


# Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

Our File No. 1178 · · 05-0009-0450

RULE REVIEW CHECKLIST

DATE RULE RECEIVED 7-1-85
DATE FOR REVIEW 7-10-85
DATE DUE 7-15-85

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

Approved 7-12-85 mjc Disapproved _____ Returned to Agency _____

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

Date filed w/Secretary of State 7-15-85 Revisor approved _____ disapproved _____

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✓ Rule as Adopted

✓ Rule as Proposed

✓ Order Adopting 6.27.85 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
5.10.85 At least 30 days prior to ~~hearing~~/adoption

✓ Mailing list Certificate

✓ Publication in State Register
5.13.85 At least 30/~~20~~ days prior to ~~hearing~~/adoption

N/A Hearing Examiner's Report

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

Agency's Findings of Fact

✓ LCRAR Report or agency Affidavit

✓ Certificate of Board's Resolution Adopting Rules

N/A Order Approving Incorporation by Reference

✓ Statement of Need and Reasonableness

N/A 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

MINNESOTA HOUSING FINANCE AGENCY

RECEIVED
JUL 01 1985
ATTORNEY GENERAL
ADMINISTRATIVE AGENCIES

June 28, 1985

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 Rules Governing the Temporary Housing Program Without a Public Hearing

Dear Mr. Starns:

Enclosed please find for your review pursuant to Minnesota Statutes Sections 14.21 through 14.28, the adopted rules of the Minnesota Housing Finance Agency.

The following materials are submitted to you for your review pursuant to Minnesota Rules, Part 2000.0400:

Rule as Adopted;

Order Adopting;

Certificate of Board's Resolution Adopting the Rule;

Order of Notice to Adopt Rule Without a Public Hearing;

Certificate of Agency's Authorizing Resolution;

Notice of Intent to Adopt Rule Without a Public Hearing;

Affidavit of Mailing Notice of Intent to Adopt a Rule Without a Public Hearing;

Mailing List Certificate;

Rule as Proposed;

Statement of Need and Reasonableness; and

Certificate of Compliance with Rulemaking Procedures.

The Agency did not publish a Notice of Intent to Solicit Outside Opinion in connection with this rule. No requests for a hearing were received during the 30 day comment period. The Agency did not receive

any comments during the 30 day comment period, nor did it receive any requests from persons desiring notice of the date of submission of the proposed rule to the Attorney General. The Adopted rules are the same as the Proposed rules.

Sincerely,

James J. Solem
Executive Director

JJS/kjj

Encs.

SF-00006-03

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL

# Office Memorandum

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

DATE: 7-15-85

ATTN: KARL J. HERMAN
Special Assistant Attorney General

FROM: MARTHA J. CASSERLY MJC
Special Assistant Attorney General

PHONE: 296-4692

SUBJECT: In the Matter of the Proposed Rules Governing the Temporary Housing Program Without a Public Hearing.

The above-referenced rule has been approved as to its legality by the Attorney General on July 12, 1985.

Enclosed is the agency's copy of the approved rule. This office has already filed two copies of the approved rule with the Secretary of State, who will forward one copy to the Revisor of Statutes. The fourth copy is being retained by this division of the Attorney General's Office for its records.

Also enclosed are any petitions, requests, submission or comments received by the agency and any extra copies of documents which the agency submitted to the Attorney General.

In order for a permanent rule without a hearing to become effective, your agency must publish a notice of adoption in the State Register in accordance with Minn. Stat. § 14.27. An emergency rule becomes effective five working days after approval by the Attorney General; however, the agency must publish a notice in the State Register in accordance with Minn. Stat. § 14.34.

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

MJC:sz

Enclosures

cc: Maryanne Hruby
Executive Director
Legislative Commission to Review
Administrative Rules

Duane Harves
Chief Administrative Law Judge
Office of Administrative Hearings

AG copy.

Housing Finance Agency

Adopted Rules Governing the Temporary Housing Program

Rules as Adopted

4900.1700 SCOPE.

Parts 4900.1700 to 4900.1703 govern temporary housing 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 DEFINITIONS.

Subpart 1. **Scope.** The terms used in parts 4900.1700 to 4900.1703 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 program grant.

Subp. 4. **Application.** "Application" means a submittal requesting a temporary housing 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 program 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 program grant or grant.** "Temporary housing 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 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 Minnesota.

4900.1703 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 a shelter for family abuse;

? what else — no criteria

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 that 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 AS TO FORM AND LEGALITY

July 12 1985

HUBERT H. HUMPHREY III
ATTORNEY GENERAL

BY M J Cassedy
SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED

JUL 15 1985

Joan Anderson Growe
Secretary of State

STATE OF MINNESOTA

MINNESOTA HOUSING FINANCE AGENCY

In the Matter of the Proposed Rules Governing the Temporary Housing Program Without a Public Hearing

ORDER ADOPTING RULES

Notice of the Agency's intent to adopt the above-entitled rules without a public hearing was published in the State Register on May 13, 1985 and was sent by United States mail to all persons on the list maintained by the Agency pursuant to Minnesota Statutes Section 14.14 Subdivision 1 on May 10, 1985. After affording interested and affected persons an opportunity to submit comments for 30 days, receiving fewer than twenty-five written requests for a public hearing within the 30 day comment period, reviewing and considering the comments, supplying notice of all persons requesting notice of the date of submission of the proposed rules to the Attorney General for review, and determining the need for and reasonableness of the above-captioned rules.

NOW, THEREFORE, IT IS ORDERED that these rules identified as Rules of the Minnesota Housing Finance Agency Governing the Temporary Housing Program are adopted this 27th day of June, 1985 pursuant to authority vested in the Agency by Minnesota Statutes 462A.06, Subdivisions 4 and 11.

James J. Solem, Executive Director

STATE OF MINNESOTA

MINNESOTA HOUSING FINANCE AGENCY

In the Matter of the Proposed Rules Governing the Temporary Housing Program

ORDER FOR NOTICE OF INTENT TO ADOPT RULES WITHOUT A PUBLIC HEARING

It is orderd this 25th day of April, 1985 that a Notice of Intent to Adopt Rules Without a Public Hearing in the above-entitled matter be given to all persons who have registered their names with the Minnesota Housing Finance Agency for that purpose and be published in the State Register.

MINNESOTA HOUSING FINANCE AGENCY

James J. Solem, Executive Director

CERTIFICATE OF AGENCY'S

AUTHORIZING RESOLUTION

I, Robert A. Worthington, do hereby certify that I am Chairman 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 25th day of April, 1985, 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 rules of the Minnesota Housing Finance Agency without a public hearing, said rules relating to Governing the Temporary Housing Program, as well as to perform any and all acts incidental thereto, including the signing of a notice of intent to adopt rules without a public hearing."

IN WITNESS WHEREOF, I have hereunto subscribed my name this 25th day of April, 1985.

Chairman

MINNESOTA HOUSING FINANCE AGENCY

In the Matter of the Proposed Rules Governing the Temporary Housing Program

NOTICE OF INTENT TO ADOPT RULES WITHOUT A PUBLIC HEARING

Notice is hereby given that the Minnesota Housing Finance Agency ("agency") proposes to adopt the above-entitled rules without a public hearing. The agency has determined that the proposed adoption of these rules will be noncontroversial in nature and has elected to follow the procedures set forth in Minn. Stat. Sec. 14.21 to 14.28.

Persons interested in these rules shall have 30 days to submit comments in support of or in opposition to the proposed rules within the 30-day comment period. Such comments are encouraged, and should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed. The proposed rule may be modified as the result of comments received 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 rule 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 Minn. Stat. Sec. 14.14 et. seq. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed.

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

Kathleen J. Johnson
Legal Division
Minnesota Housing Finance Agency
Suite 300
400 Sibley Street
St. Paul, Minnesota 55101
Telephone: 612/296-9793

Authority for the adoption of these rules is contained in Minn. Stat. Sec. 462A.06, Subd. 4 and 11. Additionally, a Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rules, and that identifies the data and information relied upon to support the proposed rules has been prepared and is available from Kathleen J. Johnson upon request.

Upon adoption of the final rules without a public hearing, the proposed rules, this notice, the Statement of Need and Reasonableness, all written comments received, and the final rules as adopted will be delivered to a designee of the Attorney General for review as to form and legality, including the issue of substantial change, and to determine whether the agency has the authority to adopt the rules and

whether the record demonstrates a rational basis for the need for and reasonableness of the proposed rules. Persons who wish to receive notice of the date of submission of these rules to the Attorney General for review, or who wish to receive a free copy of the final rules as adopted, should make such requests to Kathleen J. Johnson.

A copy of the proposed rule is attached to this notice. Additional copies may be obtained by contacting Kathleen J. Johnson.

Please be advised that Minn. Stat. Ch. 10A.03 requires each lobbyist to register with the State Ethical Practices Board within five (5) days after he or she commences lobbying. A lobbyist is defined in Minn. Stat. Sec. 10A.01, Subd. 11 as any individual:

(a) Engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than $250.00, not including his own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or

(b) Who spends more than $250.00, not including his own traveling expenses and membership dues, in any year for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.

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

Dated: May 10, 1985

James J. Solem
Executive Director

Rules as Proposed (all new material)

4900.1700 SCOPE.

Parts 4900.1700 to 4900.1703 govern temporary housing 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 DEFINITIONS.

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

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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

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

housing provided for a limited duration not exceeding six months and available for occupancy on a continuous 24-hour basis.

Subp. 9. **Temporary housing program grant or grant.** "Temporary housing 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 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.

APPROVED IN THE REVISOR OF STATUTES BY:

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 Minnesota.

4900.1703 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 a 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,

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

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 that 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

RD760

Agency: Minnesota Housing Finance Agency

Division:

Agency Contact: Kathy Johnson 296-9793

Minnesota Rules: Parts 4900.1700 to 4900.1703

Title: Proposed Rules Governing the Temporary Housing Program

Type of Rules: Permanent

Incorporations by Reference: None

Steven C. Cross
Revisor of Statutes

David S. Niss
Assistant Revisor
Phone: 297-2948

Date: April 12, 1985

STATE OF MINNESOTA

COUNTY OF RAMSEY

In the Matter of the Proposed
Rules Governing the Temporary
Housing Program
Without a Public Hearing

AFFIDAVIT
OF MAILING

Kathleen J. Johnson, being first duly sworn, deposes and says:

That on the 10th day of May, 1985, at the City of St. Paul, County of Ramsey, State of Minnesota, she served the attached Notice of Intent to Adopt Rules Without a Public Hearing 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.

Kathleen J. Johnson

Kathleen J. Johnson

Subscribed and sworn to before
me this 10th day of May,
1985.

Susan K. Noeen

Notary Public

STATE OF MINNESOTA

MINNESOTA HOUSING FINANCE AGENCY

MAILING LIST CERTIFICATE

In the Matter of the Proposed
Rules Governing the Temporary Housing
Program Without a Public Hearing

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 10th day of May, 1985.

Kathleen J. Johnson

# PROPOSED RULES

**Pursuant to Minn. Stat. of 1982, §§ 14.22, 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 25 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 the modifications are supported by the data and views submitted.**

**If, during the 30-day comment period, 25 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 §§ 14.14-14.20, which state that if an agency decides to hold a public hearing, it must publish a notice of intent in the *State Register*.**

**Pursuant to Minn. Stat. §§ 14.29 and 14.30, agencies may propose emergency rules under certain circumstances. Proposed emergency rules are published in the *State Register* and, for at least 25 days thereafter, interested persons may submit data and views in writing to the proposing agency.**

# Housing Finance Agency

## Proposed Rules Governing the Temporary Housing Program

### Notice of Intent to Adopt Rules without a Public Hearing

Notice is hereby given that the Minnesota Housing Finance Agency (''agency'') proposes to adopt the above-entitled rules without a public hearing. The agency has determined that the proposed adoption of these rules will be noncontroversial in nature and has elected to follow the procedures set forth in Minn. Stat. Sec. 14.21 to 14.28.

Persons interested in these rules shall have 30 days to submit comments in support of or in opposition to the proposed rules within the 30-day comment period. Such comments are encouraged, and should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed. The proposed rule may be modified as the result of comments received 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 rule 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 Minn. Stat. Sec. 14.14 *et. seq*. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed.

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(a) Engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than $250.00, not including his own travel expenses and membership dues, in any year,

for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or

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May 10, 1985

James J. Solem
Executive Director

## Rules as Proposed (all new material)

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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 Minnesota.

**4900.1703 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 a 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 that 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.

# Department of Natural Resources Trails and Waterways

## Withdrawal of Proposed Rules Relating to Snowmobiles, Makers Identification Number

The proposed amendment to Minnesota Rule 6 MCAR (1.0057 C.1), which would change to provide an alternative method to affix vehicle identification numbers to snowmobile, as published in the *State Register* on November 12, 1984 (9 S.R. 1037-1038), is withdrawn.

# Board of Psychology

## Proposed Rule Relating to Licensure

### Notice of Intent to Adopt Rules without a Public Hearing

Notice is hereby given that the Minnesota Board of Psychology 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, sections 14.22 to 14.28. The specific statutory authority to adopt the rule is found at Minn. Stat. §§ 148.90, subd. 2 (1984).

STATE OF MINNESOTA

MINNESOTA HOUSING FINANCE AGENCY

In the Matter of the Proposed Rules Governing the Temporary Housing Program Without a Public Hearing

CERTIFICATE OF BOARD'S RESOLUTION ADOPTING RULES

I, Robert A. Worthington, do hereby certify that I am Chairman of the Minnesota Housing Finance Agency, an agency duly authorized under the laws of the State of Minnesota, and that the following is a true, complete, and correct copy of a resolution adopted at a meeting of the Agency, duly and properly called and held on the 27th day of June, 1985, that a quorum was present at said meeting, that a majority of those present voted for the resolution and that said resolution is set forth in the minutes of said meeting and has not been rescinded or modified.

> "RESOLVED, that the rules relating to Temporary Housing Program attached hereto as Exhibit A be and they hereby are approved and adopted pursuant to authority vested in us by Minnesota Statutes Section 462A.06, Subdivisions 4 and 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 27th day of June, 1985.

Chairman

STATE OF MINNESOTA

MINNESOTA HOUSING FINANCE AGENCY

In the matter of the Proposed
Rules Governing the Temporary
Housing Program

## Statement of Need and Reasonableness

4900.1700

This part describes the scope of parts 4900.1700 to 4900.1703.

The 1984 session of the Minnesota Legislature appropriated funds to the Minnesota Housing Finance Agency (the "Agency"), under Minnesota Laws 1984, Chapter 654, Article 2, Section 22(c), to implement a temporary housing program under Subd. 20 of Section 462A.05 of Minnesota Statutes (1984) (the "Program"). The funds appropriated must be used to make grants solely to nonprofit sponsors, as defined by the Agency, for residential structures to be used to provide temporary housing to homeless persons and families.

The Agency previously adopted emergency rules to implement the Program. In compliance with the Administrative Procedures Act, the proposed permanent rules are necessary to allow the Agency to continue to operate the Program.

4900.1701

Subp. 1

This subpart sets forth the scope of the definitions contained in part 4900.1701.

Subp. 2

The definition of Agency is necessary to provide a single word reference for the Minnesota Housing Finance Agency. It is reasonable to provide this definition to clarify the reading of the Rule.

Subp. 3

The definition of Applicant is reasonable and necessary for conciseness of presentation.

Subp. 4

The definition of Application is necessary for brevity of presentation, and is reasonable to facilitate the reading of the Rule.

Subp. 5

The definition of persons and families of low and moderate income is necessary to comply with the occupancy requirements of the Statute authorizing the Program, as well as to allow the Agency to effectively allocate the appropriated funds. The definition of persons and families of low or moderate income follows the definition of "Very Low Income Family" used by the United States Department of Housing and Urban Development (HUD). It is reasonable to utilize HUD's definition since it is widely known and used and generally considered to be well-founded.

Subp. 6

The definition of structure is reasonable and necessary to clarify the reading of these Rules.

Subp. 7

The definition of support services provides a description of such services necessary to assist homeless persons and families in locating independent living. The definition is necessary to clarify references to support services throughout Parts 4900.1702 to 4900.1703. The definition utilizes language describing support services contained in the Statute authorizing the Temporary Housing Demonstration Program administered by the Minnesota Department of Economic Security (the "DES"), pursuant to which DES is authorized to disburse funds appropriated to it for the provision of such services to homeless persons. It is reasonable, therefore, to incorporate language which provides a uniform definition of support services to assist homeless persons, and which enables applicants to be eligible to receive reimbursement for such services.

Subp. 8

The definition of temporary housing specifies that the housing is provided for a limited duration not exceeding six months and available for occupancy on a continuous 24-hour basis. This requirement is specifically set forth in the Statute authorizing the Program.

Subp. 9

The definitions of Temporary Housing Program Grant or Grant are reasonable and necessary to clarify the meaning of such words or word when used in the context of the Rules.

4900.1702

This part establishes eligibility criteria for the Program. It is necessary for the Agency to establish eligibility requirements to ensure that the Program operates in a manner which complies with the intent of the legislation. The reasonability of the Agency's eligibility requirements are discussed below.

Subp. 1

This part sets forth the reasonableness of the Agency's eligibility requirements for applicants.

Paragraph A limits applicants to nonprofit entities as defined by the Agency. Such a requirement is specifically set forth in the Statute authorizing the Program. The definition of nonprofit entities utilized is contained in the rules governing the operation of the Agency, Chapter 4900.0010, Subpart 21, of the Minnesota Code of Agency Rules. It is reasonable to apply uniform definitions for the purpose of consistent implementation of the Agency's programs.

Paragraph B requires applicants to provide a comprehensive plan for meeting the needs of the homeless population to be served. It is necessary for the applicants to provide (1) documentation of the existing need for temporary housing, (2) a description of their goals and objectives for meeting these needs, (3) documentation of an ability to meet such needs, and (4) a detailed operating budget to ensure homeless persons and families will receive the assistance needed to be placed in independent housing. It is reasonable for the Agency to establish these requirements to ensure that the applicant is capable of implementing and maintaining housing which is consistent with the intent of the legislation.

Paragraph C requires applicants to provide evidence of their fiscal responsibility and ability to proceed promptly with preparation of the structure for occupancy, and to maintain the structure in accordance with its funded use for a specific period of time. Because of the immediacy of the need for temporary housing and the limitation of available funds, it is necessary to restrict funding to applicants capable of proceeding promptly and of maintaining the structure as temporary housing. It is reasonable to prescribe that applicants have a high probability of success to ensure that the funds are effectively utilized.

Subp. 2

This part sets forth the eligibility requirements for temporary housing structures.

Paragraph A limits occupancy of eligible structures to persons and families of low and moderate income. This requirement is specifically set forth in the Statute authorizing the Program.

Paragraph B requires that the structure have a physical environment which is responsive to the needs of the occupants. It is reasonable to provide appropriate living arrangements for specific homeless populations, and to accommodate a variety of homeless persons and families.

Paragraph C requires that the structure comply with all applicable state and local building and land use laws. It is reasonable for the Agency to require that the structure be habitable, and not violate laws relating to health, safety and the welfare of the community.

Paragraph D requires the structure be located in the State of Minnesota. It is necessary to restrict the use of funds so that State residents benefit from an appropriation of Minnesota dollars.

4900.1703

This part establishes criteria for the selection of temporary housing applications. To enable the Agency to fund applications which satisfy the intent of the authorizing legislation it is necessary for the Agency to establish selection criteria. The reasonableness of the Agency's selection criteria is examined below.

Paragraph A establishes a criteria which favors applications which utilize funds or in-kind contributions from other sources to supplement the Program's appropriations, and thereby maximize the benefit of the State's appropriation.

Paragraph B establishes a criteria which encourages applicants to secure additional funds needed to pay for the cost of the structure prior to making application, to ensure that viable applications are submitted.

Paragraph C establishes a criteria which encourages applicants to secure additional funds needed to pay for the cost of support services prior to making application, to ensure that applications submitted are practicable.

Paragraph D establishes a criteria which encourages submission and selection of applications serving a variety of homeless persons, thereby maximizing the types of homeless persons assisted.

Paragraph E establishes a criteria which gives preference to applications from areas where resources for homeless persons do not exist or are not adequate, thereby targeting funds to areas of greatest need.

Paragraph F establishes a criteria which gives preference to areas with an immediate requirement for temporary housing.

Paragraph G establishes a criteria which gives preference to applicants able to proceed promptly under the Program, thereby meeting the need for timely relief.

Paragraph H is reasonable in that it provides a criteria which encourages the selection of applications based on the total resources available.

Paragraph I establishes a criteria which gives priority to applications favored by the local community in which the structure is located. It is reasonable to encourage local input to provide a reliable perspective on whether the application is consistent with the goals of the local community.

Paragraph J is reasonable in that it establishes a criteria which encourages applicants to select structures in close proximity to support services, recreational facilities, medical facilities and transportation.

Paragraph K establishes a criteria which gives priority to applications which minimize the cost per temporary housing unit produced, thereby maximizing the benefit of the State's appropriation.

Paragraph L is reasonable in that it establishes a criteria which favors applications utilizing innovative and cost effective support services which are appropriate to the needs of the homeless served.

Paragraph M establishes a criteria which gives priority to applicants with experience in providing temporary housing and support services to homeless persons, thereby increasing the potential for success for participants in the Program.

The Agency is cognizant of the provisions of Section 14.115 of the Minnesota Statutes, entitled Small Business Considerations in Rulemaking, however, the proposed rules do not establish any compliance or reporting requirements, design or operational standards, or directly affect the way any business must operate. Further, to the extent the proposed rules may have an indirect effect on small businesses, the effect is to make funds for the creation of temporary housing for low and moderate income persons more readily available, and, as a result, the proposed rule has no negative effect on small businesses. Therefore, the provisions contained in Minn. Stat. Section 14.115 do not apply to the proposed rules discussed herein.

STATE OF MINNESOTA

MINNESOTA HOUSING FINANCE AGENCY

In the Matter of the Proposed Rules Governing the Temporary Housing Program Without a Public Hearing

STATEMENT OF COMPLIANCE WITH THE RULEMAKING PROCEDURES

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

Dated: 7/1/85

Karl J. Herman
Special Assistant Attorney General