

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

Our File No. 1047

RULE REVIEW CHECKLIST

DATE RULE RECEIVED 7-9-84
DATE FOR REVIEW
DATE DUE 7-16-84 23

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

Approved July 23, 1984 (CDS) Disapproved Returned to Agency

Resubmitted Due
Approved Disapproved Returned to Agency

Date filed w/Secretary of State 7-24-84 Revisor approved / disapproved

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✓ Rule as Adopted

✓ Rule as Proposed

✓ Order Adopting 7.9.84 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
6.8.84 At least ~~30~~ 25 days prior to hearing/adoption

✓ Mailing list Certificate

✓ Publication in State Register
6.11.84 At least ~~30/20~~ 5 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

SF-00006-02

DEPARTMENT ATTORNEY GENERAL

STATE OF MINNESOTA
Office Memorandum

TO : JAMES J. SOLEM, Executive Director
Minnesota Housing Finance Agency

DATE: 7/23/84

Attn: KARL J. HERMAN/Special Assist. Att. General

FROM : LARRY D. STARNS
Special Assistant
Attorney General

PHONE: 297-3493

SUBJECT: In the Matter of the Proposed Adoption of Emergency Rules Governing the Temporary Housing Demonstration Program

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

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

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

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

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

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

Encs.

cc: Ms. Kathy Burek
Mr. Duane Harves

LDS:(sa)

AG copy

Housing Finance Agency

Adopted Emergency Rules Governing the Temporary Housing Demonstration Program

Emergency Rules as Adopted

4900.1700 [Emergency] SCOPE.

Parts 4900.1700 to 4900.1703 [Emergency] govern temporary housing demonstration program grants for the construction, acquisition, or rehabilitation of residential housing for occupancy by persons of low and moderate income in immediate need of temporary housing.

4900.1701 [Emergency] DEFINITIONS.

Subpart 1. **Scope.** The terms used in parts 4900.1700 [Emergency] to 4900.1703 [Emergency] have the meaning given them in this part.

Subp. 2. **Agency.** "Agency" means the Minnesota Housing Finance Agency.

Subp. 3. **Applicant.** "Applicant" means one or more entities that submit an application for a temporary housing demonstration program grant.

Subp. 4. **Application.** "Application" means a submittal requesting a temporary housing demonstration program grant to pay the cost of the acquisition, construction, or rehabilitation of a structure to provide temporary housing for low and moderate income persons.

Subp. 5. **Persons and families of low and moderate income.** "Persons and families of low and moderate income" means, with respect to temporary housing grants, those persons and families whose income does not exceed 50 percent of the statewide median household income as estimated by the United States Department of Housing and Urban Development.

Subp. 6. **Structure.** "Structure" means a building to be constructed, acquired, or rehabilitated for use as temporary housing.

Subp. 7. **Support services.** "Support services" means an assessment service that identifies the needs of individuals for independent living and arranges or provides for the appropriate educational, social, legal, advocacy, child care, employment, financial, or information and referral services to meet these needs.

Subp. 8. **Temporary housing.** "Temporary housing" means housing provided for a limited duration not exceeding six months and available for occupancy on a continuous 24-hour basis.

Subp. 9. **Temporary housing demonstration program grant, or grant.** "Temporary housing demonstration program grant" or "grant" means an appropriation of money to an eligible applicant under the authority granted in Minnesota Statutes, section 462A.05, subdivision 20.

4900.1702 [Emergency] ELIGIBILITY.

Subpart 1. **For applicants.** To be eligible for selection for a grant, an applicant shall satisfy the following requirements:

A. The applicant must be a nonprofit entity as defined in part 4900.0010, subpart 21.

B. The applicant must provide a comprehensive plan for meeting the existing need for temporary housing and for the placement of persons in independent housing. At a minimum this plan must include:

(1) documentation of a need for temporary housing by the population to be served by the structure;

(2) a description of the applicant's goals and objectives for meeting the special needs of the population to be served;

(3) documentation of an ability to provide support services to assist persons in moving into independent or appropriate supportive living situations; and

(4) a detailed budget for the first year and projected budgets for future years.

C. The applicant shall document fiscal responsibility and the ability to complete the construction, acquisition, or

modification of the structure and to maintain the structure in accordance with its funded use for a specific period of time.

Subp. 2. **For structures.** To be eligible for selection for a grant, a proposed temporary housing structure must satisfy the following requirements:

A. The structure must provide temporary housing for persons and families of low and moderate income.

B. The structure must provide a physical environment that is responsive to the needs of the population to be served.

C. The structure must comply with applicable state and local codes, zoning ordinances, land use provisions, and laws.

D. The structure must be located in the state of Minnesota.

4900.1703 [Emergency] SELECTION CRITERIA FOR GRANTS.

The agency shall take the following criteria into consideration when determining which applications will be funded:

A. the extent to which the grant is combined with funds or in-kind contributions from other public and private sources;

B. the availability and source of funds to pay the cost of acquisition, construction, or rehabilitation of the structure not funded by the grant;

C. the availability and source of funds to pay the ongoing costs of the support services;

D. the distribution of funds to service a variety of populations, including but not limited to, families with children, couples, single persons, and persons leaving shelter for family abuse;

E. the geographic distribution of the funded applications within the state;

F. the immediacy of the need documented for temporary housing in the area in which the structure is located;

G. the capacity of the applicant to proceed promptly with the acquisition, construction, or rehabilitation of the structure;

H. the amount of the grant requested as compared to the total resources available for these grants;

I. the extent to which the application receives the support and participation of the local community;

J. the geographic location of the structure in relation to support services recreational facilities, medical facilities, and transportation;

K. the reasonableness of the acquisition, construction, or rehabilitation cost with preference given to applications that minimize the cost per temporary housing units produced;

L. the extent to which the application uses innovative cost-effective support services which are appropriate to the needs of the population served; and

M. the experience of the applicant in developing or managing housing, providing support services, and servicing the specific target population of homeless persons.

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
JUL 24 1984
11:52AM
Joan Anderson Growe
Secretary of State

APPROVED AS TO LEGALITY
July 23, 1984
HUBERT H. HUMPHREY, III
ATTORNEY GENERAL
BY
SPECIAL ASSISTANT ATTORNEY GENERAL

MINNESOTA HOUSING FINANCE AGENCY

July 9, 1984

Mr. Larry Starns
Special Assistant Attorney General
Room 204
Administration Building
50 Sherburne Avenue
St. Paul, Minnesota 55155

RE: In the Matter of the Proposed Adoption of Emergency Rules Governing the Temporary Housing Demonstration Program

Dear Mr. Starns:

Enclosed please find for your review pursuant to Minnesota Statutes, Section 14.29 through 14.36, the adopted emergency rules of the Minnesota Housing Finance Agency.

The following materials are submitted to you for your review pursuant to Minnesota Rules, Part 2000.0500:

Emergency rule as adopted;

Order Adopting;

Certificate of Board's Resolution Adopting the Rule;

Board's Resolution Authorizing Adoption of 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 emergency rules are identical to the proposed rules. The Agency did not receive any comments during the 25 day period, nor did it receive requests from persons desiring notice of the date of submission of the proposed emergency

rule to the Attorney General.

Sincerely,

James J. Solem
Executive Director

RECEIVED
JUL 9 1984
ATTORNEY GENERAL
ADMINISTRATIVE AGENCIES

STATE OF MINNESOTA

MINNESOTA HOUSING FINANCE AGENCY

In the Matter of the Proposed Adoption
of Emergency Rules Governing the Temporary
Housing Demonstration Program

ORDER ADOPTING
EMERGENCY RULES

The above-entitled manner was published in the State Register on June 11, 1984, as a proposed emergency 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 25 days of the publication date, and receiving no written data and views, advising the public that a free copy of the proposed rule is available on request from the Agency and that notice of the date of submission of the proposed emergency rules to the Attorney General will be mailed to any person requesting to receive the notice, 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 the Temporary Housing Demonstration Program are adopted this 9th day of July, 1984, 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

STATE OF MINNESOTA

MINNESOTA HOUSING FINANCE AGENCY

In the Matter of the Proposed Adoption
of Emergency Rules Governing the Temporary
Housing Demonstration Program

ORDER FOR PUBLICATION
OF EMERGENCY RULES

It is ordered this 24th May of May, 1984 that the proposed emergency 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 24th day of May, 1984, 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 Emergency Rules of the Minnesota Housing Finance Agency, said rules relating to Governing the Temporary Housing Demonstration Program as well as perform any and all acts incidental thereto."

IN WITNESS WHEREOF, I have hereunto subscribed my name this 24th day of May, 1984.

James J. Solem, Executive Director

MINNESOTA HOUSING FINANCE AGENCY

Proposed Emergency Rules Governing the Temporary Housing Demonstration Program

Request for Public Comment

Notice is hereby given that the Minnesota Housing Finance Agency has proposed the following emergency rules for the purpose of establishing procedures for application for participation in and setting income limits for the Temporary Housing Demonstration Program, pursuant to Subdivision 10 of Chapter 462A.03, Subdivision 11 of Chapter 462A.06, and Subdivision 20 of Chapter 462A.05 of Minnesota Statutes.

All interested persons are herein afforded the opportunity to submit their comments on the proposed rules for 25 days immediately following publication of this material in the State Register by writing to Kathleen J. Johnson, Legal Division, Minnesota Housing Finance Agency, Suite 200, 333 Sibley Street, St. Paul, Minnesota 55101. The emergency 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 emergency rule. A free copy of the proposed rule is available on request from the Agency, and notice of the date of submission of the proposed emergency rule to the Attorney General will be mailed to any person requesting to receive the notice. Requests should be made to Kathleen J. Johnson at the above address, telephone number 612/296-9793. As required by the Administrative Procedures Act, this emergency rule will be effective for not more than 180 days and may be continued in effect for up to an additional 180 days.

Dated: June 8, 1984

James J. Solem
Executive Director

Emergency Rules as Proposed (all new material)

4900.1700 [Emergency] SCOPE.

Parts 4900.1700 to 4900.1703 [Emergency] govern temporary housing demonstration program grants for the construction, acquisition, or rehabilitation of residential housing for occupancy by persons of low and moderate income in immediate need of temporary housing.

4900.1701 [Emergency] DEFINITIONS.

Subpart 1. **Scope.** The terms used in parts 4900.1700 [Emergency] to 4900.1703 [Emergency] have the meaning given them in this part.

Subp. 2. **Agency.** "Agency" means the Minnesota Housing Finance Agency.

Subp. 3. **Applicant.** "Applicant" means one or more entities that submit an application for a temporary housing demonstration program grant.

Subp. 4. **Application.** "Application" means a submittal requesting a temporary housing demonstration program grant to pay the cost of the acquisition, construction, or rehabilitation of a structure to provide temporary housing for low and moderate income persons.

Subp. 5. **Persons and families of low and moderate income.** "Persons and families of low and moderate income" means, with respect to temporary housing grants, those persons and families whose income does not exceed 50 percent of the statewide median household income as estimated by the United States Department of Housing and Urban Development.

Subp. 6. **Structure.** "Structure" means a building to be constructed, acquired, or rehabilitated for use as temporary housing.

Subp. 7. **Support services.** "Support services" means an assessment service that identifies the needs of individuals for independent living and arranges or provides for the appropriate educational, social, legal, advocacy, child care, employment, financial, or information and referral services to meet these

APPROVED IN THE REVISOR OF STATUTES

needs.

Subp. 8. **Temporary housing.** "Temporary housing" means housing provided for a limited duration not exceeding six months and available for occupancy on a continuous 24-hour basis.

Subp. 9. **Temporary housing demonstration program grant, or grant.** "Temporary housing demonstration program grant" or "grant" means an appropriation of money to an eligible applicant under the authority granted in Minnesota Statutes, section 462A.05, subdivision 20.

4900.1702 [Emergency] ELIGIBILITY.

Subpart 1. **For applicants.** To be eligible for selection for a grant, an applicant shall satisfy the following requirements:

A. The applicant must be a nonprofit entity as defined in part 4900.0010, subpart 21.

B. The applicant must provide a comprehensive plan for meeting the existing need for temporary housing and for the placement of persons in independent housing. At a minimum this plan must include:

(1) documentation of a need for temporary housing by the population to be served by the structure;

(2) a description of the applicant's goals and objectives for meeting the special needs of the population to be served;

(3) documentation of an ability to provide support services to assist persons in moving into independent or appropriate supportive living situations; and

(4) a detailed budget for the first year and projected budgets for future years.

C. The applicant shall document fiscal responsibility and the ability to complete the construction, acquisition, or modification of the structure and to maintain the structure in accordance with its funded use for a specific period of time.

Subp. 2. **For structures.** To be eligible for selection for a grant, a proposed temporary housing structure must satisfy the following requirements:

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

A. The structure must provide temporary housing for persons and families of low and moderate income.

B. The structure must provide a physical environment that is responsive to the needs of the population to be served.

C. The structure must comply with applicable state and local codes, zoning ordinances, land use provisions, and laws.

D. The structure must be located in the state of Minnesota.

4900.1703 [Emergency] SELECTION CRITERIA FOR GRANTS.

The agency shall take the following criteria into consideration when determining which applications will be funded:

A. the extent to which the grant is combined with funds or in-kind contributions from other public and private sources;

B. the availability and source of funds to pay the cost of acquisition, construction, or rehabilitation of the structure not funded by the grant;

C. the availability and source of funds to pay the ongoing costs of the support services;

D. the distribution of funds to service a variety of populations, including but not limited to, families with children, couples, single persons, and persons leaving shelter for family abuse;

E. the geographic distribution of the funded applications within the state;

F. the immediacy of the need documented for temporary housing in the area in which the structure is located;

G. the capacity of the applicant to proceed promptly with the acquisition, construction, or rehabilitation of the structure;

H. the amount of the grant requested as compared to the total resources available for these grants;

I. the extent to which the application receives the support and participation of the local community;

J. the geographic location of the structure in

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

relation to support services recreational facilities, medical facilities, and transportation;

K. the reasonableness of the acquisition, construction, or rehabilitation cost with preference given to applications that minimize the cost per temporary housing units produced;

L. the extent to which the application uses innovative cost-effective support services which are appropriate to the needs of the population served; and

M. the experience of the applicant in developing or managing housing, providing support services, and servicing the specific target population of homeless persons.

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

OFFICE OF THE REVISOR OF STATUTES

Proposed Rule

RD540E

Agency: Minnesota Housing Finance Agency

Division:

Agency Contact: Kathy Johnson 296-9793

Minnesota Rules: Parts 4900.1700 to 4900.1703

Title: Proposed Emergency Rules Governing Temporary Housing Demonstration Program

Type of Rules: Emergency

Incorporations by Reference: None

Duplication of Statutory Language: None

Steven C. Cross
Revisor of Statutes

Maryanne V. Hruby
Assistant Revisor
Phone: 297-2948
Date: May 22, 1984

In the Matter of the Proposed Adoption
of Emergency Rules Governing the Temporary
Housing Demonstration Program

AFFIDAVIT OF
MAILING

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

Faye L. Smiles, being first duly sworn, deposes and says:

That on the 8th day of June, 1984, 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.

Faye L. Smiles
Faye L. Smiles

Subscribed and sworn to before
me this 8th day of June,
1984.

Roseann M. Koran
Notary Public

ROSEANN M. KORAN
NOTARY PUBLIC—MINNESOTA
RAMSEY COUNTY
My Commission Expires Mar. 31, 1985.

STATE OF MINNESOTA

MINNESOTA HOUSING FINANCE AGENCY

STATE OF MINNESOTA

COUNTY OF RAMSEY

MAILING LIST CERTIFICATE

In the Matter of the Proposed Adoption
of Emergency Rules Governing the Temporary
Housing Demonstration Program

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 8th day of June, 1984.

Faye L. Smiles

Faye L. Smiles

Subp. 2. Credit review. A borrower shall be a reasonable credit risk, and shall be able to pay the loan obligation, as determined by the agency under part 4900.0080, or by a lending institution that originates a loan for sale to the agency.

Subp. 3. Principal place of residence. A borrower shall occupy the property to be improved as his or her principal place of residence.

4900.0592 ELIGIBLE PROPERTIES.

The property to be improved by a home energy loan is restricted as follows:

A. The property to be improved may not contain more than one dwelling unit.

B. The property to be improved may not be in violation of applicable zoning ordinances or other land use guides.

C. Not more than 15 percent of the total area of the property to be improved may be used primarily in a trade or business.

D. The property to be improved may not be used as investment property or as a recreational home.

E. Mobile homes are not eligible for a home energy loan.

4900.0593 OTHER REQUIREMENTS.

Subpart 1. In general. Improvements made with home energy loan funds must satisfy the following requirements:

A. Improvements made with the proceeds of a home energy loan must be a permanent improvement made upon or in connection with an existing structure, and must improve the energy efficiency of the structure or be directly related to energy efficiency.

B. An improvement must be made in compliance with all applicable health, fire prevention, building, or housing codes and standards; provided, however, that no application for a home energy loan may be denied solely because the improvements will not bring the property into full compliance with these codes and standards.

C. The proceeds of a home energy loan must be used only to finance new improvements and may not be used to refinance an existing loan or mortgage.

D. A borrower shall agree to complete all improvements within nine months of the date of the loan.

Subp. 2. Conventional financing not available. At the time of application conventional financing must not be available from private lenders upon equivalent terms and conditions.

Subp. 3. Qualifications of income. In order for a borrower to obtain the preference for persons or families of low and moderate income, all persons who, individually or collectively, possess the type of ownership upon which the application is based, or whose income is to be included for purposes of determining the adjusted income, and spouses of these shall join in the application and shall execute the loan note.

4900.0594 PREFERENCE FOR PERSONS AND FAMILIES OF LOW AND MODERATE INCOME.

The agency may, in its sole discretion, give preference to persons and families of low and moderate income by:

A. providing home energy loans to these persons and families at lower rates of interest;

B. providing allocations of funds specifically for use by these persons and families; and

C. other methods as the agency deems appropriate.

Housing Finance Agency

Proposed Emergency Rules Governing the Temporary Housing Demonstration Program

Request for Public Comment

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All interested persons are herein afforded the opportunity to submit their comments on the proposed rules for 25 days immediately following publication of this material in the *State Register* by writing to Kathleen J. Johnson, Legal Division,

Minnesota Housing Finance Agency, Suite 200, 333 Sibley Street, St. Paul, Minnesota 55101. The emergency 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 emergency rule. A free copy of the proposed rule is available on request from the Agency, and notice of the date of submission of the proposed emergency rule to the Attorney General will be mailed to any person requesting to receive the notice. Requests should be made to Kathleen J. Johnson at the above address, telephone number 612/296-9793. As required by the Administrative Procedures Act, this emergency rule will be effective for not more than 180 days and may be continued in effect for up to an additional 180 days.

June 8, 1984

James J. Solem
Executive Director

Emergency Rules as Proposed (all new material)

4900.1700 [Emergency] SCOPE.

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4900.1701 [Emergency] DEFINITIONS.

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4900.1702 [Emergency] ELIGIBILITY.

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(2) a description of the applicant's goals and objectives for meeting the special needs of the population to be served;

(3) documentation of an ability to provide support services to assist persons in moving into independent or appropriate supportive living situations; and

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.

(4) a detailed budget for the first year and projected budgets for future years.

C. The applicant shall document fiscal responsibility and the ability to complete the construction, acquisition, or modification of the structure and to maintain the structure in accordance with its funded use for a specific period of time.

Subp. 2. For structures. To be eligible for selection for a grant, a proposed temporary housing structure must satisfy the following requirements:

A. The structure must provide temporary housing for persons and families of low and moderate income.

B. The structure must provide a physical environment that is responsive to the needs of the population to be served.

C. The structure must comply with applicable state and local codes, zoning ordinances, land use provisions, and laws.

D. The structure must be located in the state of Minnesota.

4900.1703 [Emergency] SELECTION CRITERIA FOR GRANTS.

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C. the availability and source of funds to pay the ongoing cost of the support services;

D. the distribution of funds to service a variety of populations, including but not limited to, families with children, couples, single persons, or persons leaving shelter for family abuse;

E. the geographic distribution of the funded applications within the state;

F. the immediacy of the need documented for temporary housing in the area in which the structure is located;

G. the capacity of the applicant to proceed promptly with the acquisition, construction, or rehabilitation of the structure;

H. the amount of the grant requested as compared to the total resources available for these grants;

I. the extent to which the application receives the support and participation of the local community;

J. the geographic location of the structure in relation to support services recreational facilities, medical facilities, and transportation;

K. the reasonableness of the acquisition, construction, or rehabilitation cost with preference given to applications that minimize the cost per temporary housing units produced;

L. the extent to which the application uses innovative cost-effective support services which are appropriate to the needs of the population served; and

M. the experience of the applicant in developing or managing housing, providing support services, and servicing the specific target population of homeless persons.

Board of Nursing

Proposed Licensing Rules

Notice of Intent to Adopt Rules without a Public Hearing

Notice is hereby given that the Minnesota Board of Nursing proposes to adopt the above-entitled rules without a public hearing. The Board has determined that the proposed adoption of these rules will be noncontroversial in nature and has elected to follow the procedures set forth in Minnesota Statutes section 14.21-14.28.

Persons interested in these rules shall have 30 days to submit comments on the proposed rules. The proposed 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.

Unless twenty-five or more persons submit written requests for a public hearing on the proposed rules within the 30-day comment period, a public hearing will not be held. In the event a public hearing is required, the agency will proceed according to the provisions of Minnesota Statutes sections 14.13-14.18.

Person who wish to submit comments or a written request for a public hearing should submit such comments or requests to:

STATE OF MINNESOTA

MINNESOTA HOUSING FINANCE AGENCY

In the Matter of the Proposed Adoption
of Emergency Rules Governing the Temporary
Housing Demonstration Program

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 June, 1984, 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 the Temporary Housing Demonstration Program 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 on or after July 6, 1984, and further is authorized to perform the necessary acts to provide that these rules shall have the force and effect of law on or after said date; provided, however, that in the event affected persons submit written data or views relating to the proposed rules on or before July 5, 1984, the Executive Director shall not sign an order adopting the rules or otherwise proceed with their adoption, and that, instead, the written data and views be submitted to the Agency for its consideration."

IN WITNESS WHEREOF, I have hereunto subscribed my name this 28th day of June, 1984.

Robert A. Worthington
Chairman

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

RESOLUTION NO. MHFA 84-23

RESOLUTION AUTHORIZING ADOPTION OF EMERGENCY RULES GOVERNING THE TEMPORARY HOUSING DEMONSTRATION PROGRAM

WHEREAS, the 1984 Minnesota Legislature appropriated $250,000 for a Temporary Housing Demonstration Program, to be administered by the Agency pursuant to Chapter 462A.05, Subdivision 20, to provide temporary housing to low and moderate-income persons and families having an immediate need for temporary housing as a result of natural disaster, resettlement, condemnation, displacement, lack of habitable housing, or other causes defined by the Agency; and

WHEREAS, emergency rules governing the above-identified Program were published in the State Register on June 11, 1984, providing for affording interested and affected persons an opportunity to submit written data and views relating to the proposed rules on or before July 5, 1984; and

WHEREAS, the Agency has received no such written data or views through the date hereof; and

WHEREAS, the emergent nature of this Program necessiates the adoption of these rules and the implementation of the Program prior to the Agency's July 26, 1984, monthly meeting.

NOW, THEREFORE,

BE IT RESOLVED BY THE MINNESOTA HOUSING FINANCE AGENCY:

That the rules relating to the Temporary Housing Demonstration Program 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 on or after July 6, 1984, and further is authorized to perform the necessary acts to provide that these rules shall have the force and effect of law on or after said date; provided, however, that in the event affected persons submit written data or views relating to the proposed rules on or before July 5, 1984, the Executive Director shall not sign an order adopting the rules or otherwise proceed with their adoption, and that, instead, the written data and views be submitted to the Agency for its consideration.

Adopted by the Minnesota Housing Finance Agency this 28th day of June, 1984.

Chairman

Member

Housing Finance Agency

Adopted Emergency Rules Governing the Temporary Housing Demonstration Program

Emergency Rules as Adopted

4900.1700 [Emergency] SCOPE.

Parts 4900.1700 to 4900.1703 [Emergency] govern temporary housing demonstration program grants for the construction, acquisition, or rehabilitation of residential housing for occupancy by persons of low and moderate income in immediate need of temporary housing.

4900.1701 [Emergency] DEFINITIONS.

Subpart 1. **Scope.** The terms used in parts 4900.1700 [Emergency] to 4900.1703 [Emergency] have the meaning given them in this part.

Subp. 2. **Agency.** "Agency" means the Minnesota Housing Finance Agency.

Subp. 3. **Applicant.** "Applicant" means one or more entities that submit an application for a temporary housing demonstration program grant.

Subp. 4. **Application.** "Application" means a submittal requesting a temporary housing demonstration program grant to pay the cost of the acquisition, construction, or rehabilitation of a structure to provide temporary housing for low and moderate income persons.

Subp. 5. **Persons and families of low and moderate income.** "Persons and families of low and moderate income" means, with respect to temporary housing grants, those persons and families whose income does not exceed 50 percent of the statewide median household income as estimated by the United States Department of Housing and Urban Development.

Subp. 6. **Structure.** "Structure" means a building to be constructed, acquired, or rehabilitated for use as temporary housing.

Subp. 7. **Support services.** "Support services" means an assessment service that identifies the needs of individuals for independent living and arranges or provides for the appropriate educational, social, legal, advocacy, child care, employment, financial, or information and referral services to meet these needs.

Subp. 8. **Temporary housing.** "Temporary housing" means housing provided for a limited duration not exceeding six months and available for occupancy on a continuous 24-hour basis.

Subp. 9. **Temporary housing demonstration program grant, or grant.** "Temporary housing demonstration program grant" or "grant" means an appropriation of money to an eligible applicant under the authority granted in Minnesota Statutes, section 462A.05, subdivision 20.

4900.1702 [Emergency] ELIGIBILITY.

Subpart 1. **For applicants.** To be eligible for selection for a grant, an applicant shall satisfy the following requirements:

A. The applicant must be a nonprofit entity as defined in part 4900.0010, subpart 21.

B. The applicant must provide a comprehensive plan for meeting the existing need for temporary housing and for the placement of persons in independent housing. At a minimum this plan must include:

(1) documentation of a need for temporary housing by the population to be served by the structure;

(2) a description of the applicant's goals and objectives for meeting the special needs of the population to be served;

(3) documentation of an ability to provide support services to assist persons in moving into independent or appropriate supportive living situations; and

(4) a detailed budget for the first year and projected budgets for future years.

C. The applicant shall document fiscal responsibility and the ability to complete the construction, acquisition, or

modification of the structure and to maintain the structure in accordance with its funded use for a specific period of time.

Subp. 2. For structures. To be eligible for selection for a grant, a proposed temporary housing structure must satisfy the following requirements:

A. The structure must provide temporary housing for persons and families of low and moderate income.

B. The structure must provide a physical environment that is responsive to the needs of the population to be served.

C. The structure must comply with applicable state and local codes, zoning ordinances, land use provisions, and laws.

D. The structure must be located in the state of Minnesota.

4900.1703 [Emergency] SELECTION CRITERIA FOR GRANTS.

The agency shall take the following criteria into consideration when determining which applications will be funded:

A. the extent to which the grant is combined with funds or in-kind contributions from other public and private sources;

B. the availability and source of funds to pay the cost of acquisition, construction, or rehabilitation of the structure not funded by the grant;

C. the availability and source of funds to pay the ongoing costs of the support services;

D. the distribution of funds to service a variety of populations, including but not limited to, families with children, couples, single persons, and persons leaving shelter for family abuse;

E. the geographic distribution of the funded applications within the state;

F. the immediacy of the need documented for temporary housing in the area in which the structure is located;

G. the capacity of the applicant to proceed promptly with the acquisition, construction, or rehabilitation of the structure;

H. the amount of the grant requested as compared to the total resources available for these grants;

I. the extent to which the application receives the support and participation of the local community;

J. the geographic location of the structure in relation to support services recreational facilities, medical facilities, and transportation;

K. the reasonableness of the acquisition, construction, or rehabilitation cost with preference given to applications that minimize the cost per temporary housing units produced;

L. the extent to which the application uses innovative cost-effective support services which are appropriate to the needs of the population served; and

M. the experience of the applicant in developing or managing housing, providing support services, and servicing the specific target population of homeless persons.

STATE OF MINNESOTA

MINNESOTA HOUSING FINANCE AGENCY

In the Matter of the Proposed Adoption
of Emergency Rules Governing the Temporary
Housing Demonstration Program

STATEMENT OF COMPLIANCE
WITH RULEMAKING PROCEDURES

I, Special Assistant Attorney General, Karl J. Herman do hereby declare 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: 7/9/84