

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 Income Limits for Limited Unit Mortgage Loans

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. 877

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

N/A Notice of Intent to Solicit Outside Opinion

2 Order for rulemaking is dated prior to authorizing resolution, - OK to pass - LDS.
N/A date of Hearing

✓ Certificate of Board's Authorizing Resolution

✓ Notice of rulemaking See SR.
✓ Sufficiency

✓ Affidavit of Mailing Notice or rulemaking
11.18.82 At least ~~30~~ 20 days prior to ~~hearing~~/adoption

✓ Mailing list Certificate

✓ Publication in State Register
12.6.82 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 Limited Unit Development Mortgages

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 Limited Unit Development Mortgages

Temporary Rule as Adopted

12 MCAR S 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 S 3.002 O.-1 [Temporary] and Exhibit 12 MCAR S 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 Minnesota Statutes, section 473.121, subdivision 2;

Exhibit 12 MCAR S 3.002 O.-1 [Temporary]

Maximum Adjusted Income for

Loans for New Construction

Nonmetropolitan Area	Metropolitan Area
Maximum Adjusted Income	Maximum Adjusted Income
$35,000	$39,000

Exhibit 12 MCAR S 3.002 O.-2 [Temporary]

Maximum Adjusted Income for

Loans for Existing Construction

Nonmetropolitan	Metropolitan

Area	Area
Maximum Adjusted	Maximum Adjusted
Income	Income
$27,000	$35,000

2.-5. [Unchanged.]

P.-V. [Unchanged.]

OFFICE OF THE REVISOR OF STATUTES

Certificate of Approval of Adopted Rules

Agency: Minnesota Housing Finance Agency AR0292

Division:

Agency Contact: Monte Aaker

Rule Numbers: 12 MCAR S 3.002 [Temporary]

Title: Adopted Temporary Rules Governing Income Limits for the Limited Unit Development Mortgages

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

Robert P. Kittel
Senior Assistant Revisor
Phone: 296-0218
Date: January 14, 1983

APPROVED AS TO LEGALITY

January 20, 1983

HUBERT H. HUMPHREY, III ATTORNEY GENERAL

BY Tom D. Arms

SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
JAN 2 4 1983
Arlen Erdahl
Secretary of State

10:50 A.M.

Temporary Rule as Proposed

12 MCAR S 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 S 3.002 O.-1 [Temporary] and Exhibit 12 MCAR S 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 Minnesota Statutes, section 473.121, subdivision 2;

Exhibit 12 MCAR S 3.002 O.-1 [Temporary]
Maximum Adjusted Income for
Loans for New Construction

~~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~~
	$35,000	$39,000

Exhibit 12 MCAR S 3.002 O.-2 [Temporary]

APPROVED IN THE OFFICE OF STATUTES OFFICE BY: Robert P. Kittel

Maximum Adjusted Income for

Loans for Existing Construction

~~Mortgage Interest~~ Rate	Nonmetropolitan Area Maximum Adjusted Income	Metropolitan Area Maximum Adjusted Income
~~0-10.59%~~	~~$20,000~~	~~$24,000~~
~~10.60-11.09%~~	~~$21,000~~	~~$25,000~~
~~11.10-11.59%~~	~~$22,000~~	~~$26,000~~
~~11.60-12.09%~~	~~$23,000~~	~~$27,000~~
~~12.10-12.59%~~	~~$24,000~~	~~$28,000~~
~~12.60% and over~~	~~$25,000~~	~~$29,000~~
	$27,000	$35,000

2.-5. [Unchanged.]

P.-V. [Unchanged.]

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

OFFICE OF THE REVISOR OF STATUTES

Proposed Rule

RD292

Agency: Minnesota Housing Finance Agency

Division:

Agency Contact: Monte Aaker

Rule Numbers: 12 MCAR S 3.002 [Temporary]

Title: Proposed Temporary Rule Governing Income Limits for Limited Unit Development

Type of Rules: Temporary

Incorporations by Reference:
None

Duplication of Statutory Language:
None

The attached rules are approved as to form.

Steven C. Cross
Revisor of Statutes

Robert P. Kittel
Senior Assistant Revisor
Phone: 296-0218
Date: November 8, 1982

STATE OF MINNESOTA

MINNESOTA HOUSING FINANCE AGENCY

In the Matter of the Adoption of
Temporary Rules Governing Income Limits
for Limited Unit Development Mortgages

ORDER ADOPTING
TEMPORARY RULES

The above entitled matter was published in the State Register on December 6, 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 Temporary rules governing Income Limits for Limited Unit Development Mortgages 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 Limited Unit Development Mortgages

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 28th day of October, 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 Limited Unit Develop-Ment Mortgages as well as perform any and all acts incidental thereto."

In witness whereof, I have hereunto subscribed my name this 10th day of January 1983.

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, 1986.

STATE OF MINNESOTA

MINNESOTA HOUSING FINANCE AGENCY

CERTIFICATE

In the Matter of the Adoption of Rules
Governing Income Limits for Limited Unit
Development Mortgages

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 this 18th day of November, 1982.

Monte Aaker

Monte Aaker

8. Group E-1 and E-2 occupancies with 8,500 or more gross sq. ft. in area or two or more stories in height, except for minor additions that do not increase the occupant load or significantly increase the fire load.

9. Group E-3 occupancies with an occupant load of 30 or more.

10. Group H-4 occupancies with 3,000 or more gross sq. ft. of area.

11. Group R-1 apartment houses with 8,500 or more gross sq. ft. of area or with dwelling units on three or more floors, except that when they are not required by Uniform Building Code, sections 1807 or 1907, or other provisions of the state building code, automatic sprinkler systems within dwelling units in apartment occupancies are considered complete when protection is provided in all habitable rooms. Building officials, in concurrence with their fire chiefs, may accept systems not fully complying with Standard 38-1 of the Uniform Building Code.

12. Group R-1 hotels and motels with 8,500 or more gross sq. ft. of area or with guest rooms on three or more floors.

Minnesota Housing Finance Agency

Proposed Temporary Rules Governing Income Limits for the Limited Unit Development Mortgages

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 Development Mortgages, 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

Temporary Rule 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 Minnesota Statutes, section 473.121, subdivision 2;

Exhibit 12 MCAR § 3.002 O.-1 [Temporary]
Maximum Adjusted Income for
Loans for New Construction

~~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~~
	$35,000	$39,000

Exhibit 12 MCAR § 3.002 O.-2 [Temporary]

Maximum Adjusted Income for
Loans for Existing Construction

~~Mortgage Interest Rate~~	Nonmetropolitan Area Maximum Adjusted Income	Metropolitan Area Maximum Adjusted Income
~~0-10.59%~~	~~$20,000~~	~~$24,000~~
~~10.60-11.09%~~	~~$21,000~~	~~$25,000~~
~~11.10-11.59%~~	~~$22,000~~	~~$26,000~~
~~11.60-12.09%~~	~~$23,000~~	~~$27,000~~
~~12.10-12.59%~~	~~$24,000~~	~~$28,000~~
~~12.60% and over~~	~~$25,000~~	~~$29,000~~
	$27,000	$35,000

2.-5. [Unchanged.]

P.-V. [Unchanged.]

Minnesota Pollution Control Agency

Proposed Revision of APC 1 (6 MCAR § 4.0001), Relating to Ambient Air Quality Standards

Notice of Correction of Adopted Amendments

At 7 S.R. 704 (November 8, 1982) the Minnesota Pollution Control Agency published adopted amendments to 6 MCAR § 4.0001 relating to ambient air quality standards. Please make the following corrections:

At S.R. 705 the word "in" in the first sentence in 6 MCAR § 4.0001 C. should be added between the words "requirement" and "B." so the first sentence reads: "The requirement in B. applies without respect to whether emission rules stated in other air pollution control rules of the agency are also being violated."

At S.R. 706, in the Remarks to the three-hour secondary sulfur dioxide standard, the word "not" should be inserted between the word "concentration" and the word "to" so the phrase reads "maximum 3 hr. concentration not to be exceeded more than once per year in Air Quality Control Regions 127, 129, 130 and 132 as set forth in 40 C.F.R. Part 81, Designations of Air Quality Control Regions (1981)."

Minnesota Public Utilities Commission

Proposed Amendment of Rules Governing the Cold Weather Rule (4 MCAR § 3.0299 F.2.b.)

Notice of Intent to Adopt Rules without a Public Hearing

Notice is hereby given that the Minnesota Public Utilities Commission proposes to revise the above-entitled rules without a public hearing. The commission has determined that the proposed revision of this rule will be noncontroversial in nature and has elected to follow the procedures set forth in Minn. Stat. § 15.0412, subd. 4h (1981).

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 Limited Unit Development Mortgages

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 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 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 Development Mortgages 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 Limited Units Development Mortgages

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

Date 1/12/83