


# Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

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# RULE REVIEW CHECKLIST

File No. 1319 Docket No. 05.0009.0450

DATE RECEIVED 9/29
REVIEW DATE 10/8
DUE DATE ~~10/13~~ 13

APPROVED 10.13.86
DISAPPROVED
WITHDRAWN

ADOPTED W/O HEARING ✓
EMERGENCY RULE

REVISOR APPROVED 10/1
REVISOR DISAPPROVED
FILED W/SEC. STATE 10/14
RETURNED TO AGENCY 10/14

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✓ Rule as adopted (4 copies)

___ Notice to Solicit Outside Information/Opinion
Date published in State Register
Comments

✓ Petition for Adoption of a Rule

✓ Board's Authorizing Resolution

✓ Proposed rule (State Register) - attached to Notice of Intent
Revisor's Certificate

✓ Notice of Intent to Adopt Rule
462A.06 Subd 4+11 Statutory Authority
none Small business statement
none Expenditure of public money statement
none Signature

✓ Statement of Need and Reasonableness

✓ Affidavit of Mailing Notice of Intent to Adopt Rule
8-8-86 Date 30/25 days before adoption OK

✓ Publication in State Register
8-11-86 Date 30/25 days before adoption

✓ Resolution Adopting

✓ ~~Findings of Fact, Conclusions & Order Adopting~~
9-26-86 Date

___ ~~Written requests, submissions or comments~~

✓ Declaration of attorney
Karl J. Herman Name of SAAG representing agency

___ ~~Notice of Submission to Attorney General~~

___ ~~Affidavit of Mailing Notice to Attorney General~~

✓ Marlys Certificate

SF-00006-03

STATE OF MINNESOTA

# Office Memorandum

DEPARTMENT ATTORNEY GENERAL

TO: KATHLEEN J. JOHNSON
Minnesota Housing Finance Agency

DATE: 10/14/86

ATTN: KARL J. HERMAN
Special Assistant Attorney General

FROM: MARTHA J. CASSERLY MJC
Special Assistant Attorney General

PHONE: 296-4692

SUBJECT: Adopted Permanent Rules Relating to Redefining Capital Contribution

The above-referenced rule has been approved as to its legality by the Attorney General on October 13, 1986.

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/rmk
Enclosures

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

Duane Harves
Chief Administrative Law Judge
Office of Administrative Hearings

RR#1319

Housing Finance Agency

Adopted Permanent Rules Relating to Redefining Capital Contribution

Rules as Adopted

4900.0010 DEFINITIONS.

Subpart 1. to 6. [Unchanged.]

Subp. 7. **Capital contribution of the investors.** "Capital contribution of the investors" means the excess of the value of the project at the times and in the manner determined by the agency, whether or not paid in cash, over the then current principal amount of the agency's loan for those developments which:

A. have adequate reserves as determined by the agency;

B. all needed maintenance, as determined by the agency, has either been performed or is scheduled to be performed;

C. during the next 12-month period will require no major repairs or replacements, as determined by the agency, the payment of which would reduce the reserve accounts below an amount determined by the agency;

D. the operating expenses are paid in full;

E. have operating account balances equal to or greater than one month's total operating expenses;

F. have sustained an average occupancy by rent paying tenants of 95 percent or more for the prior 24 months;

G. have a current waiting list equal to at least 1-1/2 times the annual turnover for the prior 24 months;

H. the mortgage has not been delinquent during the prior 24 months;

I. the owner agrees to limit future rent increases to the amount needed to pay for increases in annual operating expenses which includes return on equity and the maintenance of adequate reserves as determined by the agency;

J. the owner agrees to maintain the development as Section 8 or Section 236 assisted housing for a minimum of 20 years from the effective date of the Housing Assistance Payments Contract or Agreement for Interest Reduction Payments, if one exists; and

K. the owner agrees to execute any documents that the agency deems necessary and appropriate to effectuate the intent of this definition.

For all other developments, "capital contribution of the investors" means the excess of the total development cost of the project as determined by the agency, whether or not paid in cash, over the original principal amount of the agency's loan.

Subp. 8. to 23. [Unchanged.]

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
OCT 14 1986
Joan Anderson Growe
Secretary of State

3:00 pm

APPROVED AS TO FORM AND LEGALITY
October 13 1986
HUBERT H. HUMPHREY, III
ATTORNEY GENERAL
BY MJ Cassedy
SPECIAL ASSISTANT ATTORNEY GENERAL

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 July, 1986, 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 Redefining Capital Contribution 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 July, 1986.

Robert A. Worthington

Chairman

Housing Finance Agency

Proposed Permanent Rules Relating to Redefining Capital Contribution

Rules as Proposed

4900.0010 DEFINITIONS.

Subpart 1. to 6. [Unchanged.]

Subp. 7. **Capital contribution of the investors.** "Capital contribution of the investors" means the excess of the value of the project at the times and in the manner determined by the agency, whether or not paid in cash, over the then current principal amount of the agency's loan for those developments which:

A. have adequate reserves as determined by the agency;

B. all needed maintenance, as determined by the agency, has either been performed or is scheduled to be performed;

C. during the next 12-month period will require no major repairs or replacements, as determined by the agency, the payment of which would reduce the reserve accounts below an amount determined by the agency;

D. the operating expenses are paid in full;

E. have operating account balances equal to or greater than one month's total operating expenses;

F. have sustained an average occupancy by rent paying tenants of 95 percent or more for the prior 24 months;

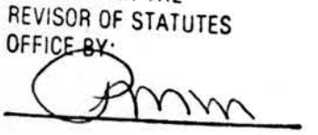
G. have a current waiting list equal to at least 1-1/2 times the annual turnover for the prior 24 months;

H. the mortgage has not been delinquent during the prior 24 months;

I. the owner agrees to limit future rent increases to the amount needed to pay for increases in annual operating expenses which includes return on equity and the maintenance of adequate reserves as determined by the agency;



APPROVED IN THE REVISOR OF STATUTES OFFICE BY:



J. the owner agrees to maintain the development as Section 8 or Section 236 assisted housing for a minimum of 20 years from the effective date of the Housing Assistance Payments Contract or Agreement for Interest Reduction Payments, if one exists; and

K. the owner agrees to execute any documents that the agency deems necessary and appropriate to effectuate the intent of this definition.

For all other developments, "capital contribution of the investors" means the excess of the total development cost of the project as determined by the agency, whether or not paid in cash, over the original principal amount of the agency's loan.

Subp. 8. to 23. [Unchanged.]



APPROVED IN THE
REVISOR OF STATUTES
OFFICE BY:

# Office of the Revisor of Statutes

## Administrative Rules

**TITLE:** Proposed Permanent Rules Relating to Redefining Capital Contribution

**AGENCY:** Housing Finance Agency

**MINNESOTA RULES:** Chapter 4900

The attached rules are approved for publication in the State Register

Paul M. Marinac
Assistant Deputy Revisor

STATE OF MINNESOTA

MINNESOTA HOUSING FINANCE AGENCY

In the Matter of the Proposed Rules Relating to Redefining Capital Contribution

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

It is ordered this 24th day of July, 1986 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

MINNESOTA HOUSING FINANCE AGENCY

In the Matter of the Proposed Rules Relating to Redefining Capital Contribution

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: August 8, 1986

James J. Solem
Executive Director

STATE OF MINNESOTA

MINNESOTA HOUSING FINANCE AGENCY

In the Matter of the Proposed
Adoption of Permanent Rules of
the Minnesota Housing Finance
Agency Relating to Redefining
Capital Contribution

## Statement of Need and Reasonableness

The Minnesota Housing Finance Agency Law, § 462A.03, Subd. ~~14~~ 13, reads in part as follows:

> "* * * The return to a limited dividend entity shall not exceed ten percent of the capital contribution of the investors or such lesser percentage as the agency shall establish in its rules. * * *"

The Agency proposes to amend the definition of "capital contributions of the investors" referred to above and in subpart 7 of part 1900.0010 of its rules for the purposes and in accordance with the criteria and conditions set forth below.

4900.0010 DEFINITIONS.

Subpart 7. This subpart defines capital contribution of the investors for the purpose of determining the return to a limited dividend entity. It is both reasonable and necessary to recognize the value of the investors' capital contribution to an economically secure development, and to provide sufficient inducements in the form of an increased dividend in return for the investors agreement to preserve the stock of low income housing and to control the cost of operating this housing. The reasonable and necessary criteria for measuring economically secure developments and the conditions which must be agreed to in order to increase the return to a limited dividend entity are set forth below.

Paragraphs A-H of subpart 7, providing, respectively, for adequate reserves, maintenance, absence of anticipated major repairs, current operating expense payments, adequate operating account balances, sustained occupancy, a waiting list, and the absence of debt service delinquencies, are reasonable and necessary criteria for determining eligibility for an increased return.

Paragraphs I-K, which require, respectively, that the owners limit future rent increases, agree to maintain assisted developments as subsidized housing for a minimum of 20 years, and enter into all documents to effectuate the intent of this subpart, are both reasonable and necessary conditions to permit apartment owners to obtain a higher return in Agency-financed multifamily developments.

The Agency is cognizant of the provisions of § 14.115 of Minnesota Statutes, entitled "Small Business Considerations in Rulemaking"; however, the proposed rules do not establish any new or additional compliance or reporting requirements, or design or operational standards not currently affecting the way any business must operate. Therefore, the provisions contained in Minn. Stat. Section 14.115 (1986) do not apply to the proposed rules discussed herein. Notwithstanding the above, the Agency has directly notified in writing all apartment owners affected by the proposed rules and invited their comments and suggestions.

STATE OF MINNESOTA

COUNTY OF RAMSEY

In the Matter of the Proposed
Rules Relating to
Redefining Capital Contribution
Without a Public Hearing

AFFIDAVIT
OF MAILING

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

That on the 8th day of August, 1986, 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 8th day of August,
1986.

Susan K Noren

Notary Public

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

# Housing Finance Agency

## Proposed Permanent Rules Relating to Redefining Capital Contribution

### Notice 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 requests 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.

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 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: 8 August 1986

James J. Solem
Executive Director

### Rules as Proposed

**4900.0010 DEFINITIONS.**

Subpart 1. to 6. [Unchanged.]

Subp. 7. **Capital contribution of the investors.** "Capital contribution of the investors" means the excess of the value of the project at the times and in the manner determined by the agency, whether or not paid in cash, over the then current principal amount of the agency's loan for those developments which:

A. have adequate reserves as determined by the agency;

B. all needed maintenance, as determined by the agency, has either been performed or is scheduled to be performed;

C. during the next 12-month period will require no major repairs or replacements, as determined by the agency, the payment of which would reduce the reserve accounts below an amount determined by the agency;

D. the operating expenses are paid in full;

E. have operating account balances equal to or greater than one month's total operating expenses;

F. have sustained an average occupancy by rent paying tenants of 95 percent or more for the prior 24 months;

G. have a current waiting list equal to at least 1-1/2 times the annual turnover for the prior 24 months;

H. the mortgage has not been delinquent during the prior 24 months;

I. the owner agrees to limit future rent increases to the amount needed to pay for increases in annual operating expenses which includes return on equity and the maintenance of adequate reserves as determined by the agency;

J. the owner agrees to maintain the development as Section 8 or Section 236 assisted housing for a minimum of 20 years from the effective date of the Housing Assistance Payments Contract or Agreement for Interest Reduction Payments, if one exists; and

K. the owner agrees to execute any documents that the agency deems necessary and appropriate to effectuate the intent of this definition.

For all other developments, "capital contribution of the investors" means the excess of the total development cost of the project as determined by the agency, whether or not paid in cash, over the original principal amount of the agency's loan.

Subp. 8. to 23. [Unchanged.]

# Department of Jobs and Training

## Proposed Permanent Rules Relating to Rehabilitation Services for Blind and Visually Handicapped Persons

### Notice of Hearing

NOTICE IS HEREBY GIVEN that a public hearing on the above-entitled matter will be held in Room 10, State Office Building, 435 Park Street, St. Paul, Minnesota, 55155 on September 20, 1986 commencing at 9:00 a.m. and continuing until all interested or affected persons have an opportunity to participate. The proposed rules may be modified as a result of the hearing process. Therefore, if you are affected in any manner by the proposed rules, you are urged to participate in the rule hearing process.

Following the agency's presentation at the hearing, all interested or affected persons will have an opportunity to participate. Such persons may present their views either orally at the hearing or in writing at any time prior to the close of the hearing record. All evidence presented should be pertinent to the matter at hand. Written material not submitted at the time of the hearing which is to be included in the hearing record may be mailed to Jon Lunde, Administrative Law Judge, Office of Administrative Hearings, 400 Summit Bank Building, 310 Fourth Avenue South, Minneapolis, Minnesota 55415; telephone 612/341-7645, either before the hearing or within five working days after the public hearing ends.

The Administrative Law Judge, may at the hearing, order the record be kept open for a longer period not to exceed 20 calendar days. The comments received during the comment period shall be available for review at the Office of Administrative Hearings.

STATE OF MINNESOTA

MINNESOTA HOUSING FINANCE AGENCY

In the Matter of the Proposed
Rules Relating to
Redefining Capital Contribution
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 25th day of September, 1986, 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 Redefining Capital Contribution 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 25th day of September, 1986.

Chairman

STATE OF MINNESOTA

MINNESOTA HOUSING FINANCE AGENCY

In the Matter of the Proposed
Rules Relating to
Redefining Capital Contribution
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 August 11, 1986 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 August 8, 1986. 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 Redefining Capital Contribution are adopted this 25th day of September, 1986 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 Redefining Capital Contribution

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: 9/26/86

Karl J. Herman
Special Assistant Attorney General

STATE OF MINNESOTA

MINNESOTA HOUSING FINANCE AGENCY

MAILING LIST CERTIFICATE

In the Matter of the Proposed
Rules Relating to
Redefining Capital Contribution
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 August, 1986.

Kathleen J. Johnson

Kathleen J. Johnson

Notice of Intent
Rule attached w/ mailing

There are changes in the rule - not all
New material.

SNR - "de minimus"

where is 462A.03 subd 14 - not exceed 10% of
cap contrib? . . .

statutory auth - 462A.06 subd 4 - "it may make rules
not inconsistent . . . .
subd 11 - any such rules to
effectuate corp purpose
⋮

some custom or usage
in agency

~~statute~~ says
*soley at discretion of bd

summett Sumit Summit

MINNESOTA HOUSING FINANCE AGENCY

September 26, 1986

Mr. Mike Miles
Room 204 Administration Building
50 Sherburne Avenue
St. Paul, Minnesota 55155

RE: In the Matter of the Proposed Rules Relating to Redefining Capital Contribution Without a Public Hearing

Dear Mr. Miles:

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,

M. J. Tero, Director
Multi Family Development

Encs.