

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

Our File No. 1220

05.0009.0450

RULE REVIEW CHECKLIST

DATE RULE RECEIVED 12-20-85
DATE FOR REVIEW 12-30-85
DATE DUE 1-3-86

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

Approved 12-30-85 mjc Disapproved _____ Returned to Agency _____

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

Date filed w/Secretary of State _____ Revisor approved 12.23.85
disapproved _____

✓ Rule as Adopted

✓ Rule as Proposed

✓ Order Adopting 12.19.85 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
11.8.85 At least 30 days prior to hearing/adoption

✓ Mailing list Certificate

✓ Publication in State Register
11.11.85 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

SF-00006-02

STATE OF MINNESOTA

Office Memorandum

DEPARTMENT: ATTORNEY GENERAL

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

ATTN: KARL J. HERMAN
Special Assistant Attorney General

DATE: 12/30/85

FROM: MARTHA J. CASSERLY MJC
Special Assistant Attorney General

PHONE: 296-4692

SUBJECT: In the Matter of the Proposed Rules Relating to Accessability Deferred Loan Program and Local Participation Home Improvement Loans

The above-referenced rule has been approved as to its legality by the Attorney General on December 30, 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:pmf

Enclosures

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

Duane Harves
Chief Administrative Law Judge
Office of Administrative Hearings

RR1238

AG copy.

Minnesota Housing Finance Agency

Adopted Rules Relating to Accessibility Deferred Loan Program and Local Participation Home Improvement Loans

Rules as Adopted

LOCAL PARTICIPATION HOME IMPROVEMENT LOANS

4900.0550 FUNDS.

Subpart 1. **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:

A. [Unchanged.]

B. a description of program requirements to be imposed by the local government that are not set forth in parts 4900.0510 and 4900.0520;

C. to F. [Unchanged.]

Subp. 2. [Unchanged.]

ACCESSIBILITY DEFERRED LOAN PROGRAM

4900.0750 DEFINITIONS.

Subpart 1. **Applicability.** For the purposes of parts 4900.0750 to 4900.0780 and, except as otherwise provided, the terms defined in this part have the meanings given them.

Subp. 2. **Accessibility improvement.** "Accessibility improvement" means an interior or exterior improvement or modification to a residential dwelling located in Minnesota that is necessary to enable a handicapped person to function in a residential setting.

Subp. 3. **Deferred loan.** "Deferred loan" means a loan made without interest or periodic payments and repayed in accordance with part 4900.0780.

Subp. 4. **Handicapped person.** With respect to rehabilitation grants and loans pursuant to parts 4900.0610 to 4900.0700 and accessibility deferred loans pursuant to parts

4900.0750 to 4900.0780, "handicapped person" means a person who has a permanent physical condition that is not correctable and which substantially reduces the person's ability to function in a residential setting. A person with a physical condition who does not require the use of a device to increase mobility shall be considered to be a handicapped person if a licensed physician certifies in writing that the physical condition substantially limits the person's ability to function in a residential setting.

4900.0760 ELIGIBILITY.

The agency may make funds available for the purpose of making accessibility improvements, for technical assistance in the design and construction of such accessibility improvements, and for repairs relating to the installation of the accessibility improvements, under the following conditions:

Subpart 1. **Purpose of loan.** The loan recipient shall:

A. (1) be a handicapped person, or have or intend to have in residence in the property to be improved at least one household member who is a handicapped person, (2) occupy or intend to occupy the dwelling unit to be improved as his or her primary residence, and (3) qualify as a person or family of low or moderate income as defined in part 4900.0010, subpart 23, item E; or

B. (1) be licensed by the county to operate the property to be improved as a foster care residence, (2) occupy the dwelling unit to be improved as his or her primary residence, (3) have entered into an agreement to accept handicapped foster care residents as set forth in part 4900.0780, subpart 2, and (4) qualify as a person or family of low or moderate income, which shall be considered to mean, for the purpose of this item, a person or family whose adjusted income as defined in part 4900.0010, subpart 3, does not exceed $38,000 for residences in the metropolitan area, as defined in Minnesota Statutes, section 473.121, subdivision 2, or whose adjusted income for residences in the nonmetropolitan area as defined in this item does not exceed $30,000.

Subp. 2. Ownership. The loan recipient shall comply with

the ownership requirements of part 4900.0630, subpart 2.

Subp. 3. **Structure.** The structure to be improved shall be an existing dwelling located within the state of Minnesota, shall be used primarily for residential purposes, and shall contain no more than two dwelling units, one of them occupied by the recipient.

4900.0770 DISTRIBUTION OF ACCESSIBILITY DEFERRED LOANS.

Subpart 1. **Availability.** Accessibility deferred loans shall be available in the form of deferred loans.

Subp. 2. **Combined with other aid.** When an accessibility deferred loan is combined with assistance from other agency loan or grant programs, the requirements of those programs shall be met.

Subp. 3. **Limit on aid.** In no case shall the accessibility deferred loan for accessibility improvements, technical assistance, and related repairs inclusively exceed $10,000 for a single structure.

Subp. 4. **Five-year limitation.** No property shall be eligible for an accessibility deferred loan if it has been improved through such assistance within the five-year period next preceding the date on which the application for such assistance is made, except in extraordinary circumstances relating to damage to the property as a result of events beyond the control of the recipient.

4900.0780 REPAYMENT.

The recipient of a deferred loan shall enter into an agreement with the agency for repayment of the loan, as provided in subparts 1 and 2.

Subpart 1. **Household loan.** If the recipient qualifies for a loan under the provisions of part 4900.0760, subpart 1, item A, the agreement shall provide that the recipient shall repay the entire amount of the deferred loan only in the event the property upon which the improvement is located is sold, transferred, or otherwise conveyed, or ceases to be the recipient's principal place of residence, within five years

after the date upon which the application for an accessibility deferred loan was approved. The agreement for the repayment of the loan shall be secured by a lien for the benefit of the agency on the property improved.

Subp. 2. **Foster care loan.** If the recipient qualifies for a loan under the provisions of part 4900.0760, subpart 1, item B, the agreement shall provide that the recipient shall repay the entire amount of the deferred loan only in the event that the recipient voluntarily withdraws the improved property from use as a foster care residence, or refuses to accept handicapped foster care residents, within five years after the date upon which the application for an accessibility loan was approved. Agreements under this subpart need not be secured by a lien for the benefit of the agency on the property improved.

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
DEC 31 1985
Joan Anderson Growe
Secretary of State
10:15 AM

APPROVED AS TO FORM AND LEGALITY
December 30 1985
HUBERT H. HUMPHREY, III
ATTORNEY GENERAL
BY MJ Carsley
SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA

MINNESOTA HOUSING FINANCE AGENCY

In the Matter of the Proposed
Rules Relating to
Accessibility Deferred Loan Program
and Local Participation
Home Improvement Loans
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 November 11, 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 November 8, 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 to 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 Relating to Accessibility Deferred Loan Program and Local Participation Home Improvement Loans are adopted this 19th day of December, 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 Relating to Accessibility Deferred Loan Program and Local Participation Home Improvement Loans

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

It is ordered this 24th day of October, 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 24th day of October, 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 Accessibility Deferred Loan Program and Local Participation Home Improvement Loans 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 24th day of October, 1985.

Robert A. Worthington

Chairman

MINNESOTA HOUSING FINANCE AGENCY

In the Matter of the Proposed Rules Relating to Accessibility Deferred Loan Program and Local Participation Home Improvement Loans

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: November 8, 1985

James J. Solem
Executive Director

Minnesota Housing Finance Agency

Proposed Rules Relating to Accessibility Deferred Loan Program and Local Participation Home Improvement Loans

Rule as Proposed

LOCAL PARTICIPATION HOME IMPROVEMENT LOANS

4900.0550 FUNDS.

Subpart 1. **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:

A. [Unchanged.]

B. a description of program requirements to be imposed by the local government that are not set forth in parts 4900.0510 ~~to 4900.0570~~ and 4900.0520;

C. to F. [Unchanged.]

Subp. 2. [Unchanged.]

Rules as Proposed (all new material)

ACCESSIBILITY DEFERRED LOAN PROGRAM

4900.0750 DEFINITIONS.

Subpart 1. **Applicability.** For the purposes of parts 4900.0750 to 4900.0780 and, except as otherwise provided, the terms defined in this part have the meanings given them.

Subp. 2. **Accessibility improvement.** "Accessibility improvement" means an interior or exterior improvement or modification to a residential dwelling located in Minnesota that is necessary to enable a handicapped person to function in a residential setting.

Subp. 3. **Deferred loan.** "Deferred loan" means a loan made without interest or periodic payments and repayed in accordance with part 4900.0780.

Subp. 4. **Handicapped person.** With respect to

APPROVED BY THE REVISOR OF STATUTES OFFICE BY:

DSN

rehabilitation grants and loans pursuant to parts 4900.0610 to 4900.0700 and accessibility deferred loans pursuant to parts 4900.0750 to 4900.0780, "handicapped person" means a person who has a permanent physical condition that is not correctable and which substantially reduces the person's ability to function in a residential setting. A person with a physical condition who does not require the use of a device to increase mobility shall be considered to be a handicapped person if a licensed physician certifies in writing that the physical condition substantially limits the person's ability to function in a residential setting.

4900.0760 ELIGIBILITY.

The agency may make funds available for the purpose of making accessibility improvements, for technical assistance in the design and construction of such accessibility improvements, and for repairs relating to the installation of the accessibility improvements, under the following conditions:

Subpart 1. Purpose of loan. The loan recipient shall:

A. (1) be a handicapped person, or have or intend to have in residence in the property to be improved at least one household member who is a handicapped person, (2) occupy or intend to occupy the dwelling unit to be improved as his or her primary residence, and (3) qualify as a person or family of low or moderate income as defined in part 4900.0010, subpart 23, item E; or

B. (1) be licensed by the county to operate the property to be improved as a foster care residence, (2) occupy the dwelling unit to be improved as his or her primary residence, (3) have entered into an agreement to accept handicapped foster care residents as set forth in part 4900.0780, subpart 2, and (4) qualify as a person or family of low or moderate income, which shall be considered to mean, for the purpose of this item, a person or family whose adjusted income as defined in part 4900.0010, subpart 3, does not exceed $38,000 for residences in the metropolitan area, as defined in Minnesota Statutes, section 473.121, subdivision 2, or whose adjusted income for residences in the nonmetropolitan area as

APPROVED BY THE REVISOR OF STATUTES OFFICE BY:

defined in this item does not exceed $30,000.

Subp. 2. **Ownership.** The loan recipient shall comply with the ownership requirements of part 4900.0630, subpart 2.

Subp. 3. **Structure.** The structure to be improved shall be an existing dwelling located within the state of Minnesota, shall be used primarily for residential purposes, and shall contain no more than two dwelling units, one of them occupied by the recipient.

4900.0770 DISTRIBUTION OF ACCESSIBILITY DEFERRED LOANS.

Subpart 1. **Availability.** Accessibility deferred loans shall be available in the form of deferred loans.

Subp. 2. **Combined with other aid.** When an accessibility deferred loan is combined with assistance from other agency loan or grant programs, the requirements of those programs shall be met.

Subp. 3. **Limit on aid.** In no case shall the accessibility deferred loan for accessibility improvements, technical assistance, and related repairs inclusively exceed $10,000 for a single structure.

Subp. 4. **Five-year limitation.** No property shall be eligible for an accessibility deferred loan if it has been improved through such assistance within the five-year period next preceding the date on which the application for such assistance is made, except in extraordinary circumstances relating to damage to the property as a result of events beyond the control of the recipient.

4900.0780 REPAYMENT.

The recipient of a deferred loan shall enter into an agreement with the agency for repayment of the loan, as provided in subparts 1 and 2.

Subpart 1. **Household loan.** If the recipient qualifies for a loan under the provisions of part 4900.0760, subpart 1, item A, the agreement shall provide that the recipient shall repay the entire amount of the deferred loan only in the event the property upon which the improvement is located is sold,

APPROVED BY THE REVISOR OF STATUTES OFFICE BY:

transferred, or otherwise conveyed, or ceases to be the recipient's principal place of residence, within five years after the date upon which the application for an accessibility deferred loan was approved. The agreement for the repayment of the loan shall be secured by a lien for the benefit of the agency on the property improved.

Subp. 2. **Foster care loan.** If the recipient qualifies for a loan under the provisions of part 4900.0760, subpart 1, item B, the agreement shall provide that the recipient shall repay the entire amount of the deferred loan only in the event that the recipient voluntarily withdraws the improved property from use as a foster care residence, or refuses to accept handicapped foster care residents, within five years after the date upon which the application for an accessibility loan was approved. Agreements under this subpart need not be secured by a lien for the benefit of the agency on the property improved.

APPROVED BY THE REVISOR OF STATUTES OFFICE BY:

OFFICE OF THE REVISOR OF STATUTES

Proposed Rule

RD838

Agency: Minnesota Housing Finance Agency

Division:

Agency Contact: Kathy Johnson

Minnesota Rules: Parts 4900.0550; 4900.0750; 4900.0760; 4900.0770; 4900.0780

Title: Proposed Rules Relating to Accessibility Deferred Loan Program and Local Participation Home Improvement Loans

Type of Rules: Permanent

Incorporations by Reference: None

Steven C. Cross
Revisor of Statutes

David S. Niss
Assistant Revisor
Phone: 297-2948

Date: October 18, 1985

STATE OF MINNESOTA

COUNTY OF RAMSEY

In the Matter of the Proposed
Rules Relating to
Accessibility Deferred Loan
Program and Local Participation
Home Improvement Loans
Without a Public Hearing

AFFIDAVIT OF MAILING

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

That on the 8th day of November, 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

Subscribed and sworn to before
me this 8th day of November,
1985.

Susan K. Noren
Notary Public

SUSAN K. NOREN
NOTARY PUBLIC-MINNESOTA
RAMSEY COUNTY
MY COMMISSION EXPIRES APRIL 8, 1991

MINNESOTA HOUSING FINANCE AGENCY

In the Matter of the Proposed Rules Relating to Accessibility Deferred Loan Program and Local Participation Home Improvement Loans

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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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.

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Dated: November 8, 1985

James J. Solem
Executive Director

Minnesota Housing Finance Agency

Proposed Rules Relating to Accessibility Deferred Loan Program and Local Participation Home Improvement Loans

Rule as Proposed

LOCAL PARTICIPATION HOME IMPROVEMENT LOANS

4900.0550 FUNDS.

Subpart 1. **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:

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C. to F. [Unchanged.]

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ACCESSIBILITY DEFERRED LOAN PROGRAM

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APPROVED BY THE REVISOR OF STATUTES OFFICE BY:

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B. (1) be licensed by the county to operate the property to be improved as a foster care residence, (2) occupy the dwelling unit to be improved as his or her primary residence, (3) have entered into an agreement to accept handicapped foster care residents as set forth in part 4900.0780, subpart 2, and (4) qualify as a person or family of low or moderate income, which shall be considered to mean, for the purpose of this item, a person or family whose adjusted income as defined in part 4900.0010, subpart 3, does not exceed $38,000 for residences in the metropolitan area, as defined in Minnesota Statutes, section 473.121, subdivision 2, or whose adjusted income for residences in the nonmetropolitan area as

REVISOR OF STATUTES
OFFICE BY:

defined in this item does not exceed $30,000.

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Subp. 4. **Five-year limitation.** No property shall be eligible for an accessibility deferred loan if it has been improved through such assistance within the five-year period next preceding the date on which the application for such assistance is made, except in extraordinary circumstances relating to damage to the property as a result of events beyond the control of the recipient.

4900.0780 REPAYMENT.

The recipient of a deferred loan shall enter into an agreement with the agency for repayment of the loan, as provided in subparts 1 and 2.

Subpart 1. **Household loan.** If the recipient qualifies for a loan under the provisions of part 4900.0760, subpart 1, item A, the agreement shall provide that the recipient shall repay the entire amount of the deferred loan only in the event the property upon which the improvement is located is sold,

APPROVED BY THE REVISOR OF STATUTES OFFICE BY:

transferred, or otherwise conveyed, or ceases to be the recipient's principal place of residence, within five years after the date upon which the application for an accessibility deferred loan was approved. The agreement for the repayment of the loan shall be secured by a lien for the benefit of the agency on the property improved.

Subp. 2. **Foster care loan.** If the recipient qualifies for a loan under the provisions of part 4900.0760, subpart 1, item B, the agreement shall provide that the recipient shall repay the entire amount of the deferred loan only in the event that the recipient voluntarily withdraws the improved property from use as a foster care residence, or refuses to accept handicapped foster care residents, within five years after the date upon which the application for an accessibility loan was approved. Agreements under this subpart need not be secured by a lien for the benefit of the agency on the property improved.

PUBLISHED IN THE
REVISOR OF STATUTES
OFFICE'S

OFFICE OF THE REVISOR OF STATUTES

Proposed Rule

RD838

Agency: Minnesota Housing Finance Agency

Division:

Agency Contact: Kathy Johnson

Minnesota Rules: Parts 4900.0550; 4900.0750; 4900.0760; 4900.0770; 4900.0780

Title: Proposed Rules Relating to Accessibility Deferred Loan Program and Local Participation Home Improvement Loans

Type of Rules: Permanent

Incorporations by Reference: None

Steven C. Cross
Revisor of Statutes

David S. Niss
Assistant Revisor
Phone: 297-2948
Date: October 18, 1985

STATE OF MINNESOTA

MINNESOTA HOUSING FINANCE AGENCY

MAILING LIST CERTIFICATE

In the Matter of the Proposed
Rules Relating to
Accessibility Deferred Loan
Program and Local Participation
Home Improvement Loans
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 8th day of November, 1985.

Kathleen J. Johnson

Kathleen J. Johnson

Permits for return from pasture may be issued by the executive secretary or a designee if the pasture is owned, leased, or operated by the Minnesota resident, the pasture is contiguous to Minnesota land owned by the applicant, only the applicant's cattle are in the pasture, and the pasture has been inspected by a representative of the board.

Housing Finance Agency

Proposed Rules Relating to Accessibility Deferred Loan Program and Local Participation Home Improvement Loans

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. If 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

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.

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.

November 8, 1985

James J. Solem
Executive Director

Rule as Proposed

LOCAL PARTICIPATION HOME IMPROVEMENT LOANS

4900.0550 FUNDS.

Subpart 1. **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:

A. [Unchanged.]

B. a description of program requirements to be imposed by the local government that are not set forth in parts 4900.0510 ~~to 4900.0570~~ and 4900.0520;

C. to F. [Unchanged.]

Subp. 2. [Unchanged.]

Rules as Proposed (all new material)

ACCESSIBILITY DEFERRED LOAN PROGRAM

4900.0750 DEFINITIONS.

Subpart 1. **Applicability.** For the purposes of parts 4900.0750 to 4900.0780 and, except as otherwise provided, the terms defined in this part have the meanings given them.

Subp. 2. **Accessibility improvement.** "Accessibility improvement" means an interior or exterior improvement or modification to a residential dwelling located in Minnesota that is necessary to enable a handicapped person to function in a residential setting.

Subp. 3. **Deferred loan.** "Deferred loan" means a loan made without interest or periodic payments and repaid in accordance with part 4900.0780.

Subp. 4. **Handicapped person.** With respect to rehabilitation grants and loans pursuant to parts 4900.0610 to 4900.0700 and accessibility deferred loans pursuant to parts 4900.0750 to 4900.0780, "handicapped person" means a person who has a permanent physical condition that is not correctable and which substantially reduces the person's ability to function in a residential setting. A person with a physical condition who does not require the use of a device to increase mobility shall be considered to be a handicapped person if a licensed physician certifies in writing that the physical condition substantially limits the person's ability to function in a residential setting.

4900.0760 ELIGIBILITY.

The agency may make funds available for the purpose of making accessibility improvements, for technical assistance in the design and construction of such accessibility improvements, and for repairs relating to the installation of the accessibility improvements, under the following conditions:

Subpart 1. **Purpose of loan.** The loan recipient shall:

A. (1) be a handicapped person, or have or intend to have in residence in the property to be improved at least one household member who is a handicapped person, (2) occupy or intend to occupy the dwelling unit to be improved as his or her primary residence, and (3) qualify as a person or family of low or moderate income as defined in part 4900.0010, subpart 23, item E; or

B. (1) be licensed by the county to operate the property to be improved as a foster care residence, (2) occupy the dwelling unit to be improved as his or her primary residence, (3) have entered into an agreement to accept handicapped foster care residents as set

forth in part 4900.0780, subpart 2, and (4) qualify as a person or family of low or moderate income, which shall be considered to mean, for the purpose of this item, a person or family whose adjusted income as defined in part 4900.0010, subpart 3, does not exceed $38,000 for residences in the metropolitan area, as defined in Minnesota Statutes, section 473.121, subdivision 2, or whose adjusted income for residences in the nonmetropolitan area as defined in this item does not exceed $30,000.

Subp. 2. **Ownership.** The loan recipient shall comply with the ownership requirements of part 4900.0630, subpart 2.

Subp. 3. **Structure.** The structure to be improved shall be an existing dwelling located within the state of Minnesota, shall be used primarily for residential purposes, and shall contain no more than two dwelling units, one of them occupied by the recipient.

4900.0770 DISTRIBUTION OF ACCESSIBILITY DEFERRED LOANS.

Subpart 1. **Availability.** Accessibility deferred loans shall be available in the form of deferred loans.

Subp. 2. **Combined with other aid.** When an accessibility deferred loan is combined with assistance from other agency loan or grant programs, the requirements of those programs shall be met.

Subp. 3. **Limit on aid.** In no case shall the accessibility deferred loan for accessibility improvements, technical assistance, and related repairs inclusively exceed $10,000 for a single structure.

Subp. 4. **Five-year limitation.** No property shall be eligible for an accessibility deferred loan if it has been improved through such assistance within the five-year period next preceding the date on which the application for such assistance is made, except in extraordinary circumstances relating to damage to the property as a result of events beyond the control of the recipient.

4900.0780 REPAYMENT.

The recipient of a deferred loan shall enter into an agreement with the agency for repayment of the loan, as provided in subparts 1 and 2.

Subpart 1. **Household loan.** If the recipient qualifies for a loan under the provisions of part 4900.0760, subpart 1, item A, the agreement shall provide that the recipient shall repay the entire amount of the deferred loan only in the event the property upon which the improvement is located is sold, transferred, or otherwise conveyed, or ceases to be the recipient's principal place of residence, within five years after the date upon which the application for an accessibility deferred loan was approved. The agreement for the repayment of the loan shall be secured by a lien for the benefit of the agency on the property improved.

Subp. 2. **Foster care loan.** If the recipient qualifies for a loan under the provisions of part 4900.0760, subpart 1, item B, the agreement shall provide that the recipient shall repay the entire amount of the deferred loan only in the event that the recipient voluntarily withdraws the improved property from use as a foster care residence, or refuses to accept handicapped foster care residents, within five years after the date upon which the application for an accessibility loan was approved. Agreements under this subpart need not be secured by a lien for the benefit of the agency on the property improved.

Housing Finance Agency

Proposed Rules Relating to Income Limits for Limited Unit Developments and Eligibility for the Homeownership Assistance Fund

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.

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." ADOPTED RULES SECTION — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

STATE OF MINNESOTA

MINNESOTA HOUSING FINANCE AGENCY

In the Matter of the Proposed
Rules Relating to
Accessibility Deferred Loan
Program and Local Participation Home
Improvement Loans
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 19th day of December, 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 Accessibility Deferred Loan Program and 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 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 19th day of December, 1985.

Robert A. Worthington
Chairman

In the Matter of the Proposed
Rules Relating to Accessibility
Deferred Loan Program and Local
Participation Home Improvement
Loans

Statement of Need and Reasonableness

4900.0550

Subpart 1 This subpart specifies the items to be included in a local government's request for an allocation of funds to make local participation home improvement loans.

Paragraph B has been amended to require only a description of program requirements to be imposed by local government that are not set forth in parts 4900.0510 to 4900.0520. This amendment is necessary to restrict local participation to the home improvement loan program governed by the rules contained in parts 4900.0510 to 4900.0520. This amendment is reasonable because the Agency never intended for local participation to apply to the other parts cited in 4900.0550 Subpart 1, Paragraph B.

Statement of Need and Reasonableness

Part 4900.0750

This Part sets forth definitions for the purposes of Parts 4900.0750 to 4900.0780.

Subpart 2. Accessibility Improvement is defined as an improvement to a residence that is necessary to enable a handicapped person to function in that residence. The definition is necessary to clarify the eligible uses of the funds to be expended under this program. The limitations imposed by this definition are reasonable because the purpose of the program is to demonstrate that handicapped persons can function in a residential setting if accessibility improvements are made.

Subpart 3. The definition of Deferred Loan is needed to provide a single word to describe the interest rate and the conditions under which loan repayment shall be required.

Subpart 4. Handicapped Person is defined as a person who has a permanent physical condition that is not correctable and which substantially reduces the person's ability to function in a residential setting. The definition is necessary to clarify who is to benefit from the program. The definition is reasonable because the purpose of the program is to demonstrate that handicapped persons can function in a residential setting if accessibility improvements are made.

4900.0760

This part establishes eligibility criteria for the loan recipient and the property.

Subpart 1. This subpart establishes two sets of standards by which loan recipient eligibility may be determined. It is necessary to establish two sets of standards because the Agency intends to make loans available to persons who have handicapped persons in their household and to persons who will provide foster care for handicapped adults and children.

Item A establishes the first set of standards which apply to loan recipients with handicapped household members. This paragraph requires that the loan recipient be a handicapped person, or have, or intend to have in residence in the property to be improved, at least one handicapped household member. This requirement is needed to ensure that handicapped persons will benefit from the improvements. The requirement is reasonable, given the previously stated purpose of the program.

Item A further requires that the loan recipient occupy or intend to occupy the dwelling unit to be improved as his or her primary residence. This requirement is necessary and reasonable to ensure that the accessibility improvements will facilitate the handicapped household member's ability to function in a residential setting.

Item A also requires that the loan recipient be of low or moderate income, as defined in Part 4900.0010, Subpart 23, Item E (Home Improvement Loan Program). This standard is necessary to ensure that low and moderate income homeowners have a source of affordable financing with which to make their homes accessible to handicapped household members. This standard is reasonable because persons with incomes over the standard generally have other financing resources available to them.

Item B provides eligibility criteria for loan recipients who themselves and whose household members are not handicapped. This paragraph establishes the standard that if there are no handicapped household members, the loan recipient must be licensed by the county to operate the property to be improved as a foster care residence, that the loan recipient enter into an agreement to accept handicapped foster care residents, and that the loan recipient occupy the unit to be improved as his or her primary residence. This is a necessary and reasonable standard to ensure that handicapped foster care recipients will benefit from improvements financed under this program.

Item B further establishes a requirement that the loan recipient be a person or family of low or moderate income, which is defined as a person or family whose adjusted income does not exceed $38,000 for residences in the metropolitan area, or whose income does not exceed $30,000 for residences outside the metropolitan area. These higher income limits are necessary to permit foster care providers to participate in the program. It is reasonable to set higher income limits for foster care providers because the ultimate beneficiaries of the accessibility improvements will be the low income individuals receiving the foster care and not the loan recipient. Although the income limits in Item B are higher than for those qualifying under Item A, they are consistent with the Agency's Single Family Mortgage Program's definition of low and moderate income.

Subpart 2. This subpart requires that loan recipients have a minimum ownership interest of at least a life-estate, or a one-third interest in the fee title or in a contract-for-deed with respect to the structure to be improved. This requirement is necessary to ensure that the loan recipient has the legal right to make improvements or modifications to the residence. This requirement is reasonable because it is the same requirement that applies to all the Agency's home improvement programs.

Subpart 3. This subpart specifies the eligibility standards that apply to the structure to be improved.

The structure is required to be an existing dwelling used for residential purposes. This is a statutory requirement.

The structure must also be located within the state of Minnesota. This requirement is reasonable and necessary to ensure that state funds are not spent for the benefit of persons who are not residents of the State of Minnesota.

The structure must contain no more than two dwelling units, and one of them must be occupied by the borrower. It is necessary for a unit to be occupied by the borrower because the intention of the program is to improve the accessibility of a residence occupied by a handicapped loan recipient, a handicapped member of the loan recipient's household, or a handicapped foster care resident living with the loan recipient.

4900.0770

This part sets limits on the availability of accessibility deferred loans.

Subpart 1. This subpart states that assistance recieved from this program shall be in the form of a deferred loan. This form of assistance is necessary to induce borrowers to participate in the program, because borrowers will generally either be elderly, and not have the capability to repay the loan over a period of time; or foster care providers, who would have no incentive to make accessibility improvements to their houses, since such improvements generally will not enhance the market value of real estate.

Subpart 2. This subpart requires that when an accessibility deferred loan is combined with assistance from other agency programs, the requirements of the other programs are also met. This requirement is necessary to ensure that other program standards continue to be met.

Subpart 3. This subpart limits the amount of accessibility deferred loans to $10,000. It is necessary to limit the amount of assistance to ensure wide spread availability of funds. The limit of $10,000 is reasonable as the Agency's experience demonstrates that houses can be made accessible at a cost of $10,000 or less.

Subpart 4. This subpart prohibits providing an accessibility deferred loan to improve a property that was improved with an accessibility deferred loan within the previous 5 years, except in circumstances relating to damage to the property as a result of events beyond the control of the borrower. This requirement is necessary to ensure thatthe program will be available to as many people as possible, and to ensure that no one property receives more than $10,000. The requirement is a reasonable means by which to limit total accessibility assistance to $10,000.

4900.0780

This part sets forth the repayment provisions for accessibility deferred loans. There are two separate repayment provisions. This is necessary because the Agency intends to make loans to households which have a handicapped household member, and to households that will provide foster care to handicapped adults and children.

Subpart 1. This subpart requires, in the case of households with a handicapped member, that the accessibility deferred loan be repaid if the improved property is conveyed or ceases to be the recipient's principal residence within 5 years after the application for the loan was approved. The agreement for repayment is to be secured by a lien. These requirements are reasonable to ensure that the recipient has an intention to occupy the property for a reasonable length of time so that the maximum benefit from the improvements can be realized. The requirements are necessary because they permit the Agency to recapture funds which are used to finance improvements not utilized for a reasonable period of time, and enable the Agency to utilize the recaptured funds for additional accessibility improvements.

Subpart 2. This subpart requires in cases where the loan recipient does not have a handicapped household member, but provides foster care, that the loan be repaid if the recipient voluntarily withdraws the improved property from use as a foster care residence, or refuses to accept handicapped foster care residents, within 5 years after the loan application was approved. Agreements for repayment under this subpart need not be secured by a lien. These requirements are necessary and reasonable for the reasons stated above for Subpart 1. It is reasonable that repayment by foster parents not be secured by a lien, because to do so would create a major disincentive to their participation in the program.

The Agency is cognizant of the provision 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 available for the creation of foster parent housing more readily available, and, as a result, the proposed rule has no negative effect on small businesses. Therefore, the provisions contained in Minn. Stat. § 14.115 (1983 Supp.) do not apply to the proposed rules discussed herein.

STATE OF MINNESOTA

MINNESOTA HOUSING FINANCE AGENCY

In the Matter of the Proposed Rules Relating to Accessibility Deferred Loan Program and Local Participation Home Improvement Loans

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: 12/20/85

Karl J. Herman
Special Assistant Attorney General

MINNESOTA HOUSING FINANCE AGENCY

RECEIVED
DEC 20 1985
ATTORNEY GENERAL
ADMINISTRATIVE AGENCIES

December 20, 1985

Ms. Judith Wehrwein
Room 204 Administration Building
50 Sherburne Avenue
St. Paul, Minnesota 55155

RE: In the Matter of the Proposed Rules Relating to Accessibility Deferred Loan Program and Local Participation Home Improvement Loans Without a Public Hearing

Dear Ms. Wehrwein:

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.