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Cody Price, 9% Housing Tax Credit Chief
Ohio Housing Finance Agency
57 E. Main Street
Columbus OH 43215

Re: Comments on Proposed FY 2026-2027 9% QAP First Draft

Dear Mr. Price:

Thank you for preparing the Ohio Housing Finance Agency's ("OHFA") 9% Low-Income Housing Tax Credit ("LIHTC") program Qualified Allocation Plan ("QAP") for 2026-2027. On behalf of our clients and communities, we would like to submit the following comments. We begin by applauding the inclusion of the following proposed strategies and updates:

- The increase for the General Occupancy projects of 15% minimum for units with 3 or more bedrooms.
- The requirement that all projects have an Affirmative Fair Housing Marketing Plan.
- The dedication to requiring all projects to have a minimum of 10-15% of households living under 30% AMI.

While we appreciate the changes stated above, we believe OHFA can do more.

1. Due to the growing need of Ohioans requiring larger apartments, we request that general occupancy projects have a minimum of 25% of units with 3 or more bedrooms. We make this suggestion with the acknowledgment of OHFA's increase from 10% to 15% from 2024-2025 QAP. However, the need is greater than the 15% will cover. As stated in OHFA's 24-25 Ohio Housing Needs Assessment Executive Summary, "while Ohio builds more multifamily housing, there are still not enough affordable rental units for the lowest-income Ohioans, and the gap between supply and demand is widening." According to U.S. Census estimate for July 2024, there are 4,839,571 households in Ohio, and twenty-five percent of those households have children under 18 years of age. In 2023, nine percent of children in Ohio live in crowded housing, a two percent increase over 2022.

2. We request that, on page 16 under Fair Housing Requirements, OHFA add a provision including the U.S. Department of Housing and Urban Development (HUD) adopted guidance extending the definition to prohibit housing discrimination based on sexual orientation and gender identity.

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3. Each of the pools put a focus on a percentage of households living under 30% of AMI. However, the majority of rents are calculated to be 60% AMI, which means that those households will be severely rent burdened. We request that OHFA provide some sort of incentives or even requirements that each project provide rents to households that are proportional to their AMI.
4. “We request that all approved projects be formally reminded that they are prohibited, pursuant to 26 USC 42(h)(6)(B)(iv), from refusing to lease to a Section 8/Housing Choice Voucher applicant because of the status of said applicant as a voucher holder.”
 - a. That section prohibits a LIHTC recipient from “refus[ing] to lease to a holder of a voucher or certificate of eligibility under section 8 of the United States Housing Act of 1937 because of the status of the prospective tenant as such a holder”
5. We request that you remove #3 (highest numbers of LIHTC units) from the General Occupancy tiebreakers because it conflicts with the very important goal articulated in tiebreaker #2 (highest number of bedrooms) and could discourage projects that prioritize 3 or more bedrooms.
6. We request the first lifestyle amenity be modified from Tenant Credit Reporting System Participation to be opt-in only for each tenant, and to clarify that only positive reporting is permitted. This way, the decision on whether to report timely rent payments is left to the individual tenant and no negative credit reporting occurs.
7. We request that on page 48, OHFA remove the “Minimum threshold: Projects must be located in a census tract with a Neighborhood Opportunity Index greater than or equal to the applicable region’s median neighborhood opportunity index raw score for the targeted population.” Our reasoning is there is still a mandate of preservation projects in all tracts, and some of the most divested neighborhoods (that may have a low Neighborhood Opportunity Index) are the most in need of affordable housing. Therefore, these census tracts should not be ignored. There should be no exceptions or minimum thresholds.
8. We request that on page 15, the compliance period be expanded from 15 years to 30 years or that OHFA clarify that, despite the terminology, compliance is required during the extended use period. This will ensure that developers do not believe that compliance of the restrictive covenant expires in year 16, but they continue to keep their buildings in habitable conditions.
9. The restrictive covenant should be strengthened where it is clear to developers that OHFA and residents have the right to obtain injunctive relief and other appropriate remedies, filing claims against developers for their failure to comply with the restrictive covenant. We request that OHFA be more explicit about developer’s responsibilities. One suggested enforcement mechanism would be that OHFA clearly state, developers are disqualified

from applying for additional tax credit if they are found in administrative violation of the restrictive covenant.

10. We request that on page 24, there be added penalties or enforcement for projects that do not address tenant-reported habitability concerns, in addition to penalizing developments that fail to address local inspection findings.
11. OHFA should set out strict requirements for projects that request to terminate their obligations under the restrictive covenants. Examples are that the buildings are up to housing code, there are no open habitability violations, tenants are provided notice and an opportunity to object to the termination, that all current tenants have a valid lease and all tenant's income recertifications are completed and properly registered with OHFA.
12. On page 43, we request that "parenting women experiencing housing instability" be changed to parents with no preference of sex.
13. Modify Lease Addendums for tenants, in that paragraph 4 there should be a corresponding handout that clearly spells out the program requirements. Paragraph 4 reads: "Whereas, Owner and Tenant agree to and are required to comply with all Program requirements as interpreted and enforced by the Agency...."
 - a. Modify paragraph 3 under Terms of Addendum that the premises must be the Tenants "primary" place of residence instead of sole as there are some tenants who may have to care for ailing parents/children that would require them to reside in another location for some time throughout the year. Primary can be defined as residing in a home for 6 month and one day.
 - b. Modify 7 under Terms of Addendum to 72 hours' notice to tenants for regulatory inspections and that inspections should not happen more than 6 times a year.
14. We encourage OHFA to continue to invest in resident engagement in a way that encourages voices of OHFA's beneficiaries to share important insight about the proposed QAP and overall efficacy of its programs. OHFA should create a robust system to get quality feedback from tenants on conditions and management of LIHTC buildings. We would suggest OHFA do a tenant survey within the first 5 years of a project and within year 16 and year 20 to receive feedback from tenants on how the project is complying with the restrictive covenant. We would ask that you widely publicize your public hearings and send notices to non-profits and community-based organizations who can share it with their clients and community members, as to increase community participation.
15. We suggest OHFA increase the requirement of accessible units from 10% to 15%. Also provide guidance to developers of what it means to make an apartment accessible. We have seen where instead of installing stand-up showers, developers will install tubs which make it nearly impossible for wheelchair bound tenants to enter the shower.

Thank you for taking the time to consider our recommendations. We would be happy to provide additional technical support should it be helpful.

Sincerely,

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