

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

Our File No. 420 TEMP

RULE REVIEW CHECKLIST

DATE RULE RECEIVED 8th 7-29
DATE FOR REVIEW _____
DATE DUE 8-5

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

Approved 8-5 Disapproved _____ Returned to Agency 8-5

Resubmitted _____ Due _____
Approved _____ Disapproved _____ Returned to Agency _____

Date filed w/Secretary of State 8-5 Revisor approved _____ disapproved _____

✓ Rule as Adopted

✓ Rule as Proposed

✓ Order Adopting 6/28/83 Date

N/A Notice of Intent to Solicit Outside Opinion

N/A Order for rulemaking
_____ date of Hearing

✓ Certificate of Board's Authorizing Resolution

✓ Notice of rulemaking
_____ Sufficiency

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

✓ Mailing list Certificate

N/A Publication in State Register
_____ At least 30/20 days prior to hearing/adoption

N/A Hearing Examiner's Report

N/A Chief Hearing Examiner's Report(s)
_____ Approving H.E.'s Report
_____ Approving agency action

N/A Agency's Findings of Fact

N/A LCRAR Report or agency Affidavit

✓ Certificate of Board's Resolution Adopting Rules

N/A Order Approving Incorporation by Reference

N/A Statement of Need and Reasonableness

N/A Petition for Adoption of a Rule

N/A 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

N/A Notice of Submission to the Attorney General

MINNESOTA
HOUSING
FINANCE
AGENCY

July 29, 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 Local Participation Home Improvement Loans

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; and
- Certificate of Compliance with rulemaking procedures.

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

Sincerely,

James J. Solem
Executive Director

JJS/jak

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

SF-00006-02

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL

Office Memorandum

TO : JAMES J. SOLEM, Executive Director
Attn: KARL J. HERMAN
Special Assistant Attorney General

DATE: August 4, 1983

FROM : TED A. MARTINEZ
Special Assistant
Attorney General
TAM

PHONE: 296-4692

SUBJECT: In the Matter of the Proposed Adoption of Temporary Rules Governing Local Participation Home Improvement Loans
TEMPORARY RULE

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

STATE OF MINNESOTA

MINNESOTA HOUSING FINANCE AGENCY

In the Matter of the Proposed Adoption
of Temporary Rules Governing Local
Participation Home Improvement Loans

ORDER ADOPTING
TEMPORARY RULES

The above-entitled matter was published in the State Register on July 4, 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 Local Participation Home Improvement Loans are adopted this 28th day of July, 1983, pursuant to authority vested in the Agency by Minnesota Statutes Chapter 462A.03, Subdivision 10, and Chapter 462A.06, Subdivision 11.

James J. Solem, Executive Director

Minnesota Housing Finance Agency

Adopted Temporary Rules Governing Local Participation Home Improvement Loans

Rules as Adopted [Temporary]

12 MCAR S 3.002 [Temporary] Definitions.

A.-N. [Unchanged.]

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

1.-5. [Unchanged.]

6. with respect to local participation home improvement loans under chapter six B of these rules, those persons and families whose adjusted income does not exceed 125 percent of the median income for the county in which these projects are located, as determined and adjusted from time to time by the United States Department of Housing and Urban Development, or the income limit for home improvement loans under chapter six of these rules, whichever is greater; provided, however, that the maximum adjusted income may not exceed 100 percent of the median income for the county in Minnesota that has the highest median income, as determined and adjusted from time to time by the United States Department of Housing and Urban Development.

P.-V. [Unchanged.]

Chapter Six B

Local Participation Home Improvement Loans

12 MCAR S 3.055 [Temporary] Funds.

A. Request for funds. A local government that wishes to receive an allocation of funds to make local participation home improvement loans shall submit a request for funds that includes the following items, which may be further described by the agency:

1. a description of the proposed program;

2. a description of program requirements to be imposed by the local government that are not set forth in this chapter;

3. an analysis of the need for the proposed program in

the community;

4. a demonstration of financial feasibility of the proposed program;

5. evidence that an adequate delivery mechanism is available for the proposed program; and

6. the specific funding amount requested and the time period, that is within the maximum time period set by the agency, during which the funds will be expended.

B. Deadline for requests for funds. The agency shall give notice that it will accept requests for funds to make local participation home improvement loans from local governments for the period specified by the agency. This period may not be less than 30 days.

12 MCAR S 3.056 [Temporary] Eligible applications.

An application for a local participation home improvement loan must meet all of the requirements of 12 MCAR S 3.051.

12 MCAR S 3.057 [Temporary] Eligible improvements.

An improvement financed with the proceeds of a local participation home improvement loan must meet all of the requirements of 12 MCAR S 3.052.

APPROVED AS TO LEGALITY
August 4 1983
HUBERT H. HUMPHREY, III
ATTORNEY GENERAL
BY Ted A. Martinez
SPECIAL ASSISTANT ATTORNEY GENERAL

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

10:30AM

MINNESOTA HOUSING FINANCE AGENCY

Proposed Temporary Rules Governing Local Participation Home Improvement Loans

Request for Public Comment

Notice is hereby given that the Minnesota Housing Finance Agency has proposed the following temporary rules for the purpose of establishing procedures for application for participation in and setting income limits for Local Participation Home Improvement Loans, pursuant to Subdivision 10 of Chapter 462A.03 and Subdivision 11 of Chapter 462A.06 of Minnesota Statutes.

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 Mary Tingerthal, Director of Home Improvement Loan 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: July 1, 1983

James J. Solem
Executive Director

Rules as Proposed [Temporary]

12 MCAR S 3.002 [Temporary] Definitions.

A.-N. [Unchanged.]

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

1.-5. [Unchanged.]

6. with respect to local participation home improvement loans under chapter six B of these rules, those persons and families whose adjusted income does not exceed 125 percent of the median income for the county in which these projects are located, as determined and adjusted from time to time by the United States Department of Housing and Urban Development, or the income limit for home improvement loans under chapter six of these rules, whichever is greater; provided, however, that the maximum adjusted income may not exceed 100 percent of the median income for the county in Minnesota that has the highest median income, as determined and adjusted from time to time by the United States Department of Housing and Urban Development.

P.-V. [Unchanged.]

Chapter Six B

Local Participation Home Improvement Loans

12 MCAR S 3.055 [Temporary] Funds.

A. Request for funds. A local government that wishes to receive an allocation of funds to make local participation home improvement loans shall submit a request for funds that includes the following items, which may be further described by the agency:

1. a description of the proposed program;

2. a description of program requirements to be imposed by the local government that are not set forth in this chapter;

3. an analysis of the need for the proposed program in the community;

4. a demonstration of financial feasibility of the proposed program;

5. evidence that an adequate delivery mechanism is available for the proposed program; and

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

6. the specific funding amount requested and the time period, that is within the maximum time period set by the agency, during which the funds will be expended.

B. Deadline for requests for funds. The agency shall give notice that it will accept requests for funds to make local participation home improvement loans from local governments for the period specified by the agency. This period may not be less than 30 days.

12 MCAR S 3.056 [Temporary] Eligible applications.

An application for a local participation home improvement loan must meet all of the requirements of 12 MCAR S 3.051.

12 MCAR S 3.057 [Temporary] Eligible improvements.

An improvement financed with the proceeds of a local participation home improvement loan must meet all of the requirements of 12 MCAR S 3.052.

APPROVED IN THE
REVISOR OF STATUTES
OFFICE BY:

OFFICE OF THE REVISOR OF STATUTES

Proposed Rule

RD369T

Agency: Minnesota Housing Finance Agency

Division:

Agency Contact: Judy Keiser 296-7608

Rule Numbers: 12 MCAR SS 3.002; 3.055; 3.056; 3.057

Title: Proposed Temporary Rules Relating to Adjusted Income and Local Participation Home Improvement Loans

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

Maryanne V. Hruby
Assistant Revisor
Phone: 297-2948
Date: June 17, 1983

STATE OF MINNESOTA

MINNESOTA HOUSING FINANCE AGENCY

In the Matter of the Proposed Adoption
of Temporary Rules Governing Local
Participation Home Improvement Loans

ORDER FOR PUBLICATION
OF TEMPORARY RULES

It is ordered this 9th day of June, 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 9th day of June, 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 Local Participation Home Improvement Loans as well as perform any and all acts incidental thereto."

IN WITNESS WHEREOF, I have hereunto subscribed my name this 9th day of June, 1983.

James J. Solem, Executive Director

In the Matter of the Proposed Adoption
of Temporary Rules Governing Local
Participation Home Improvement Loans

AFFIDAVIT OF
MAILING

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

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

That on the 1st day of July, 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 be 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 1st day of July,
1983.

Kathleen J. Johnson
Notary Public

KATHLEEN J. JOHNSON
NOTARY PUBLIC—MINNESOTA
RAMSEY COUNTY
My Comm. Expires Dec. 9, 1986

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 Local
Participation Home Improvement Loans

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 1st day of July, 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.

Minnesota Housing Finance Agency

Proposed Temporary Rules Governing Local Participation Home Improvement Loans

Request for Public Comment

Notice is hereby given that the Minnesota Housing Finance Agency has proposed the following temporary rules for the purpose of establishing procedures for application for participation in and setting income limits for Local Participation Home Improvement Loans, pursuant to subdivision 10 of Chapter 462A.03 and subdivision 11 of Chapter 462A.06 of Minnesota Statutes.

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 Mary Tingerthal, Director of Home Improvement Loan 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.

July 1, 1983

James J. Solem
Executive Director

Rules as Proposed [Temporary]

12 MCAR § 3.002 [Temporary] Definitions.

A.-N. [Unchanged.]

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

1.-5. [Unchanged.]

6. with respect to local participation home improvement loans under chapter six B of these rules, those persons and families whose adjusted income does not exceed 125 percent of the median income for the county in which these projects are located, as determined and adjusted from time to time by the United States Department of Housing and Urban Development, or the income limit for home improvement loans under chapter six of these rules, whichever is greater; provided, however, that the maximum adjusted income may not exceed 100 percent of the median income for the county in Minnesota that has the highest median income, as determined and adjusted from time to time by the United States Department of Housing and Urban Development.

P.-V. [Unchanged.]

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 Six B

Local Participation Home Improvement Loans

12 MCAR § 3.055 [Temporary] Funds.

A. Request for funds. A local government that wishes to receive an allocation of funds to make local participation home improvement loans shall submit a request for funds that includes the following items, which may be further described by the agency:

1. a description of the proposed program;

2. a description of program requirements to be imposed by the local government that are not set forth in this chapter;

3. an analysis of the need for the proposed program in the community;

4. a demonstration of financial feasibility of the proposed program;

5. evidence that an adequate delivery mechanism is available for the proposed program; and

6. the specific funding amount requested and the time period, that is within the maximum time period set by the agency, during which the funds will be expended.

B. Deadline for requests for funds. The agency shall give notice that it will accept requests for funds to make local participation home improvement loans from local governments for the period specified by the agency. This period may not be less than 30 days.

12 MCAR § 3.056 [Temporary] Eligible applications.

An application for a local participation home improvement loan must meet all of the requirements of 12 MCAR § 3.051.

12 MCAR § 3.057 [Temporary] Eligible improvements.

An improvement financed with the proceeds of a local participation home improvement loan must meet all of the requirements of 12 MCAR § 3.052.

Department of Public Welfare
Bureau of Support Services

Proposed Temporary Rules Governing the Determination of Welfare Per Diem Rates for Nursing Homes under the Title XIX Program (12 MCAR §§ 2.05001-2.05016)

Notice of Intent to Adopt Temporary Rules

The State Department of Public Welfare proposes to adopt the above-entitled temporary rules to implement Laws of Minnesota 1983, chapter 199.

Persons interested in these rules have until July 25, 1983 to submit written comments. The proposed temporary rules may be modified if the modifications are supported by the data and views submitted to the agency and do not result in a substantial change in the proposed language. Written comments should be sent to:

Eleanor Weber
Support Services Bureau
Department of Public Welfare
4th Floor, Centennial Building
St. Paul, MN 55155
(612) 297-4301

Upon adoption of the temporary rules, this notice, all written comments received, and the adopted temporary rules will be delivered to the Attorney General and to the Revisor of Statutes for review as to form and legality. The adopted temporary rules will not become effective without the Attorney General's approval and the Revisor of Statute's certification of the rule's form.

STATE OF MINNESOTA

MINNESOTA HOUSING FINANCE AGENCY

In the Matter of the Proposed Adoption
of Temporary Rules Governing Local
Participation Home Improvement Loans

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 28th day of July, 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 Local Participation Home Improvement Loans attached hereto as Exhibit A be and they hereby are approved and adopted, pursuant to authority vested in us by Minnesota Statutes Chapter 462A.03, Subdivision 10, and Chapter 462A.06, Subdivision 11, 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 28th day of July, 1983.

Robert A. Worthington

Chairman

STATE OF MINNESOTA

MINNESOTA HOUSING FINANCE AGENCY

In the Matter of the Proposed Adoption
of Temporary Rules Governing Local
Participation Home Improvement Loans

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

Dated: 7/29/83