

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

Our File #582
Joannie

Permanent Rule_____

Temporary Rule X

RULES REVIEW CHECKLIST

DATE RULES RECEIVED 3/12 DUE DATE 3/19

Resubmitted and Received_____

a. Returned to Agency w/o Filing w/Secretary of State_____
b. Approved 3/19 Date Sent Back to Agency 3/19

- -

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_____
   Sufficiency_____

6. Secretary of State's List_____(one copy only)

7. Certificate of Acquisition of
   Secretary of State's List_____

8. Secretary of State's Certification of Delivery
   of Secretary of State's List to Agency_____

9. Affidavit of Mailing_____
   At least 30 days prior to hearing_____

10. Publication in State Register_____
    At least 30 days prior to hearing_____

11. Statement of Need and Evidence_____

12. Hearing Examiner's Report_____

13. Agency's Findings of Fact_____

14. Certificate of Board's Resolution
    Adopting Rules, where applicable_____

15. Order Adopting_____

16. Report of Chief Hearing Examiner_____

17. Order Approving Incorporation by Reference,
    where applicable_____

18. Certificate of Compliance with Rulemaking Procedures_____

19. Copy of Notice of Intent to Solicit Outside Opinion,
    where applicable_____

20. Petition by Public, where applicable_____

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

RESOLUTION NO. MHFA 79-80

RESOLUTION ADOPTING PROPOSED AMENDED TEMPORARY RULES
GOVERNING THE URBAN INDIAN HOUSING PROGRAM

BE IT RESOLVED BY THE MINNESOTA HOUSING FINANCE AGENCY:

THAT the attached rules governing the Urban Indian Housing Program be and they hereby are adopted as proposed amended temporary rules pursuant to Minn. Stat. Sections 15.0412, Subd. 5 and 462A.07, Subd. 15; and that James J. Solem, the Executive Director of the Minnesota Housing Finance Agency, be and he hereby is authorized the directed to perform all acts required for the promulgation of said proposed temporary rules.

Adopted this 20th day of December, 1979.

Dametrius G. Jelatis
Chairman

Secretary

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

RESOLUTION NO. MHFA 80- 7

RESOLUTION ADOPTING AMENDED TEMPORARY RULES
GOVERNING THE URBAN INDIAN HOUSING PROGRAM

WHEREAS, on December 20, 1979 the Board adopted proposed amended temporary rules for the Urban Indian Housing Program; and

WHEREAS, said amended temporary rules were published in the State Register on January 7, 1980 at 4 S.R.1089; 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 amended temporary rules; and

WHEREAS, the Agency has determined to adopt the amended temporary rules without modification;

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

That the amended temporary rules governing the Urban Indian Housing Program be and they hereby are adopted as amended temporary rules pursuant to Minn. Stat. §§ 15.0412, Subd. 5, and 462A.07, Subd. 15, 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 28th day of
February, 1980.

By Demetrius G. Gelatis
Chairman

Secretary: Ann H. Carlson

Minnesota Housing Finance Agency

Proposed Amended Temporary Rules
Governing the Urban Indian
Housing Loan Program

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.~~

The urban Indian housing loan program. The urban Indian housing loan program provides loans for housing for American Indian persons and families residing in urban areas of the state. The program is implemented through Administrators selected by the Agency after review of proposals submitted pursuant to these rules. A proposal by an Administrator may serve all or portion of the eligible areas of the state of Minnesota. The eligible areas are the metropolitan area as defined in Minnesota Statutes § 473.121, subdivision 2 and any city with a population greater than 50,000 persons. To the extent practicable, the Agency shall allocate urban Indian loan 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 loan program funds and may provide additional technical assistance upon request by the applicants.

~~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-Indian-shall-review-all-proposed-applications---Upon request-of-the-advisory-council,-a-proposed-applicant-shall-present-its-program-before the-advisory-council.~~

Proposal from Administrators.

A. The Agency shall annouce the the availability or urban Indian loan program funds by publishing in the state register a notice of Request For Proposals and by sending such notice to the persons and organizations on the Agency's Urban Indian mailing list. The notice shall specify that interested parties should obtain a complete request for proposals from the Agency and shall specify the period in which proposals may be submitted, which period may not be less than 60 days from the date on which the notice is published in the state register.

B. The Request for Proposals shall be prepared by the Agency and made available to interested parties as provided in paragraph A. The Request for Proposals shall contain a description of the purposes and objectives of the urban Indian housing loan program, the content of a proposal, and the Agency process for selecting proposals.

C. The Request for Proposals shall provide that each proposal submitted to the Agency shall contain:

1. evidence that the organization submitting the proposal is a nonprofit entity, local community or Indian tribal organization and evidence that the organization has the capacity to successfully carry out the program;

2. a proposed program which describes, in adequate detail as determined by the agency:

a) the communities or portions thereof to be served.

b) 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.

c) a financial description of the program, including the dollar amount of program funds requested, types of loans to be made, the terms of the loans and the costs of program administration and the manner in which these costs will be paid.

d) a description of the manner in which the program will be implemented and operated, including the duration of the program, method of outreach and selection of loan recipients, and procedures for servicing loans over the life of the program.

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

3. Any additional information which the Agency in its reasonable discretion deems necessary after initial review of the proposal to evaluate the merits of the program. The Agency may meet with representatives of the organizations submitting proposals to review proposals and request such additional information.

D. The Agency shall provide a copy of each proposal it receives to the Advisory Council on Urban Indians, and shall forward to the Advisory Council a copy of any additional written material received regarding each proposal. The Advisory Council on urban Indians shall review all proposals. Upon request of the Advisory Council, the organization submitting a proposal shall present the proposal before the Advisory Council

E. The Request For Proposal shall provide that an organization submitting a proposal which meets the objectives of the urban Indian housing loan program and which the organization determines is not best presented in the form of proposal required by the Request For Proposal may submit the proposal in any form desired, provided that the organization also submits a proposal meeting the requirements of the Request For Proposal

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.

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.

Selection of propoals. 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. Any written comments received by the agency from the Advisory Council 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, including the Council's evaluation of the applications under the criteria listed in paragraphs B and C;

B. the extent to which the program will assist in serving the housing needs of the urban Indian community. Factors to be considered include:

1. The extent to which the program duplicates or is in conflict with other programs which provide housing for urban Indians and the extent to which the program will demonstrate the feasibility of alternative methods for providing housing for urban Indians.

2. 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.

3. The method of program administration, the time required to implement the program, and the capacity of the administrator to carry out the program.

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

C. The extent to which the use of appropriated funds reduces housing costs to American Indian persons or families and 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, or otherwise uses available money to leverage the appropriated funds.

APPROVED AS TO FORM AND LEGALITY

MAR 19 1980

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WARREN SPANNAUS, ATTORNEY GENERAL

BY _____

SPECIAL ASSISTANT ATTORNEY GENERAL

minnesota housing finance agency

RECEIVED
MAR 12 1980
ATTORNEY GENERAL
ADMINISTRATIVE AGENCIES

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

RE: Urban Indian Program Amended Temporary Rules

Dear Mr. Spannaus:

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

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

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

No comments on the proposed rules were received by the Agency during the statutory period for comment on the proposed rules. No changes were made in the rules as proposed prior to final adoption.

Very truly yours,

James J. Solem
Executive Director

JJS/jag

Encl.

RECEIVED
MAR 7 - 1980
ATTORNEY GENERAL
102 STATE CAPITOL
ST. PAUL, MINN. 55155

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