



December 11, 2024

Ms. Angela Hawkins
Chief Legal Counsel
Ohio Housing Finance Agency
2600 Corporate Exchange Drive, Suite 300
Columbus, OH 43231

Re: Comments on Proposed Rule Changes to OAC 175-1 and 175-8

Dear Ms. Hawkins:

Thank you for the opportunity to comment on the proposed changes to Ohio Administrative Code sections 175-1 and 175-8. We appreciate the effort OHFA has made to gather input from stakeholders during the rulemaking process and value the opportunity to provide feedback. While we want to support OHFA as a partner in advancing affordable housing, we have significant concerns about the proposed changes, which we believe merit further consideration and revision.

Proposed Changes to OAC 175-1

The revised language in OAC 175-1 broadens the circumstances under which OHFA may waive provisions of the Administrative Code. The current standard allows waivers only under extreme, exigent circumstances and ensures that waivers are not contradictory to any provision of the ORC or agency rules. The proposed language significantly lowers the threshold by permitting waivers for "good cause" as determined solely by OHFA, eliminating the prior safeguards of exigent circumstances and alignment with the ORC or agency rules.

This change creates ambiguity and raises concerns about predictability and accountability. If the agency can waive any requirement under the Administrative Code for good cause, it effectively diminishes the authority of the rules themselves and places stakeholders in a position where it is difficult to anticipate how and when waivers might be applied. This lack of clarity undermines the trust necessary for a strong working relationship between OHFA and the development community.

Proposed Changes to OAC 175-8

The proposed amendment to OAC 175-8 reduces the minimum public comment period from 30 days to as few as 15 days, creating a window of 15 to 30 days. Because of my time at OHFA, I am undoubtedly more sympathetic to the challenges OHFA staff deals with in meeting internal deadlines for submitting items to be included in the OHFA Board Meeting packets. However, the development community is concerned that this change to provide OHFA with more flexibility in meeting internal deadlines unreasonably shifts the burden of accelerated timelines onto the development community, which is already managing complex projects and competing priorities.

We are also troubled by the potential interpretation of this language as capping the comment period at 30 days, even when more time may be warranted. Over the past few years, OHFA has repeatedly waived the 30-day comment period, often setting deadlines uncomfortably close to major holidays. This approach has placed stakeholders in a position of having to respond quickly, often at the expense of thorough analysis and meaningful input.

We recognize that there may be instances where minor, technical changes could make a shorter comment period sufficient. However, these should be the exception rather than the rule. For substantive changes, the full 30-day period is essential to ensure stakeholders have adequate time to review and respond thoughtfully.

Recommendations

Rather than implementing the proposed changes at this time, we strongly urge OHFA to:

- Retain the current 30-day minimum comment period for substantive changes, with flexibility for a shorter period only in cases involving minimal, technical revisions.
- Reassess internal processes and deadlines to ensure that the public is afforded sufficient time to provide meaningful feedback, rather than shifting this burden to stakeholders.
- Delay adoption of these rule changes until the new Executive Director has had time to review them. This would allow the new leadership to evaluate the proposed changes in light of OHFA's long-term goals and priorities and foster greater trust with the development community.

While we sympathize with OHFA's internal challenges, we believe these proposed changes risk undermining the trust and collaboration necessary to advance our shared mission of expanding affordable housing opportunities in Ohio. Adjusting internal processes to prioritize stakeholder engagement and maintaining higher standards for waivers and comment periods will better serve both OHFA and its partners in the long term.

We remain committed to working collaboratively with OHFA to address these concerns and improve the rulemaking process. Please feel free to reach out if we can provide further input or clarification.

Sincerely,

A handwritten signature in blue ink that reads "Ryan Gleason". The signature is fluid and cursive, with the first name "Ryan" and last name "Gleason" clearly legible.

Ryan Gleason
Executive Director