



June 6, 2018

Alfred M. Pollard, General Counsel
Attention: Comments/RIN 2590-AA83
Federal Housing Finance Agency
400 Seventh Street, SW, Eighth Floor
Washington, D.C. 20219

**Re: Notice of Proposed Rulemaking and Request for Comments –
RIN 2590-AA83 – Affordable Housing Program Amendments**

Mr. Pollard,

Please find below comments on behalf of the Maryland Department of Disabilities (MDOD) regarding the proposed rulemaking regarding the Federal Home Loan Banks' Affordable Housing Program (AHP). Our comments focus solely on the proposed changes affecting housing for target populations, including people with disabilities. We are responding to your Requests 29, 30, and 31 and recommend against the proposed raising of the threshold amount needed for projects to qualify as serving targeted populations from 20 percent to 50 percent.

The MDOD is charged with coordinating and improving the delivery of services to individuals with disabilities in the State of Maryland. By working collaboratively with all State government agencies, MDOD provides advocacy and guidance to ensure that State entities deliver services in the most integrated settings possible, develop consistent policies affecting those with disabilities, and consider the diverse needs of all when making decisions which impact Marylanders. MDOD focuses on independence and full community membership through its programs, including programs that provide accessible and affordable housing. For these housing programs, MDOD takes a leadership role working through the Maryland Partnership for Affordable Housing (MPAH) to coordinate access to supportive services, provide training and technical assistance to housing and service organizations, provide tenant training to support successful tenancy and provide technical assistance in resolving issues that affect continued tenancy.

MDOD concurs with the National Low Income Housing Coalition and other commenters that this new threshold is generally contrary to the *Olmstead* decision that seeks to promote opportunities for people with disabilities to live in integrated community settings. Additionally, raising your standard is also not compatible with general practices deployed by other funders and does not recognize the benefit of a mixed-occupancy development, which allows developers to cross-subsidize units in a project.

The federal Section 811 Project Rental Assistance Program limits to 25% the percentage of units in a property that may be restricted for occupancy to persons with disabilities. Our experience in administering the Section 811 PRA program in Maryland shows that most properties include fewer than 25% of their units as Section 811 and that the lower concentration is beneficial to the residents and their neighbors. We support similar lower percentages in our ongoing efforts to increase affordable and accessible housing for people with disabilities.

We recommend that the 20% threshold target be retained for all target populations, including homeless households, special needs housing, and housing for extremely low income households. Many of these target populations will include people with disabilities.

MDOD encourage AHP to support the production of housing that is affordable and accessible for people with disabilities and to do so in a manner that is compatible with the *Olmstead* decision. Raising your outcome standard would be contrary to this goal.

Thank you for your commitment to updating the AHP regulation to permit more flexibility. We respectfully request that you reconsider parts of the proposed amendments as noted above. We appreciate the opportunity to comment.

Sincerely,



John P. Brennan
Deputy Assistant Secretary