

**Public Comment Related to Section 42, Low-Income Housing Credit Average Income Test Regulations (REG-119890-18)**

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**Submitter Name: Mike Hynes**

As a property manager specializing in the management of properties financed by the Low Income Housing Tax Credit program, I have real concerns that this rule, as proposed, would effectively eliminate the Average Income election as a viable choice for property owners going forward as well as harm those property owners who have already made the election. There are several reasons for my concern, including the potential conflict between these provisions and Fair Housing rules and regulations as relates to reasonable accommodations requested by residents of a particular building or property. Further, the increased complexity of administration that these rules would impose could cause tax credit investors to mandate that properties not take the election, or for State Housing Finance Agencies to determine that they do not want to administer the election, and to therefore only award projects who agree not to take it. While clarification and guidance is needed for the Average Income election, I would recommend that this guidance be drafted in a way that promotes floating unit types and property averages as opposed to imposing any type of fixed unit types. Thank you for your consideration.