

Fw: Regulation Error? LI Private Entity Qualification

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To: SMART, DOER (ENE) <doer.smart@mass.gov>

 2 attachments (475 KB)

Low Income Guideline Revised_5.18.20.pdf; WFH Guidelines Updated May 2 2019.pdf;

For public comment on *Guideline Regarding Low Income Generation Units*.

From: Nate Radford <nradford@zpeenergy.com>

Sent: Wednesday, June 3, 2020 1:57 PM

To: Steltzer, Eric (ENE) <eric.steltzer@mass.gov>

Cc: Steltzer, Eric (ENE) <eric.steltzer@mass.gov>; Barnicle, Abby (ENE) <Abby.Barnicle@mass.gov>

Subject: Regulation Error? LI Private Entity Qualification

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Dear Mr. Seltzer,

We are not sure if this has been brought to your attention, but we came across this and it seems like there may be an error in the private entity LICSS qualification. If not, is there a reason why the following requirements do not align?

Pertaining to the SMART qualification for a low income private entity, here is how the regulation reads: shown in Low Income Guideline attachment in section 7), a), ii

(1) at least 25% of the housing available at the properties to be served by the Generation Unit is required to be rented to households that are at or below 80% of the Area Median Income ("AMI"); or

(2) at least 20% of the housing available at the properties to be served by the Generation Unit is required to be rented to households that are at or below 50% of the AMI.

On the other hand, here is how the qualification is stated by MA Housing: shown in the MA Workforce Housing Program attachment in the Affordability Requirement section on page two

Affordability Requirements

Income requirement:

In accordance with Section 5(i) of MassHousing's Enabling Act, at least 20% of the units at the development must be affordable to those earning up to 80% of AMI (as defined by HUD), and this will be reflected in a recorded MassHousing Disposition Agreement.

Projects with permanent financing provided through the HUD HFA Risk Share program will be required to have either 20% of the total units in the project affordable to those earning up to 50% of AMI or 40% of the total units in the project affordable to those earning up to 60% of AMI.

So we would like to comment on the fact that the SMART regulation for private low income eligibility is inconsistent with the MA Housing regulations and suggest that DOER change the SMART qualification requirement to match the regulations set forth by the Commonwealth. It seems like this may be an error that DOER is already working on, will this be updated?

Sincerely,

Nathan Radford

Director of Operations, Community Solar

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