

IL EE Stakeholder Advisory Group (SAG) Request for Comments on New Construction Eligibility Policy Proposal

Instructions:

- Using this template, send written comments to the SAG Facilitator, Celia Johnson: Celia@CeliaJohnsonConsulting.com **by Wednesday, October 1.**
- Include “New Construction Policy Feedback” in the subject line of the email.
- All comments will be posted on the [SAG website](#), and circulated to the SAG Reporting Working Group.

Background Information:

- At the [July 23, 2025](#) Q3 Large Group SAG meeting, ComEd presented a proposed policy regarding income eligibility verification guidelines for the Electric Homes New Construction Program: [ComEd Policy Proposal Presentation](#).
- Following the July 23rd meeting, ComEd shared proposed policy language for review. Comments were due August 20th. Comments received are posted on the [Policy webpage](#).
- A follow-up discussion was held in the SAG Reporting Working Group on [Monday, September 8](#).
- Following the September 8th meeting, ComEd shared updated redline edits for final review:
 - [Income Eligibility Verification Guidelines for Residential New Construction \(RNC\) Program \(Redline 9/16/25\)](#)
 - [Income Eligibility Verification Guidelines for Residential New Construction \(RNC\) Program \(Clean 9/16/25\)](#)

Comments Submitted By:

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Question 1: Please describe comments and /or questions on the updated proposed policy:

- [Income Eligibility Verification Guidelines for Residential New Construction \(RNC\) Program \(Redline 9/16/25\)](#)
- [Income Eligibility Verification Guidelines for Residential New Construction \(RNC\) Program \(Clean 9/16/25\)](#)

Response: See page 3 for proposed redline edits to the Income Eligibility Verification Guidelines for Residential New Construction (RNC) Program document.

Primary comments:

CIC, NRDC, and PCR support the changes outlined to create income-eligible pathways for the newly renamed Residential New Construction Program (ResNC). Overall, the outlined pathways create a variety of options and opportunities for developers, property owners, and homeowners to participate in the program and maintain affordability. There are two areas of clarity that could help improve the pathways:

1. **Pathway #2 as a pathway for occupied housing**

Pathway #2 should serve as the core mechanism for substantially rehabilitating occupied housing. We recommend clarifying that eligibility be based on property owners or tenants' participation in income-based programs such as TANF, SNAP, LIHEAP, Medicaid, SSI, or the State Children's Health Insurance Program. Documentation could include Weatherization participation within the past five years, but should also extend to the broader range of income-based programs listed above.

2. **Affidavit requirements and feasibility**

As originally proposed, the affidavit would secure affordability for existing tenants at current rent levels or at 80% AMI (as defined by HUD), whichever is lower, for a three-year renewal period. This requirement is only feasible if incentives are appropriately calibrated to the actual costs of substantial rehabilitation. Prior to program launch, it is recommended that ComEd makes the affidavit available for review by stakeholders.

Finally, we encourage ComEd to provide a more detailed breakdown of incentives for income-qualified versus market-rate pathways. Doing so will help ensure that the incentive levels are sufficient to preserve affordability while also maintaining overall project financial feasibility.

Thank you for the opportunity to comment on the Income Eligibility Verification Guidelines for Residential New Construction (RNC) Program.

**Illinois Energy Efficiency Stakeholder Advisory Group
Policy Manual Subcommittee**

Policy Resolution:

Income Eligibility Verification Guidelines for Residential New Construction (ResNC) Program

Policy Issue:

The Residential New Construction (ResNC) Program aims to support the development of all-electric, energy-efficient homes for households across ComEd territory. Verifying income eligibility in the context of residential new construction presents unique challenges, particularly when homes are not yet occupied, and traditional tenant-based verification methods are not feasible and similarly, when an owner or prospective owner seeks to substantially rehabilitate a building through the program, tenant-based verification methods can be burdensome. Additionally, all-electric substantial rehabilitation and new construction have the potential to add upfront costs to the development and housing created or rehabilitated through the program must also protect affordability for existing or prospective tenants and homeowners, despite this extra cost, if developers or owners seek to pursue the IE ResNC. To ensure that these challenges do not hinder participation or delay project timelines, the ResNC Program proposes multiple pathways for builders and developers to establish income eligibility and maintain affordability for prospective homeowners and existing tenants. These pathways are designed to be efficient, minimally burdensome, and equitable—supporting timely delivery of incentives and ultimately opening a pathway for Income Eligible targeted offerings within the ResNC program.

Policy Resolution:

The following pathways are all acceptable ways to demonstrate income eligibility verification for projects completed in the ResNC program (including single-family and multifamily new construction). Each Program Administrator has the discretion to choose any of the following pathways:

1. *Participation in an Affordable Housing Program.* Automatic qualification for any property that can provide documentation of participation in a project-based federal, state, or local affordable housing program (e.g., LIHTC, HUD, USDA, State HFA, local tax abatement). Tenant-based programs (e.g., Housing Choice Vouchers) are excluded as they do not guarantee affordability at the development level.
2. *Participation in ~~Income-Based~~ the Weatherization Assistance Programs.* Submission of documentation showing a ~~rehabbed~~ property owner or at least 50% of tenants participate in income-based programs such as TANF, SNAP, LIHEAP, Medicaid, SSI, or the State Children’s Health Insurance Program including if the property owner or building is on the waiting list for, currently participating in, or has in the last five years participated in the Weatherization Assistance Program. This pathway must also meet the following criteria where applicable:
 - i. Developers must also demonstrate affordability through final sale prices ($\leq 120\%$ AMI for for-sale units) or rent levels ($\leq 80\%$ AMI for rental units).
 - ii. A lease stabilization affidavit is required when the property will be renter occupied - the affidavit would secure affordability for existing tenants at current rent levels or at 80% AMI, whichever is lower (as defined by HUD) for a three-year renewal period.
 - iii. Commitment to not reduce unit quantity. Exclusion applies to properties reducing the number of previously available housing units due to safety or zoning requirements.

3. *Location in a Low-Income Census Tract.* Location in a Census Tract identified by the Program Administrator as low-income using HUD's Qualified Census Tracts. This pathway must also meet the following criteria where applicable:

- i. Developers must also demonstrate affordability through final sale prices ($\leq 120\%$ AMI for for-sale units) or rent levels ($\leq 80\%$ AMI for rental units).
- ii. A lease stabilization affidavit is required when the property will be renter occupied - the affidavit would secure affordability for existing tenants at current rent levels or at 80% AMI, whichever is lower (as defined by HUD) for a three-year renewal period.
- iii. Commitment to not reduce unit quantity. Exclusion applies to properties reducing the number of previously available housing units due to safety or zoning requirements.

4. *Rent Roll Documentation.* Rehabbed projects may submit rent rolls documenting median rents charged by a property are at or below 80% of HUD's Fair Market Rent. This pathway must also meet the following criteria where applicable:

- i. Developers must also demonstrate affordability through final sale prices ($\leq 120\%$ AMI for for-sale units) or rent levels ($\leq 80\%$ AMI for rental units).
- ii. A lease stabilization affidavit is required when the property will be renter occupied - the affidavit would secure affordability for existing tenants at current rent levels or at 80% AMI, whichever is lower (as defined by HUD) for a three-year renewal period.
- iii. Commitment to not reduce unit quantity. Exclusion applies to properties reducing the number of previously available housing units due to safety or zoning requirements.

5. *Tenant Income Information.* Pre-construction submission of tenant income information showing that at least fifty percent (50%) of units are rented to households meeting one of the following criteria: a. at or below two hundred percent (200%) of the Federal Poverty Level, or b. at or below eighty percent (80%) of Area Median Income. This pathway must also meet the following criteria where applicable:

- i. Developers must also demonstrate affordability through final sale prices ($\leq 120\%$ AMI for for-sale units) or rent levels ($\leq 80\%$ AMI for rental units).
- ii. A lease stabilization affidavit is required when the property will be renter occupied - the affidavit would secure affordability for existing tenants at current rent levels or at 80% AMI, whichever is lower (as defined by HUD) for a three-year renewal period.
- iii. Commitment to not reduce unit quantity. Exclusion applies to properties reducing the number of previously available housing units due to safety or zoning requirements.