

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

MINNESOTA HOUSING FINANCE AGENCY

January 5, 1983

Mr. Larry Starns
Special Assistant Attorney General
G-25 Administration Building
50 Sherburne Avenue
St. Paul, MN 55155

RE: In the matter of the Proposed Adoption of Temporary Rules Governing the Income Limits of the Rollover Housing Program

Dear Mr. Starns:

Enclosed please find for your review pursuant to Minnesota Statutes, section 15.0412, subdivision 5, the adopted rules of the Minnesota Housing Finance Agency.

The following materials are submitted to you for your review pursuant to 1 MCAR Section 1.204:

Temporary rule as adopted.

Order Adopting Certificate of Agency's Adopting Resolution

Order for publication.

Certificate of Agency's Authorizing Resolution.

Rule as proposed.

Affidavit of mailing.

Certificate of compliance with rulemaking procedures.

The adopted rules are identical to the proposed rules. The Agency did not receive any comments during the 20 day period.

Sincerely,

Monte Aaker

Monte Aaker
Research Coordinator

/cs

Enclosures

Our File No. 816

RULE REVIEW CHECKLIST

DATE RULE RECEIVED 1-13-83
DATE FOR REVIEW
DATE DUE 1-20-83

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

Approved ____ Disapproved ____ Returned to Agency ____

Resubmitted ____ Due ____
Approved ____ Disapproved ____ Returned to Agency ____

Date filed w/Secretary of State ____ Revisor approved 1/14/83 disapproved ____

✓ Rule as Adopted

✓ Rule as Proposed

✓ Order Adopting 12.27.82 Date

____ Notice of Intent to Solicit Outside Opinion

✓ Order for rulemaking
N/A date of Hearing

✓ Certificate of Board's Authorizing Resolution

✓ Notice of rulemaking
✓ Sufficiency see SR.

? Affidavit of Mailing Notice or rulemaking inadequate notice
10.12.82 At least ~~30~~ 20 days prior to ~~hearing~~/adoption

✓ Mailing list Certificate

✓ Publication in State Register
11/1 and 11/29/82 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 DATE: 1/20/83

Attn: JAMES E. DINNERSTEIN, Spec. Asst. Atty. Gen.

FROM : LARRY D. STARNS
Special Assistant
Attorney General PHONE: 297-3493

SUBJECT: In the Matter of the Adoption of Temporary Rules Governing Income Limits for the Rollover Housing 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.

Encs.
LDS/ls
cc: Ms. Kathy Burek
Mr. Duane Harves

Minnesota Housing Finance Agency

Adopted Temporary Rules Governing Income Limits for the Rollover Housing Demonstration Program

Temporary Rule as Adopted (all new material)

Chapter Eleven C: Rollover Housing Demonstration Program

12 MCAR S 3.1395 [Temporary] Definition. For the purpose of rollover 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 3.1395-1, or such lower amount as required to ensure that the interest on obligations of the agency will be exempt from federal income taxation. "Metropolitan area" has the meaning given it in Minnesota Statutes, section 473.121, subdivision 2.

Exhibit 12 MCAR S 3.1395-1

Mortgage Interest Rate	Nonmetropolitan Area Maximum Adjusted	Metropolitan Maximum Adjusted
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

OFFICE OF THE REVISOR OF STATUTES

Certificate of Approval of Adopted Rules

Agency: Housing Finance Agency AR0279

Division:

Agency Contact: James Solem

Rule Numbers: 12 MCAR S 3.1395 [Temporary]

Title: Adopted Temporary Rule Governing the Rollover Housing Demonstration Program

Type of Rules: Temporary

Incorporations by Reference: None
Rule Number: Material Incorporated:

Duplication of Statutory Language: None
Rule Number: Statutory Section Duplicated:

The attached rules are approved as to form.

Steven C. Cross
Revisor of Statutes

Theresa M. Lauterbach
Assistant Deputy Revisor
Phone: 296-0956
Date: January 14, 1983

APPROVED AS TO LEGALITY

January 20, 1983

HUBERT H. HUMPHREY, III ATTORNEY GENERAL

BY Jerry D. Jones
SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
JAN 24 1983
Joan Anderson Growe
Secretary of State

10:50 A.M.

STATE OF MINNESOTA

MINNESOTA HOUSING FINANCE AGENCY

In the Matter of the Adoption of Temporary Rules Governing Income Limits for the Rollover Housing Program

ORDER ADOPTING TEMPORARY RULES

The above entitled matter was published in the State Register on November 29, 1982, as a proposed temporary rule pursuant to Minnesota Statutes section 15.0412, subdivision 5. After affording interested and effected 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 Temporary rules governing Income Limits for the Rollover Housing Program are adopted this 27th day of December 1982, pursuant to authority vested in the Agency by Minnesota Statutes sections 462A.03, subdivision 10 (1981 Supplement), and 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 Rollover Housing Program

ORDER FOR PUBLICATION OF TEMPORARY RULES

It is ordered this 23rd day of September 1982 that the proposed temporary rules in the above entitled matter be published in the State Register.

James J. Solem, Executive Director

CERTIFICATE OF AGENCY'S

AUTHORIZING RESOLUTION

I, James J. Solem, do hereby certify that I am the Executive Director 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 and properly called and held on the 23rd day of September, 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 James J. Solem, Executive Director of the Minnesota Housing Finance Agency, by and hereby is authorized and directed to give public notice for the purpose of promulgating Temporary Rules of the Minnesota Housing Finance Agency, said rules relating to Income Limits for the Rollover Housing Demonstration Program as well as perform any and all acts incidental thereto."

In witness whereof, I have hereunto subscribed my name this 10th day of January 1982.

James J. Solem, Executive Director

STATE OF MINNESOTA

COUNTY OF RAMSEY

In the Matter of the Adoption of Rules Relating to the Income Limits for the Medium Density Housing Demonstration Program, Income Limits for the Rollover Housing Demonstration Program and the Eligible Applications for the Home Improvement Loan Program

AFFIDAVIT OF MAILING

Colleen M. Steglich, being first duly sworn, deposes and says:

That on the 10th day of November, 1982, at the City of St. Paul, County of Ramsey, State of Minnesota, she served the attached Notices of Intent to Adopt Rules Without Public Hearing by depositing in the United States mail at said City of St. Paul, copies thereof, properly enveloped, with postage prepaid on all persons and associations who have requested that their names be placed on file with the State of Minnesota Housing Finance Agency for the purpose of receiving notice of the proposed adoption of rules by this Agency.

Colleen M. Steglich

Subscribed and sworn to before me this 17th day of January, 1983.

Roseann M. Koran

ROSEANN M. KORAN
NOTARY PUBLIC - MINNESOTA
RAMSEY COUNTY
My Commission Expires Mar. 31, 1988.

STATE OF MINNESOTA

MINNESOTA HOUSING FINANCE AGENCY

CERTIFICATE

In the Matter of the Adoption of Rules
Governing Income Limits for the Rollover
Housing Demonstration Program.

I hereby certify that the list of persons, associations, and other interested groups who have requested, pursuant to Minn. Stat. § 15.0412, subd. 4, that their names be placed on file with and maintained by the Minnesota Housing Finance Agency for the purpose of receiving notice of the proposed adoption of rules by this Agency is accurate and complete as of 3:00 p.m., this 12th day of October, 1982.

Monte Aaker

Monte Aaker

(b) Who spends more than $250, not including his own travel expenses and membership dues, in any year for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.

The statute provides certain exceptions. Questions as to lobbying requirements should be directed to the Ethical Practices Board, 41 State Office Building, St. Paul, Minnesota 55155, telephone: (612) 296-5615.

The commission estimates that there will be no cost to local public bodies in the state to implement the repeal of these rules for the two years immediately following their repeal, within the meaning of Minn. Stat. § 15.0412, subdivision 7 (1980).

Louis B. Olson
Chief Administrator

Minnesota Housing Finance Agency

Notice of Correction of Publication of Proposed Temporary Rules Governing Income Limits for the Rollover Housing Demonstration Program

The notice of intent of proposed temporary rules governing Income Limits for the Rollover Housing Demonstration Program published on November 1, 1982 at 7 S.R. 670 did not include certain information required in the notice by the rules adopted by the Attorney General. Accordingly, the corrected notice is published below. The rules are identical to those printed in the original notice.

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 Rollover Housing Demonstration Program, pursuant to Laws 1981, Chapter 306, Section 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, 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. As required by the Administrative Procedures Act, this temporary rule will be effective for not more than 180 days and may be continued in effect for up to an additional 180 days.

James J. Solem
Executive Director

Minnesota Housing Finance Agency

Notice of Correction of Publication of Proposed Temporary Rules Governing Income Limits for the Medium Density Housing Demonstration Program

The notice of intent of proposed temporary rules governing Income Limits for the Medium Density Housing Demonstration Program published on November 1, 1982 at 7 S.R. 671 did not include certain information required in the notice by the rules adopted by the Attorney General. Accordingly, the corrected notice is published below. The rules are identical to those printed in the original notice.

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 Demonstration Program, pursuant to Laws 1981, Chapter 306, Section 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.

~~CHAPTER FOUR: BD 120-135~~
INDUSTRIAL LOAN AND THRIFT COMPANIES

~~BD 120~~ 4 MCAR § 1.0120 Books and records.

~~Subd. 1.~~ A. General requirements. In order to facilitate a satsifactory examination by the commissioner of banks or ~~his~~ the commissioner's representatives, each industrial loan and thrift company shall maintain:

~~(a)~~ 1. such books and records as are deemed necessary~~.~~; and~~.~~

~~(b)~~ 2. a monthly trial balance ~~in the form prescribed~~ as of the close of the accounting period to be in the branch office within ~~15~~ 25 days. ~~A sample form will be provided by the banking division upon request.~~

~~Subd. 2.~~ B. Additional requirements. The principal office of each industrial loan and thrift ~~corporation~~ company in this state shall maintain the following additional books and records:

~~(a)~~ 1. a consolidated monthly trial balance ~~in the form prescribed~~ as of the close of the accounting period to be in the principal office within ~~15~~ 25 days~~.~~ ~~A sample form will be provided by the banking division upon request.~~;

~~(b)~~ 2. copies of the corporate stock register~~.~~;

~~(c)~~ 3. copies of all corporate insurance policies and surety bonds ~~f~~, as required by ~~BD 122).~~ 4 MCAR § 1.0122;

~~(d)~~ 4. copies of the minutes of all the annual, regular, and special meetings of the board of directors and stockholders.

~~Subd. 3.~~ C. Retention period for legal instruments or records of payments. Unless otherwise provided, all legal instruments, supporting documents, and ledger cards or record of payments shall be maintained in the office for at least two years after recording the final entry ~~thereon~~ on them.

Renumbering. Renumber BD 100 as 4 MCAR § 1.0100; BD 104 as 4 MCAR § 1.0103; BD 106 as 4 MCAR § 1.0105; BD 109 as 4 MCAR § 1.0107; BD 121 as 4 MCAR § 1.0121; BD 122 as 4 MCAR § 1.0122; BD 123 as 4 MCAR § 1.0123; and BD 127 as 4 MCAR § 1.0124.

Repealer. Rules BD 102, BD 108, BD 124, BD 125, and BD 126 are repealed.

Minnesota Housing Finance Agency

Proposed Temporary Rules Governing Income Limits for the Rollover Housing Demonstration 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 Rollover Housing Demonstration Program, pursuant to Laws 1981, Chapter 306, Section 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, 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 C: Rollover Housing Demonstration Program

12 MCAR § 3.1395 [Temporary] Definition. For the purpose of rollover 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 § 3.1395-1, or such lower amount as required to ensure that the interest on obligations of the agency will be exempt from federal income taxation. "Metropolitan area" has the meaning given it in Minnesota Statutes, section 473.121, subdivision 2.

Exhibit 12 MCAR § 3.1395-1

Mortgage Interest Rate	Nonmetropolitan Area Maximum Adjusted	Metropolitan Maximum Adjusted
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 the Medium Density Housing Demonstration Program

Request for Public Comment

Notice is hereby given that the Minnesota Housing Finance Agency has proposed the following temporary rules for t purpose of setting income limits for the Medium Density Housing Demonstration Program, pursuant to Laws 1981, Chapter 30 Section 3.

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

James J. Solem
Executive Direct

Temporary Rules as Proposed

Chapter Eleven B: Medium Density
Housing Demonstration Program

12 MCAR § 3.139 [Temporary] Definition. For the purpose of medium density housing demonstration program loans, "perso and families of low and moderate income" means those persons and families whose adjusted income does not exceed t amounts set forth in Exhibit 12 MCAR § 3.139-1 [Temporary] or such lower amount as shall be required to assure that t interest on obligations of the Minnesota Housing Finance Agency will be exempt from federal income taxation. ~~Exhibit 12 MCAR § 3.139-1 [Temporary]. "metropolitan area" has the meaning given it in Minnesota Statutes, secti 473.121, subdivision 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~~	Maximum Adjusted Income
0-10.59%	~~$24,000~~	~~$29,000~~	$30,000
10.60-11.09%	~~$25,000~~	~~$30,000~~	$31,000
11.10-11.59%	~~$26,000~~	~~$31,000~~	$32,000
11.60-12.09%	~~$27,000~~	~~$32,000~~	$33,000
12.10-12.59%	~~$28,000~~	~~$33,000~~	$34,000
12.60% and over	~~$29,000~~	~~$34,000~~	$35,000

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.

STATE OF MINNESOTA

MINNESOTA HOUSING FINANCE AGENCY

In the Matter of the Proposed Adoption of Temporary Rules Governing Income Limits for the Rollover Housing Program

CERTIFICATE OF BOARD'S RESOLUTION ADOPTING RULES

I, James J. Solem, do hereby certify that I am the Executive Director 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 27th day of December, 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 in the Rollover Housing Program attached hereto as Exhibit A by and they hereby are approved and adopted, pursuant to authority vested in us by Minnesota Statutes 462A.06 subdivision 4 and 11 and that James J. Solem, Executive Director of the Agency, be and hereby 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 27th day of December, 1982.

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 Rollover Housing Program

STATEMENT OF COMPLIANCE
WITH RULEMAKING PROCEDURES

I, Special Assistant Attorney General, James E. Dinnerstein, 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 Administrative 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. Dinnerstein
Special Assistant Attorney General

Dated 1/12/83