

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

Our File No. 81C

RULE REVIEW CHECKLIST

DATE RULE RECEIVED 5-10-82
DATE FOR REVIEW
DATE DUE 5-17-82

Adopted w/a hearing
Adopted w/o hearing
Temporary rule ✓

Approved 5-17-82 Disapproved Returned to Agency 5-18-82

Resubmitted Due
Approved Disapproved Returned to Agency

Date filed w/Secretary of State 5-17-82 Revisor approved / disapproved

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✓ Rule as Adopted

✓ Rule as Proposed See SR.

✓ Order Adopting 4.22.82 Date

N/A Notice of Intent to Solicit Outside Opinion

✓ Order for rulemaking
N/A date of Hearing

✓ Certificate of Board's Authorizing Resolution

N/A Notice of rulemaking
Sufficiency

Affidavit of Mailing Notice or rulemaking
At least 30 days prior to hearing/adoption

✓ Mailing list Certificate

✓ Publication in State Register
3.29 At least ~~30~~/20 days prior to ~~hearing~~/adoption.

N/A Hearing Examiner's Report

Chief Hearing Examiner's Report(s)
Approving H.E.'s Report
Approving agency action

Agency's Findings of Fact

LCRAR Report or agency Affidavit

✓ Certificate of Board's Resolution Adopting Rules

N/A Order Approving Incorporation by Reference

Statement of Need and Reasonableness

Petition for Adoption of a Rule

Record (includes transcript or tape, exhibits, comments received by agency, requests for a hearing, and other relevant materials)

✓ Certificate of Compliance w/Rulemaking Procedures

N/A Affidavit of Mailing Notice of Submission to Attorney General

✓ Notice of Submission to the Attorney General

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL

Office Memorandum

TO : JAMES J. SOLEM
Executive Director, MHFA

DATE: 5/17/82

ATTN : JAMES E. DINERSTEIN, Spec. Ass't. Atty. Gen.

FROM : TED A. MARTINEZ
Special Assistant
Attorney General

PHONE: 296-0315

SUBJECT: In the Matter of the Proposed Adoption of Temporary Rules Governing Income Limits for Limited Unit Developments and Eligibility for the Homeownership Assistance Fund and the Medium Density Housing Demonstration Program

Enclosed herewith are the rules you have submitted for approval. These rules have been approved by this office and filed with the Secretary of State. Please note that they have not been filed with the State Register. This must be done promptly by your agency.

Upon receipt and before transmittal to your agency, however, it is important that you recheck these rules as to:

1. Affixation of stamps of the Attorney General and Secretary of State;

2. Coverage by these stamps of all rules submitted; and

3. Inclusion of all pages to the rules in the approved set.

If you have any questions in this regard, please contact me.

TAM:drw
Encs.

cc: Ms. Kathy Burek
Mr. Duane Harves

Minnesota Housing Finance Agency

Adopted Temporary Rule Governing Income Limits for the Medium Density Housing Program

Temporary Rule as Adopted

Chapter Eleven B: Medium Density Housing Demonstration Program

12 MCAR S 3.139 [Temporary] Definition. For the purpose of medium density housing demonstration program loans, "persons and families of low and moderate income" means those persons and families whose adjusted income does not exceed the amounts set forth in Exhibit 12 MCAR S 3.139-1 [Temporary] or such lower amount as shall be required to assure that the interest on obligations of the Minnesota Housing Finance Agency will be exempt from federal income taxation. In Exhibit 12 MCAR S 3.139-1 [Temporary], "metropolitan area" has the meaning given it in Minn. Stat. S 473.121, subd. 2.

Exhibit 12 MCAR S 3.139-1 [Temporary]

Maximum Adjusted Income for

Medium Density Housing Demonstration Program Loans

Mortgage Interest Rate	Nonmetropolitan Area Maximum Adjusted Income	Metropolitan Area Maximum Adjusted Income
0-10.59%	$24,000	$29,000
10.60-11.09%	$25,000	$30,000
11.10-11.59%	$26,000	$31,000
11.60-12.09%	$27,000	$32,000
12.10-12.59%	$28,000	$33,000
12.60% and over	$29,000	$34,000

STATE OF MINNESOTA
DEPARTMENT OF STATE
3:15 P.M. FILED
MAY 17 1982
Joan Anderson Growe
Secretary of State

APPROVED AS TO LEGALITY
May 17 19 82
WARREN SPANNAUS, ATTORNEY GENERAL
BY
SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA

MINNESOTA HOUSING FINANCE AGENCY

In the Matter of the Proposed Adoption of Temporary Rules Governing Income Limits for the Medium Density Housing Demonstration Program.

ORDER ADOPTING TEMPORARY RULES

The above-entitled matter was published in the State Register on March 29, 1982, as a proposed temporary rule pursuant to Minnesota Statutes section 15.0412, subdivision 5. After affording interested and affected persons an opportunity to submit written data and views within 20 days of the publication date, reviewing and considering the data and views, and determining that the above-captioned rules are needed and reasonable.

NOW, THEREFORE, IT IS ORDERED that these rules identified as Rules of the Minnesota Housing Finance Agency Governing Income Limits for the Medium Density Housing Demonstration Program are adopted this 22nd day of April, 1982, pursuant to authority vested in the Agency by Minnesota Statutes section 462A.06, subdivision 4 and 11.

James J. Solem, Executive Director

STATE OF MINNESOTA

MINNESOTA HOUSING FINANCE AGENCY

In the Matter of the Proposed Adoption of
Temporary Rules Governing Income Limits
for the Medium Density Housing Demonstration
Program

ORDER FOR PUBLICATION OF
TEMPORARY RULES

IT IS ORDERED this 25th day of February, 1982 that the proposed temporary rules in the above-entitled matter be published in the State Register.

James J. Solem
Executive Director

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

RESOLUTION NO. MHFA 82-6

RESOLUTION AUTHORIZING ADOPTION OF TEMPORARY RULES GOVERNING INCOME LIMITS FOR LIMITED UNIT DEVELOPMENTS AND ELIGIBILITY FOR THE HOMEOWNERSHIP ASSISTANCE FUND

BE IT RESOLVED BY THE MINNESOTA HOUSING FINANCE AGENCY:

That the rules relating to Adoption of Temporary Rules Governing Income Limits for Limited Unit Developments and Eligibility for the Homeownership Assistance Fund attached hereto as Exhibit A be and they hereby are approved and adopted, pursuant to authority vested in us by Minnesota Statutes section 462A.06, subdivision 4 and 11 and that James J. Solem, the Executive Director of the Agency, be and hereby is authorized to sign an order adopting these rules and further is authorized to perform the necessary acts to provide that these rules shall have the force and effect of law.

Adopted by the Minnesota Housing Finance Agency this 22nd day of April, 1982.

Vice Chairman

Secretary

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

RESOLUTION NO. MHFA 82-4

RESOLUTION AUTHORIZING THE PUBLICATION IN THE STATE REGISTER OF PROPOSED TEMPORARY RULES GOVERNING INCOME LIMITS FOR THE MEDIUM DENSITY HOUSING PROGRAM.

BE IT RESOLVED BY THE MINNESOTA HOUSING FINANCE AGENCY:

That James J. Solem, Executive Director of the Agency of the Minnesota Housing Finance Agency, be and he hereby is granted the authority and directed to sign an Order of the Agency of the Minnesota Housing Finance Agency directing the publication in the State Register of proposed temporary rules governing Income Limits for the Medium Density Housing Program as well as perform any and all acts incidental thereto.

Adopted by the Minnesota Housing Finance Agency this 25th day of February, 1982.

Chairman

Secretary

PROPOSED RULES

Pursuant to Minn. Laws of 1980, § 15.0412, subd. 4h, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing, as long as the agency determines that the rules will be noncontroversial in nature. The agency must first publish a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. The notice must advise the public:

1. that they have 30 days in which to submit comment on the proposed rules;
2. that no public hearing will be held unless seven or more persons make a written request for a hearing within the 30-day comment period;
3. of the manner in which persons shall request a hearing on the proposed rules;

and

4. that the rule may be modified if modifications are supported by the data and views submitted.

If, during the 30-day comment period, seven or more persons submit to the agency a written request for a hearing of the proposed rules, the agency must proceed under the provisions of § 15.0412, subds. 4 through 4g, which state that if an agency decides to hold a public hearing, it must publish in the *State Register* a notice of its intent to do so. This notice must appear at least 30 days prior to the date set for the hearing, along with the full text of the proposed rules. (If the agency has followed the provisions of subd. 4h and has already published the proposed rules, a citation to the prior publication may be substituted for republication.)

Pursuant to Minn. Stat. § 15.0412, subd. 5, when a statute, federal law or court order to adopt, suspend or repeal a rule does not allow time for the usual rulemaking process, temporary rules may be proposed. Proposed temporary rules are published in the *State Register*, and for at least 20 days thereafter, interested persons may submit data and views in writing to the proposing agency.

State Board of Education
Department of Education
Instruction Division

Notice of Withdrawal of Proposed Rule Governing Minimum Clock Hour Requirements for Junior High Science

The rule proposed and published at *State Register*, Volume 6, Number 10, September 7, 1981, pp. 344-346 (6 S.R. 344) is withdrawn.

Questions regarding this matter should be directed to:

Richard Clark, Specialist, Science Education
State Department of Education
Instruction Division
642 Capitol Square Building
550 Cedar Street
St. Paul, Minnesota 55101
(612) 296-4071

John J. Feda, Secretary
State Board of Education

Minnesota Housing Finance Agency

Proposed Temporary Rules Governing Income Limits for the Medium Density Housing Program

Request for Public Comment

Notice is hereby given that the Minnesota Housing Finance Agency has proposed the following temporary rules for the purpose of setting income limits for the Medium Density Housing Program, pursuant to Laws 1981, chapter 306, § 3.

All interested persons are hereby afforded the opportunity to submit their comments on the proposed rule for 20 days immediately following publication of this material in the *State Register* by writing to Monte Aaker, Research Coordinator,

KEY: 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." ADOPTED RULES SECTION — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

Minnesota Housing Finance Agency, Suite 200, 333 Sibley Street, St. Paul, Minnesota 55101. The temporary rule may be revised on the basis of comments received. Any written material received shall become part of the record in the final adoption of the temporary rule.

James J. Solem, Executive Director

Temporary Rule as Proposed (all new material)

Chapter Eleven B: Medium Density Housing Demonstration Program

12 MCAR § 3.139 [Temporary] Definition. For the purpose of medium density housing demonstration program loans, "persons and families of low and moderate income" means those persons and families whose adjusted income does not exceed the amounts set forth in Exhibit 12 MCAR § 3.139-1 [Temporary] or such lower amount as shall be required to assure that the interest on obligations of the Minnesota Housing Finance Agency will be exempt from federal income taxation. In Exhibit 12 MCAR § 3.139-1 [Temporary], "metropolitan area" has the meaning given it in Minn. Stat. § 473.121, subd. 2.

Exhibit 12 MCAR § 3.139-1 [Temporary]

Maximum Adjusted Income for
Medium Density Housing Demonstration Program Loans

Mortgage Interest Rate	Nonmetropolitan Area Maximum Adjusted Income	Metropolitan Area Maximum Adjusted Income
0-10.59%	$24,000	$29,000
10.60-11.09%	$25,000	$30,000
11.10-11.59%	$26,000	$31,000
11.60-12.09%	$27,000	$32,000
12.10-12.59%	$28,000	$33,000
12.60% and over	$29,000	$34,000

Minnesota Housing Finance Agency

Proposed Temporary Rules Governing Income Limits for Limited Unit Developments and Eligibility for the Home Ownership Assistance Fund

Request for Public Comment.

Notice is hereby given that the Minnesota Housing Finance Agency has proposed the following temporary rules for the purpose of setting income limits for the Limited Unit Developments and to establish eligibility for the Home Ownership Assistance Fund, pursuant to Laws 1981, Chapter 306, § 3.

All interested persons are hereby afforded the opportunity to submit their comments on the proposed rule for 20 days immediately following publication of this material in the *State Register* by writing to Monte Aaker, Research Coordinator, Minnesota Housing Finance Agency, Suite 200—Nalpak Building, 333 Sibley Street, St. Paul, Minnesota 55101. The temporary rule may be revised on the basis of comments received. Any written material received shall become part of the record in the final adoption of the temporary rule.

James J. Solem, Executive Director

Temporary Rules as Proposed

12 MCAR § 3.002 [Temporary] Definitions.

A.-N. [Unchanged.]

O. "Persons and families of low and moderate income" means:

1. With respect to limited-unit mortgage loans pursuant to Chapter Four of these rules, development cost loans pursuant to Chapter Three of these rules, planning grants pursuant to Chapter Five of these rules, and American Indian housing loans pursuant to Chapter Eight of these rules, which loans and grants are intended for a limited-unit development, or a dwelling unit in a planned unit development or a condominium, those persons and families whose adjusted income does not exceed the amounts set forth in Exhibit 12 MCAR § 3.002 O.-1~~.~~ [Temporary] and Exhibit 12 MCAR § 3.002 O.-2 [Temporary] or such lower amount as shall be required to assure that the interest on obligations of the agency will be exempt from federal income taxation. "Metropolitan area" has the meaning given it in Minn. Stat. § 473.121, subd. 2;

STATE OF MINNESOTA

MINNESOTA HOUSING FINANCE AGENCY

In the Matter of the Proposed Adoption of Temporary Rules Governing Income Limits for Limited Unit Developments and Eligibility for the Homeownership Assistance Fund.

CERTIFICATE OF BOARD'S RESOLUTION ADOPTING RULES

I, Arne Carlson, do hereby certify that I am Secretary of the Minnesota Housing Finance Agency, an agency duly authorized under the laws of the State of Minnesota, and that the following is a true, complete, and correct copy of a resolution adopted at a meeting of the Agency, duly and properly called and held on the 22nd day of April, 1982, that a quorum was present at said meeting, that a majority of those present voted for the resolution and that said resolution is set forth in the minutes of said meeting and has not been rescinded or modified.

> "RESOLVED, that the rules relating to Adoption of Temporary Rules Governing Income Limits for Limited Unit Developments and Eligibility for the Homeownership Assistance Fund attached hereto as Exhibit A be and they hereby are approved and adopted, pursuant to authority vested in us by Minnesota Statutes section 462A.06, subdivision 4 and 11 and that James J. Solem, the Executive Director of the Agency, be and hereby is authorized to sign an order adopting these rules and further is authorized to perform the necessary acts to provide that these rules shall have the force and effect of law."

IN WITNESS WHEREOF, I have hereunto subscribed my name this 22nd day of April, 1982.

Kent E. Eklund
Vice Chairman

Arne H. Carlson
Secretary

STATE OF MINNESOTA

MINNESOTA HOUSING FINANCE AGENCY

In the Matter of the Proposed Adoption of
Temporary Rules Governing Income Limits
for Limited Unit Developments and Eligibility
for the Homeownership Assistance Fund and the
Medium Density Housing Demonstration Program.

STATEMENT OF COMPLIANCE WITH
RULEMAKING PROCEDURES

I, Special Assistant Attorney General, James E. Dinerstein do hereby declare that I have examined the rules and all related documents and that, based on my examination and my personal familiarity with the applicable procedures, the Administration Procedure Act, the rules of the Office of Administrative Hearings, and the rules of the Attorney General have been followed. Any exceptions are noted below.

James E. Dinerstein
Special Assistant Attorney General

Dated: April 27, 1982