

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

RULE REVIEW CHECKLIST

File No. 1413 Docket No. 05.0009.0450

DATE RECEIVED 10/26/87 ADOPTED W/O HEARING X

REVIEW DATE 11/4/87 EMERGENCY RULE

DUE DATE 11/9/87

REVISOR APPROVED

APPROVED ✓ JAL 11/7/87 REVISOR DISAPPROVED

DISAPPROVED FILED W/SEC.STATE

WITHDRAWN RETURNED TO AGENCY

✓ 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

yes Revisor's Certificate

✓ Notice of Intent to Adopt Rule

462A.06 sub 4(1) Statutory Authority

no Small Business Statement

no Expenditure of public money statement

yes Signature

✓ Statement of Need and Reasonableness

yes Small Business Statement

no Fees - § 16A.128

✓ Affidavit of Mailing Notice of Intent to Adopt Rule

9/11/87 Date (30)/25 days before adoption

✓ Publication in State Register

9/14/87 Date (30)/25 days before adoption

✓ Resolution Adopting

✓ Findings of Fact, Conclusions & Order Adopting

10/22/87 Date

✓ ~~Written requests, submissions or comments~~ stet

✓ Declaration of attorney

William Kuretsky Name of SAAG representing agency

~~Notice of Submission to Attorney General~~

~~Affidavit of Mailing Notice to Attorney General~~

SF-00006-05 (4/86)

STATE OF MINNESOTA

Office Memorandum

DEPARTMENT : ATTORNEY GENERAL

DATE : November 10, 1987

TO : CATHY JOHNSON
Minnesota Housing
Finance Agency

FROM : JULIE A. LEPPINK
Special Assistant
Attorney General

PHONE : 7-3493

SUBJECT : In the Matter of the Adopted Rules Relating to
Low Income Persons Living Alone Housing Program

The above-referenced rule has been approved as to its legality by the Attorney General on November 7, 1987.

Enclosed is the agency's copy of the approved rule. This office has already filed two copies with the Secretary of State, who will forward one copy to the Revisor of Statutes. The fourth 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.

JAL:nah

Enclosures

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

Duane Harves
Chief Administrative Law Judge
Office of Administrative Hearings

Minnesota Housing Finance Agency

Adopted Permanent Rules Relating to the Low Income Persons Living Alone Housing Program

Rules as Adopted

4900.1900 SCOPE.

Parts 4900.1900 to 4900.1915 govern the implementation of the Low Income Persons Living Alone Housing Program.

4900.1905 DEFINITIONS.

Subpart 1. **Scope.** The terms used in parts 4900.1900 to 4900.1915 have the meanings given them in this part.

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

Subp. 3. **Applicant.** "Applicant" means one or more entities that submit an application to the agency for a grant to assist in the development of housing for low income persons living alone.

Subp. 4. **Application.** "Application" means a submittal requesting a grant of funds to pay up to 50 percent of the development costs of residential housing for low income persons living alone.

Subp. 5. **Low Income Persons Living Alone Housing Program or program.** "Low Income Persons Living Alone Housing Program" or "program" means the agency's plan and procedures designed to provide grants to eligible applicants for the development of residential housing for low income persons living alone.

Subp. 6. **Low income persons living alone.** "Low income persons living alone" means those persons:

A. who do not share a residence with a minor child;

B. who are not eligible for admission to lower income housing under United States Code, title 42, section 1437a, as an elderly, disabled, or handicapped person; and

C. whose annual gross income does not exceed 150 percent of the poverty line established by the United States

Office of Management and Budget.

4900.1910 ELIGIBILITY.

Subpart 1. **Applications.** To be eligible for selection as a recipient of a grant under the program, the application must satisfy the following requirements:

A. The proposed residential housing must be exclusively for the use of low income persons living alone.

B. The occupants of the residential housing must be offered a written lease that:

(1) complies with Minnesota Statutes, section 325G.31;

(2) offers the occupant the option to renew;

(3) prohibits eviction of an occupant without good cause; and

(4) does not require the occupant to accept board as well as lodging.

C. The amount of the grant requested must not exceed 50 percent of the total development cost of the proposed residential housing.

D. The application must include a comprehensive plan for the development and management of housing for low income persons living alone and document the ability of the applicant to develop and maintain that housing for a period of time specified by the agency. At a minimum, this plan must include:

(1) documentation of a need for this type of housing in the proposed geographic area;

(2) a description of the applicants' goals and objectives in meeting the area's need for this type of housing;

(3) a detailed description of how this housing will be developed and managed, including:

(a) a description of the proposed site for the housing;

(b) preliminary architectural plans for the development;

(c) qualifications of the development and

management staff; and

(d) a proposed tenant selection plan;

(4) a detailed budget for the development of the proposed housing showing all development costs and the sources of funds to pay them;

(5) a detailed budget for the operation of the housing showing all anticipated operating costs and the proposed rents and other income;

(6) documentation of the experience and fiscal responsibility of the applicant in developing similar housing; and

(7) evidence of community support for the proposed development.

Subp. 2. **Applicant.** To be eligible for selection as a recipient of a grant under the program, an applicant must be either:

A. a Minnesota city;

B. a joint powers board established by two or more Minnesota cities;

C. a Minnesota Housing and Redevelopment Authority created under Minnesota Statutes, sections 462.415 to 462.705; or

D. a Minnesota nonprofit entity as defined in part 4900.0010, subpart 21.

4900.1915 SELECTION CRITERIA.

The agency will take the following criteria into consideration when determining whether an application and applicant will be selected for a grant under the program:

too much discretion? Not clear what will get grant if eligible — no guidelines for selecting among eligible applicants

A. the prior experience of the applicant in development and managing similar residential housing;

B. the extent to which grant funds are combined with other funds from private or public sources to make the development economically feasible;

C. the ability of the applicant to proceed expeditiously with the development;

what does this mean?

D. the documented need for this type of residential housing in the proposed geographic area;

E. the cost and quality of the proposed housing;

F. the extent to which the amount of rent to be charged is less than 30 percent of the income of the low income person leasing the housing unit;

G. the geographic area to be serviced, to the end that a reasonable distribution of low income housing for persons living alone can be achieved; and

H. the extent of community support for this type of development.

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED 9:03 AM MH

NOV 10 1987

Joan Anderson Growe
Secretary of State

APPROVED AS TO FORM AND LEGALITY
November 7 19 87
HUBERT H. HUMPHREY, III
ATTORNEY GENERAL
BY Julie A. Lepsink
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 27th day of August, 1987, 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, Commissioner 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 the Low Income Persons Living Alone Housing Program as well as to perform any and all acts incidental thereto, including the signing of a notice of intent to adopt rules without a public hearing."

IN WITNESS WHEREOF, I have hereunto subscribed my name this 31st day of August 1987.

Robert A. Worthington

Chairman

Minnesota Housing Finance Agency

Proposed Permanent Rules Relating to the Low Income Persons Living Alone Housing Program

Rules as Proposed (all new material)

4900.1900 SCOPE.

Parts 4900.1900 to 4900.1915 govern the implementation of the Low Income Persons Living Alone Housing Program.

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Approved by Revisor DSN

Office of Management and Budget.

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C. The amount of the grant requested must not exceed 50 percent of the total development cost of the proposed residential housing.

D. The application must include a comprehensive plan for the development and management of housing for low income persons living alone and document the ability of the applicant to develop and maintain that housing for a period of time specified by the agency. At a minimum, this plan must include:

(1) documentation of a need for this type of housing in the proposed geographic area;

(2) a description of the applicants' goals and objectives in meeting the area's need for this type of housing;

(3) a detailed description of how this housing will be developed and managed, including:

(a) a description of the proposed site for the housing;

(b) preliminary architectural plans for the development;

(c) qualifications of the development and

Approved
by Revisor _____

management staff; and

(d) a proposed tenant selection plan;

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B. the extent to which grant funds are combined with other funds from private or public sources to make the development economically feasible;

C. the ability of the applicant to proceed expeditiously with the development;

Approved
by Revisor _____

D. the documented need for this type of residential housing in the proposed geographic area;

E. the cost and quality of the proposed housing;

F. the extent to which the amount of rent to be charged is less than 30 percent of the income of the low income person leasing the housing unit;

G. the geographic area to be serviced, to the end that a reasonable distribution of low income housing for persons living alone can be achieved; and

H. the extent of community support for this type of development.

Approved
by Revisor _____

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to the Low Income Persons Living Alone Housing Program

AGENCY: Minnesota Housing Finance Agency

MINNESOTA RULES: Chapter 4900

The attached rules are approved for publication
in the State Register

David S. Niss
Assistant Revisors

MINNESOTA HOUSING FINANCE AGENCY

In the Matter of the Proposed Rules Relating to the Low Income Persons Living Alone Housing Program

NOTICE OF INTENT TO ADOPT RULES WITHOUT A PUBLIC HEARING

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

Persons interested in these rules shall have 30 days to submit comments in support of or in opposition to the proposed rules within the 30-day comment period. Such comments are encouraged, and should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed. The proposed rule may be modified as the result of comments received if the modifications are supported by the data and views submitted to the agency and do not result in a substantial change in the proposed language. Unless twenty-five or more persons submit written requests for a public hearing on the proposed rule within the 30-day comment period, a public hearing will not be held. In the event a public hearing is required, the agency will proceed according to the provisions of Minn. Stat. Sec. 14.14 et. seq. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed.

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

Kathleen J. Johnson
Legal Division
Minnesota Housing Finance Agency
Suite 300
400 Sibley Street
St. Paul, Minnesota 55101
Telephone: 612/296-9794

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: September 11, 1987

James J. Solem
Commissioner

STATE OF MINNESOTA

MINNESOTA HOUSING FINANCE AGENCY

In the Matter of the proposed
Adoption of Rules of the Minnesota
Housing Finance Agency
Relating to the Low Income Persons
Living Alone Housing Program

Statement of Need and Reasonableness

4900.1900

This part describes the scope of parts 4900.1900 to 4900.1915.

4900.1095

This part sets forth definitions for the purposes of parts 4900.1900 to 4900.1915.

Subpart 1. Describes the purpose of this section giving definitions.

Subpart 2. A single word reference to the Minnesota Housing Finance Agency is incorporated for brevity.

Subpart 3. A definition of Applicant is utilized for brevity.

Subpart 4. A definition of Application is also utilized for conciseness of presentation.

Subpart 5. The definition of Low Income Persons Living Alone Housing Program or Program provides a description of the purpose of the Agency's program and a brief outline of how the program functions and for whom it is intended.

Subpart 6. The definition of Low Income Persons Living Alone is necessary to clarify the meaning of those words when used in the context of the rules. The requirements necessary and listed under this subpart are necessary and reasonable as they are in the same form as the requirements contained in the enabling legislation.

4900.1910.

This part specifies the Agency requirements for eligibility for a Program grant. These requirements are necessary to ensure that the recipients will be able to utilize the funds properly and carry out the purposes of the Program.

Subpart 1. It is reasonable and necessary to specify what must be contained in an application in order for the project described therein to be considered for a grant.

Item A implements the requirement contained in the enabling legislation that the housing be exclusively for the use of low income persons living alone.

Item B describes the conditions of the lease which must be offered to the occupants. Subitems (1) through (4) implement the requirements contained in the enabling legislation.

Item C implements the requirement contained in the enabling legislation which limits the amount of the grant to 50% of the total development cost of the housing.

Item D requires applicants to provide a written comprehensive plan for providing a Low Income Persons Living Alone Housing Program, as well as documentation of their ability to establish and maintain such a program. The specific requirements in subitems 1 through 7 describe the exact information to be submitted. This is reasonable to enable Agency staff to properly evaluate each submittal, based upon complete data submitted according to specified criteria.

Subitem (1) requires a documentation of need, which is reasonable to ensure that programs are funded only in areas of the greatest need.

Subitem (2) requires a description of the applicant's goals and objectives, which is necessary to enable Agency staff to evaluate the validity and attainability of the stated goals.

Subitem (3) requires a description of how the housing will be developed and managed, including qualifications of the staff, description of the site, preliminary plans and tenant selection criteria. This is reasonable since Agency staff must have this information to accurately evaluate the probabilities for success of the intended program.

Subitem (4) requires a detailed budget for the development of the proposed housing, which is necessary and reasonable to allow Agency staff to evaluate the financial feasibility of the application.

Subitem (5) requires a detailed budget for the operation of the proposed program which is necessary and reasonable to allow agency staff to evaluate the long term viability of the proposed program.

Subitem (6) requires documentation of fiscal responsibility and the applicant's ability to establish and maintain a Low Income Persons Living Alone Housing program. It is reasonable and necessary to verify fiscal responsibility and experience before awarding a grant to an applicant, to minimize failed programs.

Subitem (7) requires evidence of community support for the proposed program which is reasonable and necessary as community support is critical to the success of this type of housing both in financial support and neighborhood acceptance.

Subpart 2. Implements the requirements contained in the enabling legislation relating to eligibility requirements of the Applicant. Items A through D specify which types of entities are eligible applicants which is necessary to inform potential applicants of the specific restrictions imposed by the legislation.

4900.1915

This part sets forth the criteria which the Agency will consider when determining which applicants will receive a grant under the Program. This is reasonable so that applicants know on what basis their proposals will be evaluated, and necessary so that Agency staff can evaluate all proposals on the same basis.

Item A. Provides a criteria which will favor those applicants who have had prior experience in establishing and maintaining a similar program, which will assist in ensuring the success of new programs.

Item B. Provides a criteria which will favor those applicants who have access to other funds to combine with the Agency's grant thereby making the program more feasible and affordable.

Item C. Establishes a criteria which favors those applicants who can demonstrate their ability to proceed expeditiously with the program, thereby ensuring timely utilization of the grant funds.

Item D. Establishes a criteria which will favor those proposals which are to be located in the areas of the state where the need for such programs is the greatest, thereby maximizing the benefits of the Program.

Item E. Establishes a criteria which favor those proposals which can provide the highest quality housing at the lowest cost thereby maximizing the use of the allocated funds.

Item F. Establishes a criteria which favor those proposals with the lowest rents for the low income tenants thereby making the housing available to those who need it most.

Item G Establishes a criteria which favor those proposals which will result in a reasonable geographic distribution of programs throughout the state.

Item H. Encourages selection of proposals which have strong community support, thereby improving their chances for success.

The Agency is cognizant of the provisions of Section 14.115 of Minnesota Statutes, entitled Small Business Considerations in Rulemaking. To the extent that the Low Income Persons Living Along Housing Program funds directly benefit low income tenants which are the subject of the Agency's Program, the statute is inapplicable. To the extent that the funds inure to the benefit of small businesses, the proposed rules do not establish any compliance or reporting requirements, or design or operational standards, and the effect of the Agency's Program in making the loan or grant funds available is to make continuingly affordable, decent, safe, and sanitary housing for low and moderate income elderly homeowners and, as a consequence, the proposed regulations have no negative effect on small businesses.

STATE OF MINNESOTA

COUNTY OF RAMSEY

In the Matter of the Proposed
Rules Relating to
the Low Income Persons Living Alone Housing Program
Without a Public Hearing

AFFIDAVIT OF MAILING

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

That on the 11th day of September, 1987, 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 11th day of September,
1987.

Notary Public

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

STATE OF MINNESOTA

MINNESOTA HOUSING FINANCE AGENCY

MAILING LIST CERTIFICATE

In the Matter of the Proposed
Rules Relating to
the Low Income Persons Living Alone Housing Program
Without a Public Hearing

I hereby certify that the list of persons, associations and other interested groups who have requested, pursuant to Minnesota Statutes Section 14.14 Subdivision 1, that their names be placed on file with and maintained by the Minnesota Housing Finance Agency for the purpose of receiving notice of the proposed adoption of rules by this Agency is accurate and complete this 11th day of September, 1987.

Kathleen J. Johnson

Fiscal Statement

Changes apply to pupil staff ratios of all teachers except secondary music teachers of performing groups. Therefore, a procedure has been identified for submitting written local school board policies when ratios are exceeded.

The State Board of Education estimates that there will be no cost to local school districts in the state in order to implement the proposed rule.

The previous rule was in effect until July 15, 1987. Reports of staffing variances were to be submitted by August 1, 1987. The twelve reports were submitted by August 1, 1987. Thus, there will be little change requiring additional staffing.

Rules as Proposed

3500.3700 SECONDARY SCHOOL STAFF.

Subpart 1. to 3. [Unchanged.]

Subp. 4. **Maximum number of pupils.** The maximum number of pupils per day for a secondary school teacher is 160 except for teachers of performing music groups and physical education classes. An acceptable class size for instruction in physical education shall not exceed 40 pupils. The recommended average number of pupils per day per week for a secondary teacher of performing music groups is 180. A school board must adopt a written policy specifying the circumstances when ~~a~~ the ratio ~~in this subpart~~ for performing music groups may be exceeded. The policy must be adopted and filed with the State Board of Education by August 1 each year. An amendment made by the school board must be filed with the State Board of Education within ten days of its adoption.

Minnesota Housing Finance Agency

Proposed Permanent Rules Relating to the Low Income Persons Living Alone Housing Program

Notice of Intent to Adopt Rules Without a Public Hearing

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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.

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.

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

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Dated: 11 September 1987

James J. Solem
Commmissioner

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C. whose annual gross income does not exceed 150 percent of the poverty line established by the United States Office of Management and Budget.

4900.1910 ELIGIBILITY.

Subpart 1. **Applications.** To be eligible for selection as a recipient of a grant under the program, the application must satisfy the following requirements:

A. The proposed residential housing must be exclusively for the use of low income persons living alone.

B. The occupants of the residential housing must be offered a written lease that:

(1) complies with Minnesota Statutes, section 325G.31;

(2) offers the occupant the option to renew;

(3) prohibits eviction of an occupant without good cause; and

(4) does not require the occupant to accept board as well as lodging.

C. The amount of the grant requested must not exceed 50 percent of the total development cost of the proposed residential housing.

D. The application must include a comprehensive plan for the development and management of housing for low income persons living alone and document the ability of the applicant to develop and maintain that housing for a period of time specified by the agency. At a minimum, this plan must include:

(1) documentation of a need for this type of housing in the proposed geographic area;

(2) a description of the applicants' goals and objectives in meeting the area's need for this type of housing;

(3) a detailed description of how this housing will be developed and managed, including:

(a) a description of the proposed site for the housing;

(b) preliminary architectural plans for the development;

(c) qualifications of the development and management staff; and

(d) a proposed tenant selection plan;

(4) a detailed budget for the development of the proposed housing showing all development costs and the sources of funds to pay them;

(5) a detailed budget for the operation of the housing showing all anticipated operating costs and the proposed rents and other income;

(6) documentation of the experience and fiscal responsibility of the applicant in developing similar housing; and

(7) evidence of community support for the proposed development.

Subp. 2. **Applicant.** To be eligible for selection as a recipient of a grant under the program, an applicant must be either:

A. a Minnesota city;

B. a joint powers board established by two or more Minnesota cities;

C. a Minnesota Housing and Redevelopment Authority created under Minnesota Statutes, sections 462.415 to 462.705; or

D. a Minnesota nonprofit entity as defined in part 4900.0010, subpart 21.

4900.1915 SELECTION CRITERIA.

The agency will take the following criteria into consideration when determining whether an application and applicant will be selected for a grant under the program:

A. the prior experience of the applicant in development and managing similar residential housing;

B. the extent to which grant funds are combined with other funds from private or public sources to make the development economically feasible;

C. the ability of the applicant to proceed expeditiously with the development;

D. the documented need for this type of residential housing in the proposed geographic area;

E. the cost and quality of the proposed housing;

F. the extent to which the amount of rent to be charged is less than 30 percent of the income of the low income person leasing the housing unit;

G. the geographic area to be serviced, to the end that a reasonable distribution of low income housing for persons living alone can be achieved; and

H. the extent of community support for this type of development.

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
the Low Income Persons Living
Alone Housing Program
Without a Public Hearing

ORDER ADOPTING RULES

Notice of the Agency's intent to adopt the above-entitled rules without a public hearing was published in the State Register on September 14, 1987 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 September 11, 1987. 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 the Low Income Persons Living Alone Housing Program are adopted this 22nd day of October, 1987 pursuant to authority vested in the Agency by Minnesota Statutes 462A.06, Subdivisions 4 and 11.

James J. Solem, Commissioner

STATE OF MINNESOTA

MINNESOTA HOUSING FINANCE AGENCY

In the Matter of the Proposed
Rules Relating to
the Low Income Persons Living
Alone Housing Program
Without a Public Hearing

ORDER ADOPTING RULES

Notice of the Agency's intent to adopt the above-entitled rules without a public hearing was published in the State Register on September 14, 1987 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 September 11, 1987. 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 the Low Income Persons Living Alone Housing Program are adopted this 22nd day of October, 1987 pursuant to authority vested in the Agency by Minnesota Statutes 462A.06, Subdivisions 4 and 11.

James J. Solem, Commissioner

STATE OF MINNESOTA

MINNESOTA HOUSING FINANCE AGENCY

In the Matter of the Proposed Adoption of the Rule of the Minnesota Housing Finance Agency Relating to the Low Income Persons Living Alone Housing Program	FINDINGS OF FACT, CONCLUSIONS, AND ORDER ADOPTING RULE WITHOUT PUBLIC HEARING

Notice of the Board's intent to adopt the above-entitled rule was published in the State Register on September 14, 1987 and was sent by United States mail to all persons on the list maintained by the agency pursuant to Minnesota Statutes, sections 14.14, subdivision 1a and 14.22 on September 11, 1987. The statement of need and reasonableness was prepared before the notice of intent to adopt a rule without a public hearing was mailed to all persons on the rulemaking mailing list and published in the State Register and was available to the public.

All persons were given the opportunity to submit comment on the rule for 30 days after notice of proposed rulemaking. No requests for a public hearing on the rule were received by the agency.

One comment regarding the rule was received by the agency. No requests for notice of submission to the attorney general were received by the agency.

Based on the comments and evidence in the record before the agency, I find the following:

The above-captioned rule is needed and reasonable.

NOW, THEREFORE, IT IS ORDERED that the rules identified as 4900.1900 through 4900.1915; and related to the Low Income Persons Living Alone Housing Program are adopted this 22nd day of October, 1987, pursuant to authority vested in me by Minnesota Statutes, sections 462A.06 subd. 3 and 11 and by a resolution of the Board of the Minnesota Housing Finance Agency dated the 22nd day of October, 1987.

James J. Solem, Commissioner

STATE OF MINNESOTA

MINNESOTA HOUSING FINANCE AGENCY

In the Matter of the Proposed Rules Relating to the Low Income Persons Living Alone Housing Program

STATEMENT OF COMPLIANCE WITH THE RULEMAKING PROCEDURES

I, Special Assistant Attorney General, William H. Kuretsky 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: 10/23/87

William H. Kuretsky
Special Assistant Attorney General

STATE OF MINNESOTA

MINNESOTA HOUSING FINANCE AGENCY

In the Matter of the Proposed Rules Relating to the Low Income Persons Living Alone Housing Program

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

It is ordered this 27th day of August, 1987 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, Commissioner

MINNESOTA COALITION FOR THE HOMELESS

c/o Elim Transitional Housing, Inc.
668 Broadway Street N.E.
Minneapolis, MN. 55413
(612) 379-2779



October 12, 1987

Kathleen J. Johnson
Legal Division
Minnesota Housing Finance Agency
Suite 300
400 Sibley Street
St. Paul, MN 55101

Re: Proposed Permanent Rules Relating to Low Income Persons Living Alone Housing Program (SRO Housing)

Dear Ms. Johnson

The Minnesota Coalition For The Homeless Board of Directors reviewed the proposed rules at our October 9, 1987 meeting and recommend the following changes to the proposed rules.

1. 4900.1910 Eligibility Subpart 1A Present proposed rules excludes couples and unrelated individuals interested in sharing a room from doing so in this housing. We request a change in the proposed rules which <u>would allow</u> couples and unrelated individuals to share a single room. The Minnesota Coalition For The Homeless believe the proposed rules are discriminatory against couples.

2. Proposed rules would include in addition to individuals gross income not exceeding 150% of poverty <u>that a developer cannot set a qualifying income level to access housing</u>.
Currently, several SRO developers have set a qualifying income level of $275 for individuals to apply for the housing. That eliminates applications from individuals on General Assistance. Work Readiness, and Social Security Insurance. Other developers require an individual to be working a part time job for at least 6 months prior to application.
The Minnesota Coalition For The Homeless Board of Directors beleives that it is discriminatory for developers to set qualifying income level and it undermines the entire purpose of developing SRO housing for the very - low income individual and those on entitlement programs.

3. 4900.1905 Definitions Subpart 6 - B Definition of low income person - who are not eligible for admission to lower income housing under United States Code, title 42 section 1437 a as an elderly disabled, or handicapped person.

Change to: Have been determined by local HUD unit to be ineligible for lower income housing under United State Code, title 42 section 1437a as elderly, disabled, or handicapped, and/or is ineligible due to other disqualifying factors or a waiting list of over 3 months for subsidized lower income housing.

The Minnesota Coalition For The Homeless Board of Directors believes that an individual may be eligible under title 42 section 1437a for subsidized housing as elderly, disabled or handicapped but may not be able to access that housing due to long waiting lists for that housing. Thus it is essential that those individuals unable to access, although qualified, subsidized lower income housing to be able to access the housing developed through this program.

The Minnesota Coalition For The Homeless Board of Directors appreciates the difficulty in developing the regulations for a new program and recognizes the signficant need of this form of housing to replace the SRO's destroyed and to provide an avenue for some homeless individuals into permanent housing. We would appreciate your serious consideration to our comments regarding the proposed rules.

Sincerely,

Sue Watlov Phillips

Sue Watlov Phillips
Chair

STATE OF MINNESOTA

MINNESOTA HOUSING FINANCE AGENCY

In the Matter of the Proposed
Rules Relating to
the Low Income Persons Living
Alone Housing Program
Without a Public Hearing

CERTIFICATE OF BOARD'S
RESOLUTION ADOPTING RULES

I, Robert A. Worthington, do hereby certify that I am Chairman of the Minnesota Housing Finance Agency, an agency duly authorized under the laws of the State of Minnesota, and that the following is a true, complete, and correct copy of a resolution adopted at a meeting of the Agency, duly and properly called and held on the 22nd day of October, 1987, 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 the Low Income Persons Living Alone Housing Program attached hereto as Exhibit A be and they hereby are approved and adopted pursuant to authority vested in us by Minnesota Statutes Section 462A.06, Subdivisions 4 and 11 and that James J. Solem, Commissioner 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 22nd day of October, 1987.

Robert A. Worthington
Chairman

MINNESOTA HOUSING FINANCE AGENCY

RECEIVED
ATTORNEY GENERAL'S OFFICE

OCT 26 1987

204 ADMINISTRATION BLDG.
50 SHERBURNE AVENUE
ST. PAUL, MN 55155

October 23, 1987

Ms. Rita Desmond
Room 204 Administration Building
50 Sherburne Avenue
St. Paul, Minnesota 55155

RE: In the Matter of the Proposed Rules Relating to the Low Income Persons Living Alone Housing Program Without a Public Hearing

Dear Ms. Desmond:

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;

Findings of Fact, Conclusions, and Order Adopting Rule Without Public Hearing;

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, and the Agency did not receive any requests from persons desiring notice of the date of submission of the proposed rule to the Attorney General. However, the Agency did receive one comment regarding the proposed rule, and a copy of such comment is included herewith. The Adopted rules are the same as the Proposed rules.

Sincerely,

James J. Solem
Commissioner

JJS/kjj

Encs.