



July 5, 2024

Barbara Richards
4% Housing Tax Credit Section Chief
Ohio Housing Finance Agency
2600 Corporate Exchange Drive, Suite 300
Columbus, OH 43231

Dear Ms. Richards,

Thank you for your consideration of our comments on the second draft of the *4% LIHTC with Bond Gap Financing Program Year 2024 Guidelines* and your willingness to release a second draft for additional comment. The Ohio Housing Council (OHC) is following our traditional policy of providing comment only on items where there is consensus among our diverse membership.

While we are not including comments on all of the elements of the Guidelines that we believe are positive, we want to call out for special appreciation the change from using “Rehabilitation Hard Construction Costs per Unit” to “Bond-Gap Financing per LIHTC Unit”. We believe this incentivizes the wise use of OHFA’s BGF resources while allowing owners to seek additional sources of funding, many of which help achieve additional policy goals.

Our only additional comment on the second draft mirrors a comment we have about the *Ohio LIHTC State Fiscal Year 2025 Guidelines*.

Disqualifying Developer and Owner Characteristics

While the language stating that “Developer and/or owners who have received an award of HDAP in Program Year 2022 or earlier and have not yet closed with OHFA’s Legal Office on the BGF award as of the Program Year 2024 Proposal Application deadline may not participate in the 2024 BGF program” was included as new language in the first draft, we regrettably missed it when reviewing it at that time and thus didn’t comment on it. However, we would like to take this opportunity to raise our concern with what looks to be an absolute prohibition on anyone who received but has not yet closed an HDAP award in Program Year 2022 or earlier from participating in the 4% w/BGF program this year.

We understand the intent to make sure that those who receive 4% w/BGF awards are able to successfully close them; however, we don’t believe failure to close an award with OHFA’s Legal Office should be disqualifying in the same way that federal debarment, foreclosure, or being under felony indictment are. Our recommendation is that you remove this

prohibition, but if you are unwilling to do so, we strongly recommend allowing for an exception request or that the presumption of disqualification be rebuttable. There are developers who have taken on large, complicated developments which are good for the state but that take significant time to get across the finish line. We should be encouraging this activity rather than creating an environment in which someone is penalized for doing so.

Thank you again for your work on these guidelines and we look forward to continuing to work with you to refine this program.

Sincerely,



Ryan Gleason
Executive Director

cc: Shawn Smith, Executive Director, Ohio Housing Finance Agency
Taylor Koch, Director of Multifamily Housing, Ohio Housing Finance Agency