

Minnesota Attorney General: Administrative Rules Proceedings

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Our File 483

Attorney General

James Dinnerstein
Special Assistant
Attorney General

November 14, 1978

Lee E. Sheehy
Special Assistant
Attorney General

296-1288

In the Matter of the Adoption of the Proposed Temporary Rules Governing the Urban Indian Housing Program

The above-captioned rules have been approved by this office.

LES/bw

Enclosure

FOX RIVER
25% COTTON

483 - HOUSING FINANCE AGENCY

RULES REVIEW CHECKLIST

DATE RULES RECEIVED 11/9 Temporary Rule X

Resubmitted and Received _____

DUE DATE 11/16

a. Returned to Agency w/o filing w/Secy of State _____
b. Approved 11/13 Date Sent Back to Agency _____

- -

1. Rules as Adopted _____
2. Rules as Proposed _____
3. Certificate of Board's Authorizing Resolution, where applicable _____
4. Order for Hearing _____
5. Notice of Hearing _____
   (i) Sufficiency _____
6. Secretary of State's List _____
7. Certificate of Acquisition of Secretary of State's List _____
8. Affidavit of Mailing _____
   (i) At least 30 days prior to hearing _____
9. Statement of Need and Evidence _____
10. Hearing Examiner's Report _____
11. Agency's Findings of Fact _____
12. Certificate of Board's Resolution Adopting Rules, where applicable _____
13. Order Adopting _____
14. Report of Chief Hearing Examiner _____
    (i) Finding of No Substantial Change _____
    (ii) Permission to Incorporate by Reference, where applicable _____
15. Certificate of Compliance with Rulemaking Procedures _____
16. Copy of Notice of Intent to Solicit Outside Opinion, where applicable _____
17. Petition by Public, where applicable _____.



minnesota housing finance agency

November 8, 1978

The Honorable Warren Spannaus
Attorney General of Minnesota
Room 102 - Capitol Building
Aurora Avenue
St. Paul, Minnesota 55155

Re: Urban Indian Program Temporary Rules

Dear Mr. Spannaus:

Enclosed please find the following documents submitted to you for review pursuant to Minnesota Statutes Section 15.0412, subd. 5:

1. The original and two copies of the Agency resolution adopting the temporary rules;

2. A copy of the rules as proposed and printed in the State Register;

3. A copy of the rules as proposed with the changes made prior to adoption indicated in the text of the rules;

4. A copy of the comments on the proposed rules received by the Agency during the statutory period for comment on the proposed rules.

Very truly yours,

James J. Solem
Executive Director

/klf

Encl.

RECEIVED THIS 9 DAY OF Nov 19 78

ASSISTANT ATTORNEY GENERAL

333 sibley - suite 200 - saint paul, minnesota 55101 - (612) 296-7608

AN EQUAL OPPORTUNITY EMPLOYER

G. a plan for the preservation of student records pursuant to 5 MCAR § 2.0908.

If on the basis of the above information the Board is unable to determine the nature and activities of a school, the Board will require any additional information needed to make such determination.

5 MCAR § 2.0906 Approval of names. The Board shall approve a school using the term "academy", "college", "institute" or "university" in its name provided the school meets the minimum requirements of this chapter. No school subject to registration under 5 MCAR § 2.0903 shall use the terms "academy," "college," "institute" or "university" in its name in maintaining, advertising, promoting or conducting any program or educational activity in Minnesota without the approval of the Board.

The Board shall approve any school using the above terms in its name if the school meets all the following requirements:

A. Any school using the term "academy" in its name must meet the policies and standards of 5 MCAR § 2.0907 and the minimum requirements of this chapter.

B. Any school using the term "institute" in its name must meet the policies and standards of 5 MCAR § 2.0907 and the minimum requirements of this chapter.

C. Any school using the term "college" in its name must meet the policies and standards of 5 MCAR § 2.0907, must meet the minimum requirements of this chapter and must offer at least one program leading to an associate degree. If it so chooses, it may use the term "academy" or "institute" in its name.

D. Any school using the term "university" in its name must meet the policies and standards of 5 MCAR § 2.0907, must meet the minimum requirements of this chapter and must offer at least one program leading to a baccalaureate, master's or doctorate degree. If it so chooses, it may use the term "academy," "college" or "institute" in its name.

E. ~~A school subject to registration will be granted approval to use the term "college" in its name if the school meets the standards of 5 MCAR § 2.0907, does not offer an associate degree but proposes to use the term "college" in conjunction with the terms "business" ("commercial"), "barber" or "beauty" to signify the offering of technical and specialized programs providing preparation for career opportunities in the fields of business and barber and beauty services.~~ A school subject to registration which submits the information required for registration pursuant to 5 MCAR § 2.0904, meets the policies and standards of 5 MCAR § 2.0907, and meets the standards for protecting students records pursuant to 5 MCAR § 2.0908 and which was organized, operating and using one of the terms academy, college, institute or university in its name on or before August 1, 1975, shall be granted approval to use such term in its name whether or not it offers a program leading to a degree.

5 MCAR § 2.0918 Exemptions. Those schools and educational programs exempted from the act are exempted from these rules. Any school or educational program exempted from the act pursuant to Minn. Stat. § 136A.653 may voluntarily waive their exemption and submit to the act by informing the Board of its intent and filing the information and registration fee pursuant to Board rules.

Housing Finance Agency

Proposed Temporary Rules Governing the Urban Indian Housing Program

Request for Public Comment

Under Minnesota law, members of the public are entitled to present comments on the following temporary rules of the Minnesota Housing Finance Agency for a period of 20 days after publication. Members of the public are invited to send their comments to the Minnesota Housing Finance Agency, c/o May Hutchinson, 333 Sibley Street, Suite 200, St. Paul, Minnesota 55101.

James J. Solem
Executive Director

Temporary Rules As Proposed

Chapter 13 Urban Indian Housing (All new material)

12 MCAR § 3.150 Scope of rules. The rules provided in 12 MCAR §§ 3.150 to 3.157 shall govern the implementation of the urban Indian housing program established in Laws of 1978, ch. 670.

12 MCAR § 3.151 Definition. "Administrator" means a non-profit entity or local community as defined by 12 MCAR § 3.002 or Indian tribal organization eligible pursuant to 12 MCAR §§ 3.090 to 3.108 which carries out a program of housing for low and moderate income American Indians using urban Indian housing program funds.

12 MCAR § 3.152 The urban Indian housing program. The agency shall select administrators for the urban Indian housing program from applications submitted to the agency pursuant to these rules. The program of an administrator

shall describe the type of loan activities to be carried out by the administrator. A program may be administered in all or a portion of the eligible areas of the state of Minnesota, which include the metropolitan area as defined in Minn. Stat. § 473.121, subd. 2 and any city with a population greater than 50,000 persons. To the extent practicable, the agency shall allocate urban Indian program funds equitably among eligible areas, based upon American Indian population estimates. To assist potential applicants, the agency shall provide, upon request, information describing potential uses of urban Indian housing program funds.

12 MCAR § 3.153 Applications to utilize urban Indian housing program funds. For a period of 20 days after the agency gives notice that the urban Indian housing program funds are available, the agency shall receive applications for funds from prospective administrators. Each application shall contain:

A. Evidence adequate to establish that the applicant is a non-profit entity, local community, or Indian tribal organization.

B. A proposed program which describes, in adequate detail as determined by the agency:

1. The communities or portions thereof to be served.

2. The housing needs of the American Indians residing in the areas to be served and the manner in which the proposed program assists in meeting those needs.

3. The content, utilization of funds, administration, operation and implementation of the program, including the types of loans to be made, the terms of the loans, and the method of outreach and selection of loan recipients.

4. The source of any funds other than the urban Indian housing program to be included in the program of the applicant, and evidence that these additional funds will be available.

5. The costs of administering the program and the manner in which these costs will be paid.

6. The duration of the program.

C. Evidence that the applicant has the capacity to successfully carry out the program.

D. The dollar amount of urban Indian program funds requested.

E. Any additional information which the agency in its reasonable discretion deems necessary after initial review of the application to evaluate the merits of the program.

The advisory council on urban Indians shall review all proposed applications. Upon request of the advisory council, a proposed applicant shall present its program before the advisory council.

12 MCAR § 3.154 Additional requirements. Each program must provide for loans for the construction, purchase, or rehabilitation of residential housing. Except as otherwise provided herein and by 12 MCAR § 3.034, each person or family initially occupying a dwelling unit financed pursuant to the act, program and these rules shall be an American Indian as defined by Minn. Stat. § 254A.02, subd. 11 or an American Indian family as defined by 12 MCAR § 3.092, and of low and moderate income, as defined by 12 MCAR § 3.002; provided that developers of multi-unit developments need not be American Indians of low and moderate income. Preference shall be given to developers which are American Indian owned or American Indian controlled and which employ a high percentage of American Indians. In obtaining assistance under this program, Indian families shall not be discriminated against on the basis of tribal affiliation or tribal enrollment.

12 MCAR § 3.155 Application of other rules. 12 MCAR §§ 3.093 to 3.098, 3.101 and 3.105 shall apply to programs under this chapter, except that loans may be made with appropriate funds without interest.

12 MCAR § 3.156 Selection criteria for urban Indian programs. The agency may approve a program of an administrator in whole or in part, and may approve a program for a limited geographic area. In determining whether or not to approve applications to administer programs under the urban Indian program, the members shall examine the following facts and make their determinations thereon:

A. The extent to which the program will assist in serving the housing needs of the urban Indian community.

B. The extent to which the program will demonstrate the feasibility of alternative methods for providing housing for urban Indians.

C. The geographic location of the proposed program and the percentage of the Minnesota urban Indian community residing in the geographic area or areas to be served, as determined by the agency according to population data.

D. The time required to implement the program.

KEY: RULES SECTION — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language. PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material."

E. The method of program administration and the capability of the administrator to carry out the program.

F. The extent which American Indians are involved in the administration of the program.

G. The extent to which the program duplicates, or is in conflict with, other programs which provide housing for urban Indians.

H. The extent to which the use of appropriated funds reduces housing costs to American Indians or American Indian families.

I. The extent to which the program combines the proceeds of appropriate funds with proceeds of bonds of the Agency or of other issues of bonds, and the extent to which the program otherwise uses available money to leverage the appropriate funds.

J. The written comments received by the agency as a result of consultation with the advisory council on urban Indians regarding the applications for the proposed programs. The agency shall consider the conclusions of the advisory council and the reasons given in support of the conclusions.

12 MCAR § 3.157 Agreements. Any decision by the agency to select an application to administer funds pursuant to these rules shall be contingent upon the execution of an agreement, satisfactory to MHFA, between the MHFA and the administrator. The agreement shall include a detailed description of the program to be administered and shall provide:

A. The conditions for repayment, without interest, of all funds advanced by MHFA.

B. The circumstances under which MHFA shall provide assistance to the administrator and the amount of remuneration to be received by MHFA from the administrator for its assistance and monitoring.

C. Except for loans made under programs administered by MHFA, the final decision on applications for loans to eligible borrowers shall be made by the administrator and the duties of the originator and rights of MHFA shall be the same as those provided for the tribe, band, and communities and MHFA pursuant to 12 MCAR §§ 3.104, 3.107, and 3.108.

D. Any other provision deemed necessary by MHFA in its reasonable discretion to assure that the program will be carried out.

MINNESOTA HOUSING FINANCE AGENCY
333 Sibley Street
St. Paul, Minnesota 55101

RESOLUTION NO. MHFA 78-83

RESOLUTION ADOPTING TEMPORARY RULES
GOVERNING THE URBAN INDIAN HOUSING PROGRAM

WHEREAS, on September 28, 1978 the Board adopted proposed temporary rules for the Urban Indian Housing Program; and

WHEREAS, said temporary rules were published in the State Register on October 16, 1978 at 3 S.R.726; and

WHEREAS, more than 20 days have elapsed from said publication date: and

WHEREAS, the Board has considered all data and views submitted on the proposed temporary rules and has modified the rules to read as in the attached "temporary Rules for the Urban Indian Program as adopted"; and

WHEREAS, the modifications in the temporary rules as proposed are supported by the data and views submitted to the agency;

THEREFORE, BE IT RESOLVED BY THE MINNESOTA HOUSING FINANCE AGENCY:

That the temporary rules governing the Urban Indian Housing Program be and they hereby are adopted as temporary rules pursuant to Minn. Stat. §15.0412, Subd. 5, and that James J. Solem, the Executive Director of the Minnesota Housing Finance Agency be and he hereby is authorized and directed to perform all acts required for the promulgation of said temporary rules, including without limitation submission of said rules to the Attorney General of the State of Minnesota.

Adopted by the Minnesota Housing
Finance Agency this 7th day of
November, 1978.

By Demetrius G. Jelatis
Chairman

Attest: James J. Solem

HOUSING FINANCE AGENCY

Temporary rules governing the urban Indian program as adopted.

Chapter 13 Urban Indian Housing (All new material)

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12 MCAR § 3.152 The urban Indian housing program. The agency shall select administrators for the urban Indian housing program from applications submitted to the agency pursuant to these rules. The program of an administrator shall describe the type of loan activities to be carried out by the administrator. A program may be administered in all or a portion of the eligible areas of the state of Minnesota, which include the metropolitan area as defined in Minn. Stat. § 473.121, subd. 2 and any city with a population greater than 50,000 persons. To the extent practicable, the agency shall allocate urban Indian program funds equitably among eligible areas, based upon American Indian population estimates. To assist potential applicants, the agency shall provide, upon request, information describing potential uses of urban Indian housing program funds.

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A. Evidence adequate to establish that the applicant is a non-profit entity, local community, or Indian tribal organization.

B. A proposed program which describes, in adequate detail as determined by the agency:

1. The communities or portions thereof to be served.

2. The housing needs of the American Indians residing in the areas to be served and the manner in which the proposed program assists in meeting those needs.

3. The content, utilization of funds, administration, operation and implementation of the program, including the types of loans to be made, the terms of the loans, and the method of outreach and selection of loan recipients.

4. The source of any funds other than the urban Indian housing program to be included in the program of the applicant, and evidence that these additional funds will be available.

5. The costs of administering the program and the manner in which these costs will be paid.

6. The duration of the program.

C. Evidence that the applicant has the capacity to successfully carry out the program.

D. The dollar amount of urban Indian program funds requested.

E. Any additional information which the agency in its reasonable discretion deems necessary after initial review of the application to evaluate the merits of the program.

The advisory council on urban Indians shall review all proposed applications. Upon request of the advisory council, a proposed applicant shall present its program before the advisory council.

12 MCAR § 3.154 Additional requirements. Each program must provide for loans for the construction, purchase, or rehabilitation of residential housing. Except as otherwise provided herein and by 12 MCAR § 3.034, each person or family initially occupying a dwelling unit financed pursuant to the act, program and these rules shall be an American Indian as defined by Minn. Stat. § 254A.02, subd. 11 or an American Indian family as defined by 12 MCAR § 3.092, and of low and moderate income, as defined by 12 MCAR § 3.002; provided that developers of multi-unit developments need not be American Indians of low and moderate income. In obtaining assistance under this program, Indian families shall not be discriminated against on the basis of tribal affiliation or tribal enrollment.

12 MCAR § 3.155 Application of other rules. 12 MCAR §§ 3.093 to 3.098, 3.101 and 3.105 shall apply to programs under this chapter, except that loans may be made with appropriated funds without interest.

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A. The extent to which the program will assist in serving the housing needs of the urban Indian community.
B. The extent to which the program will demonstrate the feasibility of alternative methods for providing housing for urban Indians.
C. The geographic location of the proposed program and the percentage of the Minnesota urban Indian community residing in the geographic area or areas to be served, as determined by the agency according to population data.

D. The time required to implement the program.

E. The method of program administration and the capability of the administrator to carry out the program.

F. The extent to which American Indians are involved in the administration of the program, and the ownership, management, and labor force of any contractors and subcontractors intended to be employed in the program.

G. The extent to which the program duplicates, or is in conflict with, other programs which provide housing for urban Indians.

H. The extent to which the use of appropriated funds reduces housing costs to American Indians or American Indian families.

I. The extent to which the program combines the proceeds of appropriated funds with proceeds of bonds of the Agency or of other issues of bonds, and the extent to which the program otherwise uses available money to leverage the appropriated funds.

J. The written comments received by the agency as a result of consultation with the advisory council on urban Indians regarding the applications for the proposed programs. The agency shall consider the conclusions of the advisory council and the reasons given in support of the conclusions.

12 MCAR § 3.157 Agreements. Any decision by the agency to select an application to administer funds pursuant to these rules shall be contingent upon the execution of an agreement, satisfactory to MHFA, between the MHFA and the administrator. The agreement shall include a detailed description of the program to be administered and shall provide:

A. The conditions for repayment, without interest, of all funds advanced by MHFA.

B. The circumstances under which MHFA shall provide assistance to the administrator

and the amount of remuneration to be received by MHFA from the administrator for its assistance and monitoring.

C. Except for loans made under programs administered by MHFA, the final decision on applications for loans to eligible borrowers shall be made by the administrator and the duties of the originator and rights of MHFA shall be the same as those provided for the tribe, band, and communities and MHFA pursuant to 12 MCAR §§ 3.104, 3.107, and 3.108.

D. Any other provision deemed necessary by MHFA in its reasonable discretion to assure that the program will be carried out.