

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

MINNESOTA HOUSING FINANCE AGENCY

RECEIVED
JUN 24 1983
ATTORNEY GENERAL
ADMINISTRATIVE AGENCIES

June 24, 1983

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

RE: In the Matter of the Proposed Adoption of Temporary Rules Governing Eligibility for the Homeownership Assistance Fund

Dear Mr. Starns:

Enclosed Please find for your review pursuant to Minnesota Statutes, Section 14.29 through 14.36, the adopted temporary 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 Board's Resolution Adopting the Rule;

Order for Publication;

Certificate of Agency's Authorizing Resolution;

Rule as Proposed;

Notice of Rulemaking (copy of cover sheet with attached proposed rules);

Mailing List Certificate;

Affidavit of Mailing;

Written Comment; and

Certificate of Compliance with rulemaking procedures.

The only changes in the rule as proposed have been made in response to the enclosed written comments from the Verex Assurance Corporation which are self explanatory and,

333 Sibley Street, St. Paul, Minnesota 55101 (612) 296-7608
Equal Opportunity Housing and Equal Opportunity Employment

accordingly, no Findings of Fact and Conclusions are enclosed.

Sincerely,

James J. Solem
Executive Director

JJS/jak

Encl.

Our File No. 448

TEMP RULE REVIEW CHECKLIST

DATE RULE RECEIVED 6-24-83
DATE FOR REVIEW 7-1-83
DATE DUE

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 / disapproved

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✓ Rule as Adopted 12 MCAR 3.133 and 3.134

✓ Rule as Proposed See SR

✓ Order Adopting 6.23.83 Date

N/A 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

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

✓ Mailing list Certificate

✓ Publication in State Register
5.30.83 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 — see transmittal memo re change

N/A 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

SF-00006-02

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL

Office Memorandum

TO : James J. Solem, Executive Director DATE: July 1, 1983

Attn: KARL J. HERMAN, Spec. Asst. Atty. Gen.

FROM : TED A. MARTINEZ
Special Assistant Attorney General TAM PHONE: 296-4692

SUBJECT: In the Matter of the Proposed Adoption of Temporary Rules Governing Eligibility for the Homeownership Assistance Fund.

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.
TAM/ls
cc: Ms. Kathy Burek
Mr. Duane Harves

928

AG copy

Housing Finance Agency

Adopted Temporary Rules Governing Income Limits for Limited Unit Developments and Eligibility for the Homeownership Assistance Fund

Temporary Rules as Adopted

12 MCAR S 3.002 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 except for loans issued under 12 MCAR S 3.002 [Temporary] Definitions and Exhibit 12 MCAR S 3.002 O.-1. [Temporary], 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 Exhibits 12 MCAR S 3.002 O.-3 [Temporary] and 12 MCAR S 3.002 O.-4 [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.-3 [Temporary]

Maximum Adjusted Income for Loans for New Construction

Mortgage Interest Rate	Nonmetropolitan Area Maximum Adjusted Income	Metropolitan Area Maximum Adjusted Income
0-10.00%	$26,000	$34,000
10.01-10.50%	$27,000	$35,000
10.51-11.00%	$28,000	$36,000

11.01-11.50%	$29,000	$37,000
11.51% and over	$30,000	$38,000

Exhibit 12 MCAR S 3.002 O.-4 [Temporary]

Maximum Adjusted Income for Loans for Existing Construction

Mortgage Interest Rate	Nonmetropolitan Area Maximum Adjusted Income	Metropolitan Area Maximum Adjusted Income
0-10.00%	$21,000	$31,000
10.01-10.50%	$22,000	$32,000
10.51-11.00%	$23,000	$33,000
11.01-11.50%	$24,000	$34,000
11.51% and over	$25,000	$35,000

2.-5. [Unchanged.]

P.-V. [Unchanged.]

12 MCAR S 3.133 Homeownership assistance fund.

A. Monthly assistance. The agency may provide eligible recipients with interest-free monthly assistance loans in the form of monthly payments of a portion of the principal and interest installment due on the limited-unit development mortgage on qualifying property. Such payments shall not exceed $100 per month and shall decrease by ~~$20~~ $10 per month or ~~$240~~ $120 per year each year. The maximum amount of monthly assistance to which a recipient is originally entitled shall be determined by the agency from time to time on the basis of the percentage of income which may reasonably be spent on mortgage payments, the interest rate charged for limited-unit development mortgage loans, and general housing and construction costs in the state of Minnesota, provided however, that the initial maximum monthly assistance which the agency shall determine to be available shall not exceed the following amounts for persons and families within the following annual adjusted income ranges as set forth in Exhibit 12 MCAR S 3.133 B.-1 and Exhibit 12 MCAR S 3.133 C.-2 for various potential interest rates to be charged by the agency on its limited-unit development mortgage loans.

see transmittal memo + comment Rec'd.

B. Metropolitan area. Exhibit 12 MCAR S 3.133 B.-1. applies to eligible recipients whose qualifying property is in the metropolitan area as defined in Minnesota Statutes, section 473.121, subdivision 2.

Exhibit 12 MCAR S 3.133 B.1

Metropolitan Areas Initial Maximum Monthly Assistance

Mortgage Interest Rate		$100	$80	$60	$40	$20
0- 10.00%	Adj. Hshld. Income	0- 19000	19001- 20000	20001- 21000	21001- 22000	22001- 23000
10.01- 10.50%	Adj. Hshld. Income	0- 20000	20001- 21000	21001- 22000	22001- 23000	23001- 24000
10.51- 11.00%	Adj. Hshld. Income	0- 21000	21001- 22000	22001- 23000	23001- 24000	24001- 25000

C. Nonmetropolitan area. Exhibit 12 MCAR S 3.133 C.-2 applies to eligible recipients whose qualifying property is not in the metropolitan area as defined in Minnesota Statutes, section 473.121, subdivision 2.

Exhibit 12 MCAR S 3.133 C.-2.

Nonmetropolitan Area Initial Maximum Monthly Assistance

Mortgage Interest Rate		$100	$80	$60	$40	$20
0- 10.00%	Adj. Hshld. Income	0- 13000	13001- 14000	14001- 15000	15001- 16000	16001- 17000
10.01- 10.50%	Adj. Hshld. Income	0- 14000	14001- 15000	15001- 16000	16001- 17000	17001- 18000
10.51-	Adj. Hshld.	0-	15001-	16001-	17001-	18001-

11.00%	Income	15000	16000	17000	18000	19000

12 MCAR S 3.134 Homeownership assistance fund; downpayment assistance.

The agency may provide interest-free downpayment assistance loans to recipients eligible for monthly homeownership assistance who are determined, on the basis of normal credit procedures, to lack the cash or land equity necessary to pay the required downpayment, plus closing costs, expenses, and origination fees on the dwelling to be purchased. The amount of the downpayment assistance loan shall equal the amount by which the sum of the downpayment, closing costs, expenses, and origination fees exceeds five percent of the purchase price of the dwelling, but it shall not exceed the lesser of 50 percent of the downpayment or $1,500.

APPROVED AS TO LEGALITY

July 1 19 83

HUBERT H. HUMPHREY, III
ATTORNEY GENERAL

BY Ted A. Mondale
SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
JUL 5 - 1983
Joan Anderson Growe
Secretary of State

3:55 PM

STATE OF MINNESOTA

MINNESOTA HOUSING FINANCE AGENCY

In the Matter of the Proposed Adoption of Temporary Rules Governing Eligibility for the Homeownership Assistance Fund

ORDER ADOPTING TEMPORARY RULES

The above-entitled matter was published in the State Register on May 30, 1983, as a proposed temporary rule pursuant to Minnesota Statutes Sections 14.29 through 14.36. 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 Eligibility for the Homeownership Assistance Fund are adopted this 23rd day of June, 1983, pursuant to authority vested in the Agency by Minnesota Statutes Section 462A.03, Subdivision 10.

James J. Solem, Executive Director

MINNESOTA HOUSING FINANCE AGENCY

Proposed Temporary Rules Governing Income Limits for Limited Unit Developments and Eligibility for the Homeownership 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 Limited Unit Developments and Eligibility for the Homeownership Assistance Fund, pursuant to Laws 1981, Chapter 306, Section 3.

All interested persons are hereby afforded the opportunity to submit their comments on the proposed rules for 20 days immediately following publication of this material in the State Register by writing to Mike Haley, Director of Home Mortgage Programs, Minnesota Housing Finance Agency, Suite 200, 333 Sibley Street, St. Paul, Minnesota 55101. The temporary rules 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.

Dated: May 19, 1983

James J. Solem
Executive Director

Temporary Rules as Proposed.

12 MCAR S 3.002 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 except for loans issued under 12 MCAR S 3.002 [Temporary] Definitions and Exhibit 12 MCAR S 3.002 O.-1. [Temporary], 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.~~ Exhibits 12 MCAR S 3.002 O.-3 [Temporary] and 12 MCAR S 3.002 O.-4 [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.~~

~~Mortgage Interest Rate~~	~~Nonmetropolitan Area Maximum Adjusted Income~~	~~Metropolitan Area Maximum Adjusted Income~~
~~0.10.59%~~	~~$19,000~~	~~$24,000~~
~~10.60-11.09%~~	~~$20,000~~	~~$25,000~~
~~11.10-11.59%~~	~~$21,000~~	~~$25,000~~
~~11.10-11.59%~~	~~$21,000~~	~~$26,000~~
~~11.60-12.00%~~	~~$22,000~~	~~$27,000~~

Exhibit 12 MCAR S 3.002 O.-3 [Temporary]

Maximum Adjusted Income for Loans for New Construction

	Nonmetropolitan Area	Metropolitan Area

Mortgage Interest Rate	Maximum Adjusted Income	Maximum Adjusted Income
0-10.00%	$26,000	$34,000
10.01-10.50%	$27,000	$35,000
10.51-11.00%	$28,000	$36,000
11.01-11.50%	$29,000	$37,000
11.51% and over	$30,000	$38,000

Exhibit 12 MCAR S 3.002 O.-4 [Temporary]

Maximum Adjusted Income for Loans for Existing Construction

Mortgage Interest Rate	Nonmetropolitan Area Maximum Adjusted Income	Metropolitan Area Maximum Adjusted Income
0-10.00%	$21,000	$31,000
10.01-10.50%	$22,000	$32,000
10.51-11.00%	$23,000	$33,000
11.01-11.50%	$24,000	$34,000
11.51% and over	$25,000	$35,000

2.-5. [Unchanged.]

P.-V. [Unchanged.]

12 MCAR S 3.133 Homeownership assistance fund.

A. Monthly assistance. The agency may provide eligible recipients with interest-free monthly assistance loans in the form of monthly payments of a portion of the principal and interest installment due on the limited-unit development mortgage on qualifying property. Such payments shall not exceed $100 per month and shall decrease by ~~$10~~ $20 per month or ~~$120~~ $240 per year each year. The maximum amount of monthly assistance to which a recipient is originally entitled shall be determined by the agency from time to time on the basis of the percentage of income which may reasonably be spent on mortgage payments, the interest rate charged for limited-unit development mortgage loans, and general housing and construction costs in the state of Minnesota, provided however, that the initial maximum monthly assistance which the agency shall determine to

be available shall not exceed the following amounts for persons and families within the following annual adjusted income ranges as set forth in Exhibit 12 MCAR S 3.133 B.-1. and Exhibit 12 MCAR S 3.133 C.-2. for various potential interest rates to be charged by the agency on its limited-unit development mortgage loans.

B. Metropolitan area. Exhibit 12 MCAR S 3.133 B.-1. applies to eligible recipients whose qualifying property is in the metropolitan area as defined in Minnesota Statutes, section 473.121, subdivision 2.

Exhibit 12 MCAR S 3.133 B.1.

Initial Maximum

Monthly Assistance

Mortgage Interest Rate		$100	$80	$60	$40	$20
	0- Adj. Hshld. Income	0- 15000	15001- 16000	16001- 17000	17001- 18000	18001- 19000
10.59%						
10.60- 11.09%	Adj. Hshld. Income	0- 16000	16001- 17000	17001- 18000	18001- 19000	19001- 20000
11.10- 11.59%	Adj. Hshld. Income	0- 17000	17001- 18000	18001- 19000	19001- 20000	20001- 21000
11.60- 12.00%	Adj. Hshld. Income	0- 18000	18001- 19000	19001- 20000	20001- 21000	21001- 22000

Metropolitan Areas Initial Maximum Monthly Assistance

Mortgage Interest Rate		$100	$80	$60	$40	$20
0-	Adj. Hshld.	0-	19001-	20001-	21001-	22001-

10.00%	Income	19000	20000	21000	22000	23000
10.01-	Adj. Hshld.	0-	20001-	21001-	22001-	23001-
10.50%	Income	20000	21000	22000	23000	24000
10.51-	Adj. Hshld.	0-	21001-	22001-	23001-	24001-
11.00%	Income	21000	22000	23000	24000	25000

C. Nonmetropolitan area. Exhibit 12 MCAR S 3.133 C.-2. applies to eligible recipients whose qualifying property is not in the metropolitan area as defined in Minnesota Statutes, section 473.121, subdivision 2.

Exhibit 12 MCAR S 3.133 C.-2.

~~Initial Maximum~~

~~Monthly Assistance~~

~~Mortgage~~ ~~Interest~~ ~~Rate~~		~~$100~~	~~$80~~	~~$60~~	~~$40~~	~~$20~~
~~0-~~	~~Adj. Hshld.~~	~~0-~~	~~10001-~~	~~11001-~~	~~12001-~~	~~13001-~~
~~10.59%~~	~~Income~~	~~10000~~	~~11000~~	~~12000~~	~~13000~~	~~14000~~
~~10.60-~~	~~Adj. Hshld.~~	~~0-~~	~~11001-~~	~~12001-~~	~~13001-~~	~~14001-~~
~~11.09%~~	~~Income~~	~~11000~~	~~12000~~	~~13000~~	~~14000~~	~~15000~~
~~11.10-~~	~~Adj. Hshld.~~	~~0-~~	~~12001-~~	~~13001-~~	~~14001-~~	~~15001-~~
~~11.59%~~	~~Income~~	~~12000~~	~~13000~~	~~14000~~	~~15000~~	~~16000~~
~~11.60-~~	~~Adj. Hshld.~~	~~0-~~	~~13001-~~	~~14001-~~	~~15001-~~	~~16001-~~
~~12.00%~~	~~Income~~	~~13000~~	~~14000~~	~~15000~~	~~16000~~	~~17000~~

Nonmetropolitan Area Initial Maximum Monthly Assistance

Mortgage Interest Rate		$100	$80	$60	$40	$20
0-	Adj. Hshld.	0-	13001-	14001-	15001-	16001-

10.00%	Income	13000	14000	15000	16000	17000
10.01-	Adj. Hshld.	0-	14001-	15001-	16001-	17001-
10.50%	Income	14000	15000	16000	17000	18000
10.51-	Adj. Hshld.	0-	15001-	16001-	17001-	18001-
11.00%	Income	15000	16000	17000	18000	19000

12 MCAR S 3.134 Homeownership assistance fund; downpayment assistance.

The agency may provide interest-free downpayment assistance loans to ~~eligible~~ recipients eligible for monthly homeownership assistance who are determined, on the basis of normal credit procedures, to lack the cash or land equity necessary to pay the required downpayment, plus closing costs, expenses, and origination fees on the dwelling to be purchased. The amount of the downpayment assistance loan shall equal the amount by which the sum of the downpayment, closing costs, expenses, and origination fees exceeds five percent of the purchase price of the dwelling, but it shall not exceed the lesser of 50 percent of the downpayment or $1,500.

OFFICE OF THE REVISOR OF STATUTES

Proposed Rule

RD359

Agency: Minnesota Housing Finance Agency

Division:

Agency Contact: Karl Herman

Rule Numbers: 12 MCAR SS 3.002 [Temporary], 3.133 [Temporary], and 3.134 [Temporary]

Title: Proposed Temporary Rules Governing Income Limits for Limited Unit Development and the Homeownership Assistance Fund

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

Maryanne V. Hruby
Assistant Revisor
Phone: 297-2948
Date: May 18, 1983

STATE OF MINNESOTA

MINNESOTA HOUSING FINANCE AGENCY

In the Matter of the Proposed Adoption
of Temporary Rules Governing Eligibility
for the Homeownership Assistance Fund

ORDER FOR PUBLICATION
OF TEMPORARY RULES

It is ordered this 26th day of May, 1983 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 26th day of May, 1983 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, be and he 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 Governing Eligibility for the Homeownership Assistance Fund as well as perform any and all acts incidental thereto."

IN WITNESS WHEREOF, I have hereunto subscribed my name this 26th day of May, 1983.

James J. Solem, Executive Director

In the Matter of the Proposed Adoption
of Temporary Rules Governing Eligibility
of the Homeownership Assistance Fund

AFFIDAVIT OF
MAILING

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

Judith A. Keiser, being first duly sworn, deposes and says:

That on the 27th day of May, 1983, at the City of St. Paul, County of Ramsey, State of Minnesota, she served the attached Notice of Rulemaking by depositing in the United States mail at said City of St. Paul, a copy thereof, properly enveloped, with postage prepaid to all persons and associations who have requested that their names to placed on file with the Minnesota Housing Finance Agency for the purpose of receiving notice of the proposed adoption of rules by this Agency.

Judith A. Keiser

Subscribed and sworn to before
me this 27th day of May,
1983.

Roslyn M. Kolar
Notary Public

ROSLYN M. KOLAR
NOTARY PUBLIC - MINNESOTA
RAMSEY COUNTY
My Commission Expires Mar. 31, 1988

STATE OF MINNESOTA

MINNESOTA HOUSING FINANCE AGENCY

STATE OF MINNESOTA

COUNTY OF RAMSEY

MAILING LIST CERTIFICATE

In the Matter of the Proposed Adoption
of Temporary Rules Governing Eligibility
of the Homeownership Assistance Fund

I hereby certify that the list of persons, associations and other interested groups who have requested, pursuant to Minnesota Statutes Section 14.14 Subdivision 1, 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 this 27th day of May, 1983.

Judith A. Keiser

PROPOSED RULES

Pursuant to Minn. Stat. of 1980, §§ 14.21, 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 §§ 14.13-14.20 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. § 14.29, 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.

Housing Finance Agency

Proposed Temporary Rules Governing Income Limits for Limited Unit Developments and Eligibility for the Homeownership 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 Limited Unit Developments and Eligibility for the Homeownership Assistance Fund, pursuant to Laws 1981, Chapter 306, Section 3.

All interested persons are hereby afforded the opportunity to submit their comments on the proposed rules for 20 days immediately following publication of this material in the *State Register* by writing to Mike Haley, Director of Home Mortgage Programs, Minnesota Housing Finance Agency, Suite 200, 333 Sibley Street, St. Paul, Minnesota 55101. The temporary rules 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.

May 19, 1983

James J. Solem,
Executive Director

Proposed Temporary Rules

12 MCAR § 3.002 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 except for loans issued under 12 MCAR § 3.002 [Temporary] Definitions and Exhibit 12 MCAR § 3.002 O.-1. [Temporary], 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.~~ Exhibits 12 MCAR § 3.002 O.-3 [Temporary] and 12 MCAR § 3.002 O.-4 [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.~~

~~Mortgage Interest Rate~~	~~Nonmetropolitan Area Maximum Adjusted Income~~	~~Metropolitan Area Maximum Adjusted Income~~
~~0-10.59%~~	~~$19,000~~	~~$24,000~~
~~10.60-11.09%~~	~~$20,000~~	~~$25,000~~
~~11.10-11.59%~~	~~$21,000~~	~~$25,000~~
~~11.10-11.59%~~	~~$21,000~~	~~$26,000~~
~~11.60-12.00%~~	~~$22,000~~	~~$27,000~~

Exhibit 12 MCAR § 3.002 O.-3 [Temporary]
Maximum Adjusted Income for Loans for New Construction

Mortgage Interest Rate	Nonmetropolitan Area Maximum Adjusted Income	Metropolitan Area Maximum Adjusted Income
0-10.00%	$26,000	$34,000
10.01-10.50%	$27,000	$35,000
10.51-11.00%	$28,000	$36,000
11.01-11.50%	$29,000	$37,000
11.51% and over	$30,000	$38,000

Exhibit 12 MCAR § 3.002 O.-4 [Temporary]
Maximum Adjusted Income for Loans for Existing Construction

Mortgage Interest Rate	Nonmetropolitan Area Maximum Adjusted Income	Metropolitan Area Maximum Adjusted Income
0-10.00%	$21,000	$31,000
10.01-10.50%	$22,000	$32,000
10.51-11.00%	$23,000	$33,000
11.01-11.50%	$24,000	$34,000
11.51% and over	$25,000	$35,000

2.-5. [Unchanged.]

P.-V. [Unchanged.]

12 MCAR § 3.133 Homeownership assistance fund.

A. Monthly assistance. The agency may provide eligible recipients with interest-free monthly assistance loans in the form of monthly payments of a portion of the principal and interest installment due on the limited-unit development mortgage on qualifying property. Such payments shall not exceed $100 per month and shall decrease by ~~$10~~ $20 per month or ~~$120~~ $240 per year each year. The maximum amount of monthly assistance to which a recipient is originally entitled shall be determined by the agency from time to time on the basis of the percentage of income which may reasonably be spent on mortgage payments, the interest rate charged for limited-unit development mortgage loans, and general housing and construction costs in the state of Minnesota, provided however, that the initial maximum monthly assistance which the agency shall determine to be available shall not exceed the following amounts for persons and families within the following annual adjusted income ranges as set forth in Exhibit 12 MCAR § 3.133 B.-1~~.~~ and Exhibit 12 MCAR § 3.133 C.-2~~.~~ for various potential interest rates to be charged by the agency on its limited-unit development mortgage loans.

B. Metropolitan area. Exhibit 12 MCAR § 3.133 B.-1. applies to eligible recipients whose qualifying property is in the metropolitan area as defined in Minnesota Statutes, section 473.121, subdivision 2.

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.

Exhibit 12 MCAR § 3.133 B.-1.

~~Initial Maximum Monthly Assistance~~

~~Mortgage Interest Rate~~		~~$100~~	~~$80~~	~~$60~~	~~$40~~	~~$20~~
~~0-10.59%~~	~~Adj. Hshld. Income~~	~~0-15000~~	~~15001-16000~~	~~16001-17000~~	~~17001-18000~~	~~18001-19000~~
~~10.60-11.09%~~	~~Adj. Hshld. Income~~	~~0-16000~~	~~16001-17000~~	~~17001-18000~~	~~18001-19000~~	~~19001-20000~~
~~11.10-11.59%~~	~~Adj. Hshld. Income~~	~~0-17000~~	~~17001-18000~~	~~18001-19000~~	~~19001-20000~~	~~20001-21000~~
~~11.60-12.00%~~	~~Adj. Hshld. Income~~	~~0-18000~~	~~18001-19000~~	~~19001-20000~~	~~20001-21000~~	~~21001-22000~~

Metropolitan Areas Initial Maximum Monthly Assistance

Mortgage Interest Rate		$100	$80	$60	$40	$20
0-10.00%	Adj. Hshld. Income	0-19000	19001-20000	20001-21000	21001-22000	22001-23000
10.01-10.50%	Adj. Hshld. Income	0-20000	20001-21000	21001-22000	22001-23000	23001-24000
10.51-11.00%	Adj. Hshld. Income	0-21000	21001-22000	22001-23000	23001-24000	24001-25000

C. Nonmetropolitan area. Exhibit 12 MCAR § 3.133 C.-2. applies to eligible recipients whose qualifying property is not in the metropolitan area as defined in Minnesota Statutes, section 473.121, subdivision 2.

Exhibit 12 MCAR § 3.133 C.-2.

~~Initial Maximum Monthly Assistance~~

~~Mortgage Interest Rate~~		~~$100~~	~~$80~~	~~$60~~	~~$40~~	~~$20~~
~~0-10.59%~~	~~Adj. Hshld. Income~~	~~0-10000~~	~~10001-11000~~	~~11001-12000~~	~~12001-13000~~	~~13001-14000~~
~~10.60%-11.09%~~	~~Adj. Hshld. Income~~	~~0-11000~~	~~11001-12000~~	~~12001-13000~~	~~13001-14000~~	~~14001-15000~~
~~11.10%-11.59%~~	~~Adj. Hshld. Income~~	~~0-12000~~	~~12001-13000~~	~~13001-14000~~	~~14001-15000~~	~~15001-16000~~
~~11.60-12.00%~~	~~Adj. Hshld. Income~~	~~0-13000~~	~~13001-14000~~	~~14001-15000~~	~~15001-16000~~	~~16001-17000~~

Nonmetropolitan Area Initial Maximum Monthly Assistance

Mortgage Interest Rate		$100	$80	$60	$40	$20
0-	Adj. Hshld.	0-	13001-	14001-	15001-	16001-
10.00%	Income	13000	14000	15000	16000	17000
10.01-	Adj. Hshld.	0-	14001-	15001-	16001-	17001-
10.50%	Income	14000	15000	16000	17000	18000
10.51%	Adj. Hshld.	0-	15001-	16001-	17001-	18001-
11.00%	Income	15000	16000	17000	18000	19000

12 MCAR § 3.134 Homeownership assistance fund; downpayment assistance

The agency may provide interest-free downpayment assistance loans to ~~eligible~~ recipients eligible for monthly homeownership assistance who are determined, on the basis of normal credit procedures, to lack the cash or land equity necessary to pay the required downpayment, plus closing costs, expenses, and origination fees on the dwelling to be purchased. The amount of the downpayment assistance loan shall equal the amount by which the sum of the downpayment, closing costs, expenses, and origination fees exceeds five percent of the purchase price of the dwelling, but it shall not exceed the lesser of 50 percent of the downpayment or $1,500.

ADOPTED RULES

The adoption of a rule becomes effective after the requirements of Minn. Stat. § 14.13-14.28 have been met and five working days after the rule is published in the *State Register*, unless a later date is required by statutes or specified in the rule.

If an adopted rule is identical to its proposed form as previously published, a notice of adoption and a citation to its previous *State Register* publication will be printed.

If an adopted rule differs from its proposed form, language which has been deleted will be printed with strike outs and new language will be underlined, and the rule's previous *State Register* publication will be cited.

A temporary rule becomes effective upon the approval of the Attorney General as specified in Minn. Stat. § 14.33 and upon the approval of the Revisor of Statutes as specified in § 14.36. Notice of approval by the Attorney General will be published as soon as practicable, and the adopted temporary rule will be published in the manner provided for adopted rules under § 14.18.

Department of Agriculture
Grain Inspection Division

Notice of Withdrawal of Proposed Rules Governing the Licensing, Bonding and Auditing of Grain Banks, Public Grain Warehouses and Public Terminal Warehouses (Chapter Nine: PSC 240-249)

The rules proposed and published at *State Register*, Volume 7, Number 27, pages 1009-1014, January 3, 1983 (7 S.R. 1009) are withdrawn in their entirety by the Department. The rules are being withdrawn in order to incorporate public comments received during the thirty-day comment period which would result in substantial changes to the rules. The Department intends to republish the rules incorporating this material from the public comments at a future date.

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 Eligibility
for the Homeownership Assistance Fund

CERTIFICATE OF BOARD'S
RESOLUTION ADOPTING RULES

I, Robert A. Worthington, do hereby certify that I am the Chairman 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 23rd day of June, 1983, 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 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 462A.03 Subdivision 10 and that James J. Solem, 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 23rd day of June, 1983.

Robert A. Worthington
Chairman

STATE OF MINNESOTA

MINNESOTA HOUSING FINANCE AGENCY

In the Matter of the Proposed Adoption
of Temporary Rules Governing Eligibility
for the Homeownership Assistance Fund

STATEMENT OF COMPLIANCE
WITH RULEMAKING PROCEDURES

I, Special Assistant Attorney General, Karl J. Herman 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.

Karl J. Herman
Special Assistant Attorney General

Date: 6/23/83