

## Summary of Public Comments

On May 26, 2023, MFA provided Notice of Intent to amend the Affordable Housing Act (AHA) Rules of which MFA has oversight under statute NMSA 1978, §6-27-1 through §6-27-10. Notice was published in the following newspapers: the Albuquerque Journal, the Las Cruces Sun-News, and the Santa Fe New Mexican as well as on MFA's website. Public Comment was allowed to be submitted either through mail or email to the proposed amendment to the AHA rules.

In addition, MFA included in the Public Notice information regarding the Public Hearing scheduled for June 26, 2023, from 3-4 p.m. at MFA's Offices. The Public Hearing also provided an opportunity for the public to submit Public Comment to the proposed amendment. One member of the public attended the Public Hearing.

Below is a summary of Public Comments received in response MFA's Notice of Intent to amend the Affordable Housing Act Rules.

- Several respondents expressed support for changing the definition of moderate income AMI allowed under the Act from 120% to 150% as well as language for further adjustments for high-cost areas. One respondent expressed a desire for more study on this change and its relation to fair market rents and one respondent expressed that the definition of Affordable Housing needs to include incomes at very low income 50% AMI and extremely low income 30% AMI before increasing the upper moderate-income limit. Definition of Low and Moderate Incomes should be consistent with HUD definition or should cite the source within the language.
  - MFA Response: Included within the definition of Persons of Low and Moderate Income there is language stating that "All federal and restricted programs will continue to follow the income requirements outlined in statute, regulations, guidance or contractual documents." MFA believes that this language addresses the concern described above. For unrestricted programs, the moderate income limits are primarily for programming related to single family not multifamily housing. This definition change would also align with MFA's Rules and Regulations definitions which were approved by the Legislative Oversight Committee and MFA's Board.
- One respondent asked if there was a timeframe for compliant government entities to amend their Affordable Housing Ordinance to align with these proposed changes once they have been finalized.
  - MFA Response: At this time, there is not a proposed timeframe or deadline in which to amend these proposed changes to a compliant Government Entity's Ordinance.
- One respondent asked if under subsection 3.2 in the Definition section if the "guidelines established by MFA" were referencing the AHA Rules or some other form of regulatory guidance?
  - MFA Response: The guidelines referenced would be beyond the AHA Rules and may apply to different programs that MFA administers.

- One respondent asked if under subsection 3.32 in the Definitions section if the “Moderate income limits may be adjusted for high-cost areas to accommodate qualification of purchase of a median priced home in a county of the subject property or rent at fair market rate” if there will be other approval requirements or MFA guidelines to make this available?
  - MFA Response: Depending on the MFA administered program, MFA may incorporate this additional income adjustment.
  
- One respondent recommended mandating an explicit requirement for protection of ecological resources and green building.
  
- A few respondents shared that the language “have among its purposes significant activities” in subsection 5.3 of the Rules regarding Qualifying Grantee Applications often results in new for-profit builders/developers from competing for or entering the affordable housing development market via RFPs or awards. This language has resulted in for-profit builders and developers having to form non-profit entities in order to clear this perceived hurdle even though the Act and Rules state that a for-profit entity can be a Qualifying Grantee.
  - MFA Response: Upon learning of this issue, MFA will develop guidance on how compliant government entities and MFA will review Qualifying Grantee applications as it relates to the “have among its purposes significant activities” criteria.