not prioritize the construction of units that meet the needs of this growing segment of the state's population.

People with disabilities face unique challenges that can significantly impact their ability to secure and maintain affordable housing. For example:

- **Limited Income:** Many individuals with disabilities rely on fixed incomes such as Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI). These benefits fall well below the federal poverty line, making it extremely difficult to afford market-rate housing. Low-income housing provides a solution, offering affordability and stability.
- **Higher Costs of Living:** Disabled people often have additional costs related to their disability, such as medical expenses, assistive devices, personal care, and specialized transportation. These extra costs can further strain their limited financial resources, making affordable housing even more important.
- **Barriers to Access:** Accessible low-income housing ensures that the built environment accommodates the physical needs of individuals with disabilities. Features such as wheelchair ramps, wider doorways, roll-in showers, and lower countertops are not luxuries but necessi-



ties that enable people with disabilities to live independently and with dignity.

- **Disproportionate Rates of Homelessness:** Lack of affordable housing disproportionately affects disabled individuals, increasing their risk of homelessness. Ensuring that there are sufficient low-income housing options available can prevent individuals from experiencing the instability and health risks associated with homelessness.
- **Disproportionate Rates of Institutionalization:** People with disabilities experience disproportionately high rates of institutionalization due to systemic barriers. Without sufficient community-based housing options, individuals are often forced into institutional settings where their independence, choice, and opportunities for social integration are limited. This issue is further compounded by policies and funding structures that historically prioritize institutional care over community-based solutions despite evidence showing that most people with disabilities prefer to live independently in their communities.

To increase the supply of accessible, affordable housing and improve the quality of life for disabled residents, we recommend the following:

1. **[Insert the recommendations that apply to your state's housing context]**

Sincerely,

[Your Name & Role]



