



Public Comments on Proposed Regulations by the Internal Revenue Service in Relation to Section 6417 Elective Payment of Applicable Credits

KABOOM! is the national nonprofit organization dedicated to ending playspace inequity. One key way we do this is by working with local governments and other nonprofit organizations across the country to invest in and build more playspaces in neighborhoods that have been historically disinvested in due to past racially biased public and financial lending policies. Through our national 25 in 5 initiative to End Playspace Inequity, as well as other strategic partnerships, KABOOM! is helping communities create more equitable access to play for children in areas where safe, welcoming, and inclusive play options were either limited or non-existent. As we develop these playspaces with our local partners we also emphasize the environmental impact of our work and encourage localities to think of ways playspaces, like any other civic infrastructure, can help mitigate the negative effects of the environmental injustices many of these same communities are confronting.

The Section 6417 Elective Payment of Applicable Credits (hereafter, “direct pay program,”) will provide municipal governments and nonprofits an additional incentive to invest in clean energy production, an area that is of special interest to KABOOM! and our partners. In many of the neighborhoods we work in, playspaces take up a significant portion of the surface area, which is a premium resource in the neighborhoods where we work. To maximize a playspace’s benefit to the community, we advocate for the inclusion of design features that align with a community’s climate change mitigation strategy; including solar panels on the tops of our playspace shelters, air quality monitors, electric vehicle charging stations in the parking spaces serving the playground, rain gardens, and natural and artificial coverings. Promoting that design principle allows playspaces to serve a broad set of community needs, including the primary ones of improving the physical and mental health outlook of children, but also creating a built environment that mitigates the most harmful effects of anthropogenic climate change.

This kind of comprehensive playspace construction costs significantly more than just building a playspace without these features. And because most playspace projects are funded through municipal capital budgets or the CDBG program, many cities are reluctant to incorporate these additional, but critically needed, features. With the new direct pay program, cities will have access to another pool of resources that can be used to fund this type of work.

While green playspaces are not the only solution to the climate crisis our nation is facing, making playgrounds greener and more responsive to changing weather patterns must be part of our national strategy to combat climate change. Because these spaces, in the aggregate, occupy a significant amount of space, transforming them is necessary if we are going to address issues like urban heat islands, overtaxed stormwater management systems, the creation of micro-grids, and greater electric vehicle use. That is why including playspaces into a municipality's climate change mitigation strategy also serves an important environmental justice role.

Many of the communities KABOOM! builds its playgrounds in are in historically disinvested Black and brown communities who are also on the front line of the climate crisis. The people living in these communities were already living in communities that had inadequate tree coverage, had fewer non-carbon producing mobility options, and homes that are not weatherized or very energy efficient. This makes them especially vulnerable to the extreme weather events resulting from a warming planet. Combined with the other social determinants of health, the residents living in these communities face the greatest risk of death or serious illness of almost any other population in the nation as a result of climate change.

Even small interventions in these communities can therefore be impactful and because playspaces serve an integral role in fostering belonging in them it makes sense to invest in their transformation. The funding municipalities can derive from this new financial vehicle may not be significant in comparison to other available sources, their ready availability and combined impact over several playspace projects can ultimately be transformative.

For these reasons, it is our hope that the agency will make it easy for municipalities to take advantage of this program. Specifically, the time between when the payments can be claimed and the time of payment needs to be shortened. As previously described, funding for playspaces often comes from municipal capital budgets and CDBG allocations. A two-year lag between initial investment and payment may place too great a strain on municipal budgets and preclude them from investing in these projects. We hope that the Department will find a way to expedite payments to eligible recipients. Minimizing the time between when credits are claimed and payment made should not exceed a year.

Thank you for considering our comments on this important new program and we look forward to its use by our municipal partners to advance both playspace equity and more environmentally just communities.