

Minnesota Attorney General: Administrative Rules Proceedings

Copyright Notice:

This material may be protected by copyright law (U.S. Code, Title 17). Researchers are liable for any infringement. For more information, visit www.mnhs.org/copyright.

Version 3
August 20, 2018

9

RULE REVIEW CHECKLIST

File No. 1428 Docket No. 05.0009.0863

DATE RECEIVED 12/21/87 ADOPTED W/O HEARING _____

REVIEW DATE - EMERGENCY RULE X

DUE DATE 1/6/88

APPROVED 1-6-88-JTL REVISOR APPROVED _____

DISAPPROVED _____ REVISOR DISAPPROVED _____

WITHDRAWN _____ FIELD W/SEC.STATE _____

RETURNED TO AGENCY _____

✓ Rule as adopted (4 copies)

✓ Notice to Solicit Outside Information/Opinion

8/3/87 Date published in State Register

no Comments

~~Petition for Adoption of a Rule~~

~~Board's Authorizing Resolution~~

✓ Proposed rule

yes Revisor's Certificate

✓ Notice of Intent to Adopt Rule

256.736 (16) Statutory Authority

no Small Business Statement

yes Expenditure of public money statement

yes Signature

~~Statement of Need and Reasonableness~~

~~Small Business Statement~~

~~Fees - § 16A.128~~

✓ Affidavit of Mailing Notice of Intent to Adopt Rule

10/29/87 Date ~~30~~ 25 days before adoption

✓ Publication in State Register

11/2/87 Date ~~30~~ 25 days before adoption

~~Resolution Adopting~~

✓ Findings of Fact, Conclusions & Order Adopting

12/15/87 Date

✓ Written requests, submissions or comments

✓ Declaration of attorney

Mike Cohen 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 : January 11, 1988

TO : DAN LIPSCHULTZ
Rules Division
Department of Human Services

FROM : JULIE A. LEPPINK
Special Assistant
Attorney General

PHONE : 6-9422

SUBJECT : In the Matter of the Adopted Rule Relating to Work Incentive Housing Subsidy for AFDC Recipients

The above-referenced rule has been approved as to its legality by the Attorney General on January 6, 1988.

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, submissions 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;nah
Enclosures

cc: Maryanne Hruby
Duane Harves

Department of Human Services

Adopted Emergency Rule Relating to Work Incentive Housing Subsidy for AFDC Recipients

Rule as Adopted

9500.2890 [Emergency] WORK INCENTIVE HOUSING SUBSIDY.

Subpart 1. **Definitions.** The terms used in this part have the meanings given them in items A to H.

A. "Caretaker" means an AFDC recipient described in part 9500.2060, subpart 21.

B. "Family" means the following persons who live together: a minor child or minor children related to each other as siblings, half siblings, or step-siblings, together with their natural or adoptive parents, their stepparents, or their legal guardians, and other minor children of whom an adult member of the family is a legal guardian.

C. "Lack of regular work experience in the previous five years" means less than 30 months of suitable employment in the 60 months previous to February 1, 1988.

D. "Permanent employment or permanent position" means employment that is expected by the employer to continue indefinitely.

E. "Selected applicant" means a person who has applied for and been selected under subpart 7 to receive the housing subsidy.

F. "Substantial barriers to employment" means any of the following if it limits a person's ability to obtain or retain suitable employment: physical, mental, or emotional disabilities; chemical dependency; having children with physical, mental, or emotional disabilities; lack of a high school degree or GED; lack of a marketable occupational skill; having three or more children; or lack of regular work experience in the previous five years.

G. "Suitable employment" means employment that

Approved by Revisor

provides at least 30 hours of work per week and pays at least minimum wage.

H. "Work incentive housing subsidy" or "housing subsidy" means payment under Minnesota Statutes, section 256.736, subdivision 1b, by the Department of Human Services of $100 of a recipient's or former recipient's monthly housing costs as an incentive to the person to seek and retain employment.

Subp. 2. **Eligibility criteria.** To be eligible for the housing subsidy, a person must:

A. be a resident of Minnesota;

B. be a caretaker and recipient of AFDC on the date of application or within 30 days prior to the date of application;

C. be a member of a family in which no member is the recipient or beneficiary of any type of subsidy payment for housing made by any other agency or entity;

D. have substantial barriers to employment or have received AFDC for at least 30 months out of the last 33 months immediately preceding February 1, 1988;

E. be suitably employed in a permanent position obtained while the person was a recipient of AFDC;

F. be certified by the person's employer as having permanent suitable employment;

G. be legally responsible for actual rent, contract for deed, or mortgage costs of $100 or more per month for the person's place of residence; and

H. sign an authorization enabling the department to verify statements made on the application, and permitting the department to notify the landlord, mortgage holder, or vendor under a contract for deed of the beginning and ending dates of the housing subsidy.

Subp. 3. **Proof of substantial barriers.** The presence of substantial barriers to employment on the basis of disability, chemical dependency, or lack of a marketable occupational skill, must be established as follows:

Approved by Revisor _____

A. A physical, mental, or emotional disability may be established only by submitting a signed written statement of a physician or licensed psychologist indicating that the recipient has such a disability.

B. Chemical dependency may be established only by submitting a signed written statement of a licensed psychologist or a person qualified under part 9530.6615, subpart 2, to perform chemical use assessments indicating that the recipient has chemical dependency.

C. Lack of a marketable occupational skill may be established only by submitting a signed written statement of a vocational specialist as defined in part 9500.1206, subpart 33, attesting to the lack of a marketable occupational skill.

Subp. 4. **Notice of housing subsidy availability.** By February 1, 1988, the department shall mail to each caretaker receiving AFDC as of January 1, 1988, the following:

A. a written notice informing the caretaker of the availability of the housing subsidy, the eligibility conditions in subpart 2, the method of selecting persons to receive the housing subsidy, the estimated number of persons who will receive the subsidy, the documentation that must be submitted to establish eligibility under subpart 2, and the deadline for filing an application for the housing subsidy; and

B. an application for the housing subsidy along with an employment certification form.

Subp. 5. **Application deadline.** The department shall begin accepting applications on February 2, 1988, and recipients shall submit completed applications and employment certification forms along with any required supporting documentation to the department by May 1, 1988.

Subp. 6. **Eligibility determination.** The department shall review applications received on or before May 1, 1988, to determine which applicants meet the eligibility conditions of subpart 2. The department shall mail a notice of its determination to each applicant by June 1, 1988. The notice must inform applicants of their appeal rights and that a final

Approved
by Revisor _____

random selection process will determine who receives a housing subsidy. The notice must inform applicants found ineligible under this subpart that they will not be included in the random drawing referred to in subpart 8 unless they appeal to the department by June 15, 1988.

Subp. 7. **Final selection.** The department shall select randomly from the applicants found eligible and the applicants who have filed timely appeals under subpart 6 a sufficient number of applicants to ensure that the funds available for the housing subsidy are fully encumbered. The department shall notify all eligible applicants of whether they have been selected to receive a housing subsidy. The notification must inform selected applicants of the beginning and ending dates of their subsidy payments and the conditions set out in subpart 15 under which an applicant's housing subsidy will be terminated. The notice must inform applicants who are not selected to receive the housing subsidy that they will be eligible for any subsequent random drawings which may be held under subpart 12 unless they are determined to be ineligible under subpart 2.

Subp. 8. **Subsidy payments.** The amount of the housing subsidy shall be $100 per month. Upon making the final selection of applicants as provided in subpart 7, the department shall encumber a sufficient amount of money to provide 12 monthly subsidy payments to each selected applicant. The department shall issue housing subsidy payments to each selected applicant's landlord or mortgage holder or to the vendor under a contract for deed. The first payment must be issued by July 1, 1988, or as soon thereafter as possible. Subsequent housing subsidy payments must be issued on the first day of each month until 12 subsidy payments have been issued, except as provided under subparts 9 and 13.

Subp. 9. **Maximum subsidy period.** No person may receive more than 12 subsidy payments. No subsidy payments, except for payments delayed during the pendency of an appeal, may be issued after June 30, 1989.

Approved
by Revisor _____

Subp. 10. **Termination of housing subsidy.** Before terminating a person's housing subsidy, the department shall, at least five days before the beginning of the next month, mail the person a notice of termination that specifies the reason for termination and the person's appeal rights.

Subp. 11. **Appeals.** Ineligibility determinations under subpart 6 and the termination of housing subsidy payments under subpart 15 may be appealed under Minnesota Statutes, section 256.045. The failure to select an eligible applicant through the random selection identified in subpart 7, is not appealable under Minnesota Statutes, section 256.045. Subsidy payments must not be continued or started during the pendency of an appeal. If the appeal is decided in the applicant's favor, the applicant must be issued the subsidy payments to which the applicant is entitled, including the payments withheld while the appeal was being decided.

Subp. 12. **Replacement of selected applicants.** When a selected applicant is not eligible under subpart 2 and the selected applicant has exhausted appeal rights, the department shall randomly select another eligible applicant to receive the remaining housing subsidy payments intended for the selected applicant who is no longer eligible.

Subp. 13. **Form of payment.** Housing subsidy payments must be provided as vendor payments to the applicant's landlord or mortgage holder or to the vendor under the applicant's contract for deed. Subsidy payments are considered in-kind income for purposes of determining eligibility for and monthly payments under the AFDC program. No person may receive housing subsidy payments directly.

Subp. 14. **Applicant responsibilities.** Each selected applicant shall:

A. complete and return a quarterly report form to the department by each of the following dates during which the selected applicant is receiving the housing subsidy: October 8, 1988, January 8, 1989, and March 8, 1989; and

B. inform the department of any changes in

Approved by Revisor _____

circumstances which may affect the selected applicant's eligibility for the housing subsidy, including any changes in landlord, mortgage holder, or vendor.

Subp. 15. **Termination of housing subsidy.** The department shall discontinue a selected applicant's housing subsidy when one or more of the following occurs:

A. the department determines that the selected applicant is no longer eligible for the housing subsidy under subpart 2; or

B. the selected applicant does not comply with the reporting requirements under subpart 14.



Approved by Revisor _____

APPROVED AS TO FORM AND LEGALITY

January 6 1988

HUBERT H. HUMPHREY, III
ATTORNEY GENERAL

BY Julie Leppink/mjc
SPECIAL ASSISTANT ATTORNEY GENERAL

[redacted]

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED

JAN 7 1988

Joan Anderson Growe
Secretary of State

3:58 P.M.

M

Department of Human Services

Proposed Emergency Rule Relating to Work Incentive Housing Subsidy for AFDC Recipients

Rule as Proposed (all new material)

9500.2890 [Emergency] WORK INCENTIVE HOUSING SUBSIDY.

Subpart 1. **Definitions.** The terms used in this part have the meanings given them in items A to H.

A. "Caretaker" means an AFDC recipient described in part 9500.2060, subpart 21.

B. "Family" means the following persons who live together: a minor child or minor children related to each other as siblings, half siblings, or step-siblings, together with their natural or adoptive parents, their stepparents, or their legal guardians, and other minor children of whom an adult member of the family is a legal guardian.

C. "Lack of regular work experience in the previous five years" means less than 30 months of suitable employment in the 60 months previous to February 1, 1988.

D. "Permanent employment or permanent position" means employment that is expected by the employer to continue indefinitely.

E. "Selected applicant" means a person who has applied for and been selected under subpart 7 to receive the housing subsidy.

F. "Substantial barriers to employment" means any of the following if it limits a person's ability to obtain or retain suitable employment: physical, mental, or emotional disabilities; chemical dependency; having children with physical, mental, or emotional disabilities; lack of a high school degree or GED; lack of a marketable occupational skill; having three or more children; or lack of regular work experience in the previous five years.

G. "Suitable employment" means employment that

Approved by Revisor

provides at least 30 hours of work per week and pays at least minimum wage.

H. "Work incentive housing subsidy" or "housing subsidy" means payment under Minnesota Statutes, section 256.736, subdivision 1b, by the Department of Human Services of $100 of a recipient's or former recipient's monthly housing costs as an incentive to the person to seek and retain employment.

Subp. 2. **Eligibility criteria.** To be eligible for the housing subsidy, a person must:

A. be a resident of Minnesota;

B. be a caretaker and recipient of AFDC on the date of application;

C. be a member of a family in which no member is the recipient or beneficiary of any type of subsidy payment for housing made by any other agency or entity;

D. have substantial barriers to employment or have received AFDC for at least 30 months out of the last 33 months immediately preceding February 1, 1988;

E. be suitably employed in a permanent position obtained while the person was a recipient of AFDC;

F. be certified by the person's employer as having permanent suitable employment;

G. be legally responsible for actual rent, contract for deed, or mortgage costs of $100 or more per month for the person's place of residence; and

H. sign an authorization enabling the department to verify statements made on the application, and permitting the department to notify the landlord, mortgage holder, or vendor under a contract for deed of the beginning and ending dates of the housing subsidy.

Subp. 3. **Proof of substantial barriers.** The presence of substantial barriers to employment on the basis of disability, chemical dependency, or lack of a marketable occupational skill, must be established as follows:

A. A physical, mental, or emotional disability may be

Approved
by Revisor _____

established only by submitting a signed written statement of a physician or licensed psychologist indicating that the recipient has such a disability.

B. Chemical dependency may be established only by submitting a signed written statement of a licensed psychologist or a person qualified under part 9530.6615, subpart 2, to perform chemical use assessments indicating that the recipient has chemical dependency.

C. Lack of a marketable occupational skill may be established only by submitting a signed written statement of a vocational specialist as defined in part 9500.1206, subpart 33, attesting to the lack of a marketable occupational skill.

Subp. 4. **Notice of housing subsidy availability.** By February 1, 1988, the department shall mail to each caretaker receiving AFDC as of January 1, 1988, the following:

A. a written notice informing the caretaker of the availability of the housing subsidy, the eligibility conditions in subpart 2, the method of selecting persons to receive the housing subsidy, the estimated number of persons who will receive the subsidy, the documentation that must be submitted to establish eligibility under subpart 2, and the deadline for filing an application for the housing subsidy; and

B. an application for the housing subsidy along with an employment certification form.

Subp. 5. **Application deadline.** The department shall begin accepting applications on February 2, 1988, and recipients shall submit completed applications and employment certification forms along with any required supporting documentation to the department by May 1, 1988.

Subp. 6. **Eligibility determination.** The department shall review applications received on or before May 1, 1988, to determine which applicants meet the eligibility conditions of subpart 2. The department shall mail a notice of its determination to each applicant by June 1, 1988. The notice must inform applicants of their appeal rights and that a final random selection process will determine who receives a housing

Approved
by Revisor _____

subsidy. The notice must inform applicants found ineligible under this subpart that they will not be included in the random drawing referred to in subpart 8 unless they appeal to the department by June 15, 1988.

Subp. 7. **Final selection.** The department shall select randomly from the applicants found eligible under subpart 6 a sufficient number of applicants to ensure that the funds available for the housing subsidy are fully encumbered. The department shall notify all eligible applicants of whether they have been selected to receive a housing subsidy. The notification must inform selected applicants of the beginning and ending dates of their subsidy payments and the conditions set out in subpart 15 under which an applicant's housing subsidy will be terminated.

Subp. 8. **Subsidy payments.** The amount of the housing subsidy shall be $100 per month. Upon making the final selection of applicants as provided in subpart 7, the department shall encumber a sufficient amount of money to provide 12 monthly subsidy payments to each selected applicant. The department shall issue housing subsidy payments to each selected applicant's landlord or mortgage holder or to the vendor under a contract for deed. The first payment must be issued by July 1, 1988, or as soon thereafter as possible. Subsequent housing subsidy payments must be issued on the first day of each month until 12 subsidy payments have been issued, except as provided under subparts 9 and 13.

Subp. 9. **Maximum subsidy period.** No person may receive more than 12 subsidy payments. No subsidy payments, except for payments delayed during the pendency of an appeal, may be issued after June 30, 1989.

Subp. 10. **Termination of housing subsidy.** Before terminating a person's housing subsidy, the department shall, at least five days before the beginning of the next month, mail the person a notice of termination that specifies the reason for termination and the person's appeal rights.

Subp. 11. **Appeals.** Ineligibility determinations under

Approved
by Revisor _____

subpart 6 and the termination of housing subsidy payments under subpart 15 may be appealed under Minnesota Statutes, section 256.045. The failure to select an eligible applicant through the random selection identified in subpart 7, is not appealable under Minnesota Statutes, section 256.045. Subsidy payments must not be continued during the pendency of an appeal. If the appeal is decided in the applicant's favor, the applicant must be issued the subsidy payments to which the applicant is entitled, including the payments withheld while the appeal was being decided.

Subp. 12. **Replacement of selected applicants.** When a selected applicant is not eligible under subpart 2 and the selected applicant has exhausted appeal rights, the department shall randomly select another eligible applicant to receive the remaining housing subsidy payments intended for the selected applicant who is no longer eligible.

Subp. 13. **Form of payment.** Housing subsidy payments must be provided as vendor payments to the applicant's landlord or mortgage holder or to the vendor under the applicant's contract for deed. Subsidy payments are considered in-kind income for purposes of determining eligibility for and monthly payments under the AFDC program. No person may receive housing subsidy payments directly.

Subp. 14. **Applicant responsibilities.** Each selected applicant shall:

A. complete and return a quarterly report form to the department by each of the following dates during which the selected applicant is receiving the housing subsidy: October 8, 1988, January 8, 1989, and March 8, 1989; and

B. inform the department of any changes in circumstances which may affect the selected applicant's eligibility for the housing subsidy, including any changes in landlord, mortgage holder, or vendor.

Subp. 15. **Termination of housing subsidy.** The department shall discontinue a selected applicant's housing subsidy when one or more of the following occurs:

Approved
by Revisor _____

A. the department determines that the selected applicant is no longer eligible for the housing subsidy under subpart 2; or

B. the selected applicant does not comply with the reporting requirements under subpart 14.

Approved
by Revisor _____

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Emergency Rule Relating to Work Incentive Housing Subsidy for AFDC Recipients

AGENCY: Department of Human Services

MINNESOTA RULES: Chapter 9500

The attached rules are approved for publication in the State Register

Susan E. Quayle
Assistant Revisor

Percentage which eligible applicants share in the cost of treatment	Income Levels by Number of Members In Household				
	1	2	3	4	5
0	0-10,548	0-13,793	0-17,039	0-20,284	0-23,529
1	10,549-11,548	13,794-14,793	17,040-18,039	20,285-21,284	23,530-24,529
2	11,549-12,548	14,794-15,793	18,040-19,039	21,285-22,284	24,530-25,529
3	12,549-13,548	15,794-16,793	19,040-20,039	22,285-23,284	25,530-26,529
4	13,549-14,548	16,794-17,793	20,040-21,039	23,285-24,284	26,530-27,529
5	14,549-15,548	17,794-18,793	21,040-22,039	24,285-25,284	27,530-28,529
6	15,549-16,548	18,794-19,793	22,040-23,039	25,285-26,284	28,530-29,529
7	16,549-17,548	19,794-20,793	23,040-24,039	26,285-27,284	29,530-30,529
8	17,549-18,548	20,794-21,793	24,040-25,039	27,285-28,284	30,530-31,529
9	18,549-19,548	21,794-22,793	25,040-26,039	28,285-29,284	31,530-32,529
10	19,549-20,548	22,794-23,793	26,040-27,039	29,285-30,284	32,530-33,529
11	20,549-21,548	23,794-24,793	27,040-28,039	30,285-31,284	33,530-34,529
12	21,549-22,548	24,794-25,793	28,040-29,039	31,285-32,284	34,530-35,529
13	22,549-23,548	25,794-26,793	29,040-30,039	32,285-33,284	35,530-36,529
14	23,549-24,548	26,794-27,793	30,040-31,039	33,285-34,284	36,530-37,529
15	24,549-25,548	27,794-28,793	31,040-32,039	34,285-35,284	37,530-38,529
16	25,549-26,548	28,794-29,793	32,040-33,039	35,285-36,284	38,530-39,529
17	26,549-27,548	29,794-30,793	33,040-34,039	36,285-37,284	39,530-40,529
18	27,549-28,548	30,794-31,793	34,040-35,039	37,285-38,284	40,530-41,529
	6	7	8	9	10
0	0-26,775	0-27,383	0-27,992	0-28,600	0-29,209
1	26,776-27,775	27,384-28,383	27,993-28,992	28,601-29,600	29,210-30,209
2	27,776-28,775	28,384-29,383	28,993-29,992	29,601-30,600	30,210-31,209
3	28,776-29,775	29,384-30,383	29,993-30,992	30,601-31,600	31,210-32,209
4	29,776-30,775	30,384-31,383	30,993-31,992	31,601-32,600	32,210-33,209
5	30,776-31,775	31,384-32,383	31,993-32,992	32,601-33,600	33,210-34,209
6	31,776-32,775	32,384-33,383	32,993-33,992	33,601-34,600	34,210-35,209
7	32,776-33,775	33,384-34,383	33,993-34,992	34,601-35,600	35,210-36,209
8	33,776-34,775	34,384-35,383	34,993-35,992	35,601-36,600	36,210-37,209
9	34,776-35,775	35,384-36,383	35,993-36,992	36,601-37,600	37,210-38,209
10	35,776-36,775	36,384-37,383	36,993-37,992	37,601-38,600	38,210-39,209
11	36,776-37,775	37,384-38,383	37,993-38,992	38,601-39,600	39,210-40,209
12	37,776-38,775	38,384-39,383	38,993-39,992	39,601-40,600	40,210-41,209
13	38,776-39,775	39,384-40,383	39,993-40,992	40,601-41,600	41,210-42,209
14	39,776-40,775	40,384-41,383	40,993-41,992	41,601-42,600	42,210-43,209
15	40,776-41,775	41,384-42,383	41,993-42,992	42,601-43,600	43,210-44,209
16	41,776-42,775	42,384-43,383	42,993-43,992	43,601-44,600	44,210-45,209
17	42,776-43,775	43,384-44,383	43,993-44,992	44,601-45,600	45,210-46,209
18	43,776-44,775	44,384-45,383	44,993-45,992	45,601-46,600	46,210-47,209

Department of Human Services

Assistance Payments Division

Notice of Intent to Solicit Outside Opinion Concerning Proposed Emergency Rules Governing Aid to Families with Dependent Children

Notice is hereby given that the Minnesota Department of Human Services is seeking opinions or information in preparing to propose emergency rules governing the aid to families with dependent children (AFDC) program, *Minnesota Rules*, parts 9500.2000 to 9500.2880.

The adoption of these emergency rules is authorized by *Minnesota Statutes*, section 256.736, subdivision 7 and governs the administration of financial assistance to families which meet at least one of the deprivation factors authorized in Minnesota law.

These emergency rules are intended to establish requirements and standards related to employment and training programs which provide AFDC applicants and recipients with the education, training, and job search skills necessary to locate and secure employment.

All interested or affected persons or groups are requested to participate. Statements of information and comment or questions may be made orally or in writing.

Written statements of information and comment should be addressed to:

Dan Lipschultz
Rules Unit
Minnesota Department of Human Services
4th Floor, Centennial Office Building
St. Paul, Minnesota 55155

Oral statements of information and comment will be received during regular business hours over the telephone at (612) 297-4302 and in person at the above address.

All statements of information and comment will be accepted until further notice is given or the Notice of Hearing or Notice of Intent to Adopt without a Hearing is published in the *State Register*. Any written material received by the State Department of Human Services shall become part of the rulemaking record.

Metropolitan Waste Control Commission

Public Notice for Prequalifications for MWCC Projects and Annual Engineering Services

Notice is hereby given that the Metropolitan Waste Control Commission is soliciting prequalifications for engineering services for the following:

Metro WWTP Energy Study, Step I, Project No. 83-54
Stillwater WWTP Expansion, Step II, Project No. 86-53
Joint Interceptor Rehabilitation, Step I, Project No. 86-58
Anoka WWTP Phaseout, Step II, Project No. 87-51
MWWTP Effluent Pump Station Improvements, Project No. 87-52

The prequalification should include the firm's interest to provide services, background data, qualifications and disciplines of employees and the demonstratable experience of the firm.

The prequalification should include information on the firm's programs for compliance with equal employment opportunities, affirmative action and utilization of minority firms. The prequalifications will be used by the Commission as a mechanism for selecting firms to provide engineering services.

Firms not currently on the Commission's prequalification list should submit a letter stating their interest in the projects or services and one copy of its prequalifications. Firms presently on the Commission's prequalification list need only to submit a letter stating their interest in the projects or services and the necessary information, if any, to update their prior prequalifications, to the Metropolitan Waste Control Commission, 350 Metro Square Building, St. Paul, Minnesota 55101. Inquiries regarding the solicitations should be directed to Mr. Ray Payne, Assistant Director of Engineering, (612) 222-8423.

By Order of the
METROPOLITAN WASTE CONTROL COMMISSION
Mr. Louis J. Breimhurst
Chief Administrator

Office of the Secretary of State

Notice of Vacancies in Multi-Member State Agencies

Notice is hereby given to the public that vacancies have occurred in multi-member state agencies, pursuant to *Minnesota Statutes* § 15.0597, subd. 4. Application forms may be obtained at the Office of the Secretary of State, 180 State Office Building, St. Paul 55155-1299; (612) 296-2805. Application deadline is August 25, 1987.

STATE OF MINNESOTA

DEPARTMENT OF HUMAN SERVICES

In the Matter of the Proposed Adoption of Emergency Rule of the State Department of Human Services Governing the Work Incentive Subsidized Housing Program

NOTICE OF INTENT TO ADOPT AN EMERGENCY RULE

Notice is hereby given that the State Department of Human Services intends to adopt the above-entitled emergency rule. The statutory authority to adopt the emergency rule is contained in Minnesota Statutes, section 256.736, subdivision 1b. The agency, in adopting the rule, is following the procedures set forth in the Administrative Procedure Act for adopting emergency rules in Minnesota Statutes, sections 14.29 to 14.36.

All persons have 25 days or until 4:30 p.m. on November 27, 1987 after publication to submit data and views on the proposed emergency rule or any part or subpart of the rule in writing. Any comments must be submitted to:

Dan Lipschultz
Minnesota Department of Human Services
4th Floor, Centennial Office Building
St. Paul, MN 55155
Telephone (612)297-2711

The proposed rule establishes eligibility criteria and procedures to govern the work incentive subsidized housing program authorized by the legislature in the 1987 legislative session. The rule limits the subsidy to employed AFDC recipients. The rule also sets the subsidy amount at $100 per month for 12 months and establishes a random selection system to determine who among the eligible applicants will receive the available housing subsidy funds.

A free copy of the proposed emergency rule is available by contacting Dan Lipschultz at the address noted above.

The proposed emergency rule may be modified if the modifications are supported by data and views submitted to the agency and do not result in a substantial change in the proposed emergency rule as noticed.

Upon adoption of the emergency rule by the agency, the emergency rule as adopted and its supporting documents will be delivered to the Attorney General for reviews as to legality and form to the extent form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit the written request to Dan Lipschultz at the address noted above.

The emergency rule will take effect five working days after approval by the Attorney General and be effective for 180 days. The emergency rule will be continued in effect for an additional 180 days if the agency gives notice of continuation in accordance with Minnesota Statutes, section 14.35.

Adoption of these rules will not result in additional spending by local public bodies in excess of $100,000 per year for the first two years following adoption under the requirements of Minnesota Statutes, section 14.11.

Date: October 23, 1987

SANDRA S. GARDEBRING
Commissioner

STATE OF MINNESOTA

DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF THE PROPOSED ADOPTION OF EMERGENCY RULE OF THE STATE DEPARTMENT OF HUMAN SERVICES GOVERNING THE WORK INCENTIVE SUBSIDIZED HOUSING PROGRAM

AFFIDAVIT OF MAILING

Nancy Storelee, being first duly sworn, deposes and says:

That on the 29th day of October, 1987, at the City of St. Paul, County of Ramsey, State of Minnesota, I mailed the attached Notices of Hearing by depositing in the State of Minnesota Central Mail System for first class mailing, 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 Department of Human Services for the purpose of receiving notice of hearing by this Department.

Nancy Storelee

Subscribed and sworn to before me

this 30 day of October, 1987

Louise J. Breidel

LOUISE J. BREIDEL
NOTARY PUBLIC—MINNESOTA
DAKOTA COUNTY
MY COMM. EXP. SEPT. 22, 1990

STATE OF MINNESOTA

DEPARTMENT OF HUMAN SERVICES

In the Matter of the Proposed Adoption of Emergency Rule of the State Department of Human Services Governing the Work Incentive Subsidized Housing Program

NOTICE OF INTENT TO ADOPT AN EMERGENCY RULE

Notice is hereby given that the State Department of Human Services intends to adopt the above-entitled emergency rule. The statutory authority to adopt the emergency rule is contained in Minnesota Statutes, section 256.736, subdivision 1b. The agency, in adopting the rule, is following the procedures set forth in the Administrative Procedure Act for adopting emergency rules in Minnesota Statutes, sections 14.29 to 14.36.

All persons have 25 days or until 4:30 p.m. on November 27, 1987 after publication to submit data and views on the proposed emergency rule or any part or subpart of the rule in writing. Any comments must be submitted to:

Dan Lipschultz
Minnesota Department of Human Services
4th Floor, Centennial Office Building
St. Paul, MN 55155
Telephone (612)297-2711

The proposed rule establishes eligibility criteria and procedures to govern the work incentive subsidized housing program authorized by the legislature in the 1987 legislative session. The rule limits the subsidy to employed AFDC recipients. The rule also sets the subsidy amount at $100 per month for 12 months and establishes a random selection system to determine who among the eligible applicants will receive the available housing subsidy funds.

A free copy of the proposed emergency rule is available by contacting Dan Lipschultz at the address noted above.

The proposed emergency rule may be modified if the modifications are supported by data and views submitted to the agency and do not result in a substantial change in the proposed emergency rule as noticed.

Upon adoption of the emergency rule by the agency, the emergency rule as adopted and its supporting documents will be delivered to the Attorney General for reviews as to legality and form to the extent form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit the written request to Dan Lipschultz at the address noted above.

The emergency rule will take effect five working days after approval by the Attorney General and be effective for 180 days. The emergency rule will be continued in effect for an additional 180 days if the agency gives notice of continuation in accordance with Minnesota Statutes, section 14.35.

Adoption of these rules will not result in additional spending by local public bodies in excess of $100,000 per year for the first two years following adoption under the requirements of Minnesota Statutes, section 14.11.

Date: October 23, 1987

SANDRA S. GARDEBRING
Commissioner

STATE OF MINNESOTA

DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF THE PROPOSED ADOPTION OF EMERGENCY RULE OF THE STATE DEPARTMENT OF HUMAN SERVICES GOVERNING THE WORK INCENTIVE SUBSIDIZED HOUSING PROGRAM

AFFIDAVIT OF ADDITIONAL MAILING

Nancy Storelee, being first duly sworn, deposes and says:

That on the 29th day of October, 1987, at the City of St. Paul, County of Ramsey, State of Minnesota, I mailed the attached Notices of Hearing by depositing in the State of Minnesota Central Mail System for first class mailing, a copy thereof, properly enveloped, with postage prepaid to the following parties:

.The 87 Minnesota County Human Services Agencies
.Advisory Committee for AFDC Housing Subsidy Emergency Rule

Nancy Storelee

Subscribed and sworn to before me

this 30 day of October, 1987

Louise J. Breidel

LOUISE J. BREIDEL
NOTARY PUBLIC—MINNESOTA
DAKOTA COUNTY
MY COMM. EXP. SEPT. 22, 1990

STATE OF MINNESOTA

DEPARTMENT OF HUMAN SERVICES

In the Matter of the Proposed Adoption of Emergency Rule of the State Department of Human Services Governing the Work Incentive Subsidized Housing Program

NOTICE OF INTENT TO ADOPT AN EMERGENCY RULE

Notice is hereby given that the State Department of Human Services intends to adopt the above-entitled emergency rule. The statutory authority to adopt the emergency rule is contained in Minnesota Statutes, section 256.736, subdivision 1b. The agency, in adopting the rule, is following the procedures set forth in the Administrative Procedure Act for adopting emergency rules in Minnesota Statutes, sections 14.29 to 14.36.

All persons have 25 days or until 4:30 p.m. on November 27, 1987 after publication to submit data and views on the proposed emergency rule or any part or subpart of the rule in writing. Any comments must be submitted to:

Dan Lipschultz
Minnesota Department of Human Services
4th Floor, Centennial Office Building
St. Paul, MN 55155
Telephone (612)297-2711

The proposed rule establishes eligibility criteria and procedures to govern the work incentive subsidized housing program authorized by the legislature in the 1987 legislative session. The rule limits the subsidy to employed AFDC recipients. The rule also sets the subsidy amount at $100 per month for 12 months and establishes a random selection system to determine who among the eligible applicants will receive the available housing subsidy funds.

A free copy of the proposed emergency rule is available by contacting Dan Lipschultz at the address noted above.

The proposed emergency rule may be modified if the modifications are supported by data and views submitted to the agency and do not result in a substantial change in the proposed emergency rule as noticed.

Upon adoption of the emergency rule by the agency, the emergency rule as adopted and its supporting documents will be delivered to the Attorney General for reviews as to legality and form to the extent form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit the written request to Dan Lipschultz at the address noted above.

The emergency rule will take effect five working days after approval by the Attorney General and be effective for 180 days. The emergency rule will be continued in effect for an additional 180 days if the agency gives notice of continuation in accordance with Minnesota Statutes, section 14.35.

Adoption of these rules will not result in additional spending by local public bodies in excess of $100,000 per year for the first two years following adoption under the requirements of Minnesota Statutes, section 14.11.

Date: October 23, 1987

SANDRA S. GARDEBRING
Commissioner

A. the local agency determines under part 9500.1258, subpart 1, item P, that the recipient is no longer functionally illiterate; or

B. the recipient is disqualified under part 9500.1262, subpart 1, item C, for failure to comply with literacy training requirements.

Subp. 9. **Referral to work readiness program.** If the local agency determines, after reassessment under subpart 8, that a recipient is ineligible for general assistance, the local agency shall determine the recipient's eligibility for the work readiness program under part 9500.1306.

Subp. 10. **Explanation of rights and duties.** At the time a person is determined eligible for general assistance under part 9500.1258, subpart 1, item P, and at the time a person is assigned to a literacy program, the local agency shall provide an oral explanation of:

A. the requirements of part 9500.1262, subpart 1, item C, and the penalties for failure to comply with these requirements;

B. the local agency's responsibilities under subparts 2 to 9; and

C. the person's right to appeal any adverse decision.

9500.1262 REQUIREMENTS FOR CONTINUED ELIGIBILITY.

Subpart 1. **Requirements for continued eligibility for specific categories of ongoing eligibility.** A recipient of general assistance whose eligibility is based on part 9500.1258, subpart 1, item G ~~or~~, L, or P, and who is not eligible under another category of eligibility under part 9500.1258, must comply with the following requirements as conditions for continued eligibility.

A. and B. [Unchanged.]

C. A recipient who is eligible for general assistance under part 9500.1258, subpart 1, item P, shall participate in a literacy program assigned under part 9500.1257 [Emergency]. If a recipient fails to participate in an assigned literacy program, the recipient must be disqualified from receiving general assistance under part 9500.1258, subpart 1, item G, L, or P, unless the recipient is not participating for one of the reasons identified in part 9500.1257 [Emergency], subpart 6.

Subp. 2. [Unchanged.]

9500.1266 DISQUALIFICATION.

A recipient who fails, without good cause, to comply with the requirements of part 9500.1262, is disqualified from receiving general assistance as provided in items A to D.

A. and B. [Unchanged.]

C. If an individual who is disqualified applies for general assistance during the period of disqualification, the individual is considered a recipient and the application shall be denied unless the individual is eligible for general assistance on the basis of a category of eligibility other than the categories in part 9500.1258, subpart 1, item G ~~or~~, L, or P.

D. [Unchanged.]

EFFECT OF EMERGENCY AMENDMENTS. After the emergency amendments to parts 9500.1206, 9500.1232, 9500.1262, and 9500.1266 expire, the permanent rule as it read prior to those amendments shall again be in effect, except as may be amended by permanent rule.

Department of Human Services

Proposed Emergency Rule Relating to Work Incentive Housing Subsidy for AFDC Recipients

Notice of Intent to Adopt an Emergency Rule

Notice is hereby given that the State Department of Human Services intends to adopt the above-entitled emergency rule. The statutory authority to adopt the emergency rule is contained in *Minnesota Statutes*, section 256.736, subdivision 1b. The agency, in adopting the rule, is following the procedures set forth in the Administrative Procedure Act for adopting emergency rules in *Minnesota Statutes*, sections 14.29 to 14.36.

All persons have 25 days or until 4:30 p.m. on November 27, 1987 after publication to submit data and views on the proposed emergency rule or any part or subpart of the rule in writing. Any comments must be submitted to:

Dan Lipschultz
Minnesota Department of Human Services
4th Floor, Centennial Office Building
St. Paul, MN 55155
Telephone (612) 297-2711

The proposed rule establishes eligibility criteria and procedures to govern the work incentive subsidized housing program authorized by the legislature in the 1987 legislative session. The rule limits the subsidy to employed AFDC recipients. The rule also sets the subsidy amount at $100 per month for 12 months and establishes a random selection system to determine who among the eligible applicants will receive the available housing subsidy funds.

A free copy of the proposed emergency rule is available by contacting Dan Lipschultz at the address noted above.

The proposed emergency rule may be modified if the modifications are supported by data and views submitted to the agency and do not result in a substantial change in the proposed emergency rule as noticed.

Upon adoption of the emergency rule by the agency, the emergency rule as adopted and its supporting documents will be delivered to the Attorney General for reviews as to legality and form to the extent form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit the written request to Dan Lipschultz at the address noted above.

The emergency rule will take effect five working days after approval by the Attorney General and be effective for 180 days. The emergency rule will be continued in effect for an additional 180 days if the agency gives notice of continuation in accordance with *Minnesota Statutes*, section 14.35.

Adoption of these rules will not result in additional spending by local public bodies in excess of $100,000 per year for the first two years following adoption under the requirements of *Minnesota Statutes*, section 14.11.

Dated: 23 October 1987

Sandra S. Gardebring
Commissioner

Rule as Proposed (all new material)

9500.2890 [Emergency] WORK INCENTIVE HOUSING SUBSIDY.

Subpart 1. **Definitions.** The terms used in this part have the meanings given them in items A to H.

A. "Caretaker" means an AFDC recipient described in part 9500.2060, subpart 21.

B. "Family" means the following persons who live together: a minor child or minor children related to each other as siblings, half siblings, or step-siblings, together with their natural or adoptive parents, their stepparents, or their legal guardians, and other minor children of whom an adult member of the family is a legal guardian.

C. "Lack of regular work experience in the previous five years" means less than 30 months of suitable employment in the 60 months previous to February 1, 1988.

D. "Permanent employment or permanent position" means employment that is expected by the employer to continue indefinitely.

E. "Selected applicant" means a person who has applied for and been selected under subpart 7 to receive the housing subsidy.

F. "Substantial barriers to employment" means any of the following if it limits a person's ability to obtain or retain suitable employment: physical, mental, or emotional disabilities; chemical dependency; having children with physical, mental, or emotional disabilities; lack of a high school degree or GED; lack of a marketable occupational skill; having three or more children; or lack of regular work experience in the previous five years.

G. "Suitable employment" means employment that provides at least 30 hours of work per week and pays at least minimum wage.

H. "Work incentive housing subsidy" or "housing subsidy" means payment under Minnesota Statutes, section 256.736, subdivision 1b, by the Department of Human Services of $100 of a recipient's or former recipient's monthly housing costs as an incentive to the person to seek and retain employment.

Subp. 2. **Eligibility criteria.** To be eligible for the housing subsidy, a person must:

A. be a resident of Minnesota;

B. be a caretaker and recipient of AFDC on the date of application;

C. be a member of a family in which no member is the recipient or beneficiary of any type of subsidy payment for housing made by any other agency or entity;

D. have substantial barriers to employment or have received AFDC for at least 30 months out of the last 33 months immediately preceding February 1, 1988;

E. be suitably employed in a permanent position obtained while the person was a recipient of AFDC;

F. be certified by the person's employer as having permanent suitable employment;

G. be legally responsible for actual rent, contract for deed, or mortgage costs of $100 or more per month for the person's place of residence; and

H. sign an authorization enabling the department to verify statements made on the application, and permitting the department to notify the landlord, mortgage holder, or vendor under a contract for deed of the beginning and ending dates of the housing subsidy.

Subp. 3. **Proof of substantial barriers.** The presence of substantial barriers to employment on the basis of disability, chemical dependency, or lack of a marketable occupational skill, must be established as follows:

A. A physical, mental, or emotional disability may be established only by submitting a signed written statement of a physician or licensed psychologist indicating that the recipient has such a disability.

B. Chemical dependency may be established only by submitting a signed written statement of a licensed psychologist or a person qualified under part 9530.6615, subpart 2, to perform chemical use assessments indicating that the recipient has chemical dependency.

C. Lack of a marketable occupational skill may be established only by submitting a signed written statement of a vocational specialist as defined in part 9500.1206, subpart 33, attesting to the lack of a marketable occupational skill.

Subp. 4. **Notice of housing subsidy availability.** By February 1, 1988, the department shall mail to each caretaker receiving AFDC as of January 1, 1988, the following:

A. a written notice informing the caretaker of the availability of the housing subsidy, the eligibility conditions in subpart 2, the method of selecting persons to receive the housing subsidy, the estimated number of persons who will receive the subsidy, the documentation that must be submitted to establish eligibility under subpart 2, and the deadline for filing an application for the housing subsidy; and

B. an application for the housing subsidy along with an employment certification form.

Subp. 5. **Application deadline.** The department shall begin accepting applications on February 2, 1988, and recipients shall submit completed applications and employment certification forms along with any required supporting documentation to the department by May 1, 1988.

Subp. 6. **Eligibility determination.** The department shall review applications received on or before May 1, 1988, to determine which applicants meet the eligibility conditions of subpart 2. The department shall mail a notice of its determination to each applicant by June 1, 1988. The notice must inform applicants of their appeal rights and that a final random selection process will determine who receives a housing subsidy. The notice must inform applicants found ineligible under this subpart that they will not be included in the random drawing referred to in subpart 8 unless they appeal to the department by June 15, 1988.

Subp. 7. **Final selection.** The department shall select randomly from the applicants found eligible under subpart 6 a sufficient number of applicants to ensure that the funds available for the housing subsidy are fully encumbered. The department shall notify all eligible applicants of whether they have been selected to receive a housing subsidy. The notification must inform selected applicants of the beginning and ending dates of their subsidy payments and the conditions set out in subpart 15 under which an applicant's housing subsidy will be terminated.

Subp. 8. **Subsidy payments.** The amount of the housing subsidy shall be $100 per month. Upon making the final selection of applicants as provided in subpart 7, the department shall encumber a sufficient amount of money to provide 12 monthly subsidy payments to each selected applicant. The department shall issue housing subsidy payments to each selected applicant's landlord or mortgage holder or to the vendor under a contract for deed. The first payment must be issued by July 1, 1988, or as soon thereafter as possible. Subsequent housing subsidy payments must be issued on the first day of each month until 12 subsidy payments have been issued, except as provided under subparts 9 and 13.

Subp. 9. **Maximum subsidy period.** No person may receive more than 12 subsidy payments. No subsidy payments, except for payments delayed during the pendency of an appeal, may be issued after June 30, 1989.

Subp. 10. **Termination of housing subsidy.** Before terminating a person's housing subsidy, the department shall, at least five days before the beginning of the next month, mail the person a notice of termination that specifies the reason for termination and the person's appeal rights.

Subp. 11. **Appeals.** Ineligibility determinations under subpart 6 and the termination of housing subsidy payments under subpart 15 may be appealed under Minnesota Statutes, section 256.045. The failure to select an eligible applicant through the random

selection identified in subpart 7, is not appealable under Minnesota Statutes, section 256.045. Subsidy payments must not be continued during the pendency of an appeal. If the appeal is decided in the applicant's favor, the applicant must be issued the subsidy payments to which the applicant is entitled, including the payments withheld while the appeal was being decided.

Subp. 12. **Replacement of selected applicants.** When a selected applicant is not eligible under subpart 2 and the selected applicant has exhausted appeal rights, the department shall randomly select another eligible applicant to receive the remaining housing subsidy payments intended for the selected applicant who is no longer eligible.

Subp. 13. **Form of payment.** Housing subsidy payments must be provided as vendor payments to the applicant's landlord or mortgage holder or to the vendor under the applicant's contract for deed. Subsidy payments are considered in-kind income for purposes of determining eligibility for and monthly payments under the AFDC program. No person may receive housing subsidy payments directly.

Subp. 14. **Applicant responsibilities.** Each selected applicant shall:

A. complete and return a quarterly report form to the department by each of the following dates during which the selected applicant is receiving the housing subsidy: October 8, 1988, January 8, 1989, and March 8, 1989; and

B. inform the department of any changes in circumstances which may affect the selected applicant's eligibility for the housing subsidy, including any changes in landlord, mortgage holder, or vendor.

Subp. 15. **Termination of housing subsidy.** The department shall discontinue a selected applicant's housing subsidy when one or more of the following occurs:

A. the department determines that the selected applicant is no longer eligible for the housing subsidy under subpart 2; or

B. the selected applicant does not comply with the reporting requirements under subpart 14.

Official Notices

Pursuant to the provisions of Minnesota Statutes § 14.10, an agency, in preparing proposed rules, may seek information or opinion from sources outside the agency. Notices of intent to solicit outside opinion must be published in the *State Register* and all interested persons afforded the opportunity to submit data or views on the subject, either orally or in writing.

The *State Register* also publishes other official notices of state agencies, notices of meetings, and matters of public interest.

Department of Commerce

Notice of Activation of the Minnesota Joint Underwriting Association to Insure Specified Classes of Business and Public Hearing

Notice is hereby given that, pursuant to *Minnesota Statutes*, section 62I.21, the Minnesota Joint Underwriting Association (MJUA) and the Market Assistance Plan (MAP) are activated to provide assistance to the following classes of business unable to obtain insurance from private insurers:

Prison Guard

The MJUA and MAP are activated to provide assistance to the above classes of business for a period of 180 days following publication of this notice. A public hearing will be held, for the purpose of determining whether activation should continue beyond 180 days, at the Office of Administrative Hearings, 310 4th Avenue South, 5th Floor, Flour Exchange Building, Minneapolis, Minnesota 55415 on January 21, 1988 at 9:30 a.m. and continuing until all interested persons and groups have had an opportunity to be heard. The hearing shall be governed by *Minnesota Statutes* Sections 14.57-14.69 and by *Minnesota Rules* Parts 1400.5100-1400.8400, (1985). Questions regarding procedure may be directed to Administrative Law Judge, Peter Erickson, 310 4th Avenue South, 4th Floor Summit Bank Building, Minneapolis, Minnesota 55415, telephone (612) 341-7606. The authority for this proceeding is found in Chapter 62I of *Minnesota Statutes*, specifically sections 62I.21 and 62I.22. (A copy of those sections follows this notice.)

Prior to the hearing a pre-hearing conference will be held at 1:30 p.m. on January 13, 1988, at the Office of Administrative Hearings, 310 4th Avenue South, 4th Floor Summit Bank Building, Minneapolis, Minnesota 55415.

Minnesota Statutes, Chapter 62I, which governs the Minnesota Joint Underwriting Association provides for temporary activation for 180 days by the Commissioner of Commerce. To extend the Minnesota Joint Underwriting Association's authority beyond the 180 day period a hearing must be held. Those classes of business for which the Minnesota Joint Underwriting Association was

COUNTY OF ANOKA

FINANCIAL SERVICES DEPARTMENT
THIRD FLOOR
COURTHOUSE ANOKA, MINNESOTA 55303 612-422-7200

Public Assistance Programs
Child/Support Enforcement Services

Branch Office
3980 Central Avenue N.W.
Columbia Heights, Minnesota 55421
Tel. 789-4326

November 25, 1987

Dan Lipschultz
Minnesota Department of Human Services
4th Floor, Centennial Office Bldg.
658 Cedar
St. Paul, MN 55155

Re: Proposed Emergency Rule Governing the Work Incentive Subsidized Housing Program

Dear Mr. Lipschultz:

In regard to the above referenced proposed emergency rule, we wish to express concern regarding the application and selection process.

Under the proposed rule in order to qualify for the subsidy a person would have to be a recipient of AFDC and be employed in suitable employment on the date of applicaiton, and the dates of application must be between February 2, 1988 and May 1, 1988. This basically excludes any recipient who obtains employment from May 1, 1988 to June 30, 1989 from becoming eligible for the 12 month subsidy.

In addition, these requirements demand precise timing in order to qualify. Most recipients lose AFDC eligibility (often retroactively) when they become employed due to the gross income test. Therefore, it would be difficult to be full-time employed and be an AFDC recipient on the date of application. Financial workers would not always be aware of the employment in time to properly advise the client on when to apply for the subsidy. The situation would be further complicated if the date of application is interpreted as the date the application is received by DHS.

One remedy to this situation is to allow a former AFDC recipient to apply within 60 days of losing eligibility, if the reason for termination from the program was income from employment.

Thank you for your consideration of these comments.

Sincerely,

Edna Hoium
Financial Services Director

LE/ak

Houston County Social Services

Courthouse, Caledonia, MN 55921
Harold D. Thompson, Director
507-724-5211

November 24, 1987

Dan Lipschultz
Minnesota Department of Human Services
4th Floor, Centennial Office Building
St. Paul, MN 55155

Dear Mr. Lipschultz:

The Houston County Board of Social Service has considered the Notice of Intent to Adopt Emergency Rule governing the work incentive subsidized housing program.

After deliberations, it was felt that the subsidized housing allocation should be made only to individuals with serious physical or mental disabilities. It is felt that allocating it to emotional and long-term unemployed would make allowance for more dependency and opportunities for utilization of the housing subsidy, without having maximized the treatment and earning potential of the individuals involved and not function as an incentive.

Sincerely,

Harold D. Thompson

Harold D. Thompson
Director
Houston County Social Services

HDT:ms

STATE OF MINNESOTA
DEPARTMENT OF HUMAN SERVICES

In the Matter of the Proposed Adoption of the Rule of the State Department of Human Services Relating to Work Incentive Housing Subsidy for AFDC Recipients.

FINDINGS OF FACT, CONCLUSIONS, AND ORDER ADOPTING EMERGENCY RULE

Notice of the Commissioner's intent to adopt the above-entitled emergency rule was published in the State Register on November 2, 1987 and was sent by United States mail to all persons on the list maintained by the agency pursuant to Minnesota Statutes, section 14.30 on October 27, 1987.

All persons were given the opportunity to submit written comment on the rule for at least 25 days after notice of proposed rulemaking.

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

1. The Department received written comments from Anoka and Houston Counties. The Department also received comments by phone from Sara Morrissey of the Minneapolis Legal Aid Society on November 24, 1987. No other comments were received.

2. Based on the comments received by the Department and the record, the Commissioner makes the following changes to the above entitled rules:*

3. Anoka County expressed concern that the May 1 deadline for applications and supporting documentation will make the housing subsidy unavailable for recipients who become employed after May 1. The commissioner shares Anoka County's concern. However, the May 1 deadline is necessary to ensure sufficient time to provide 12 subsidy payments prior to the end of the biennium for which the subsidy funds are allocated.

The biennium ends June 30, 1989. This means that the Department must begin subsidy payments by July 1, 1988 in order to provide 12 payments. To begin payments by July 1, 1988, the random selection of subsidy recipients will need to be completed in late June. This leaves less than seven weeks after the May 1 application deadline for determining eligibility, mailing notices and filing applicant appeals in time to qualify for the random drawing. An application deadline later than May 1 would be administratively impracticable and could jeapordize applicant appeal rights. Therefore, no change can be made in deadline for submitting the application and required certification of employment.

4. Anoka County also expressed concern that AFDC recipients may become employed and, as a result, lose their AFDC eligibility before applying for the housing subsidy. Under subpart 2, item B of the above entitled rules, these recipients would not be eligible for the housing subsidy since they would not be recipients "on the date of application." To address this concern, Anoka suggests adding language that would permit AFDC recipients to apply within 60 days of losing eligibility as a result of obtaining employment.

The Department will make the following modification of subpart 2, item B to address Anoka County's concern:

> B. be a caretaker and recipient of AFDC on the date of application or within 30 days prior to the date of application;

The 60 day period suggested by Anoka County is not adopted because this would confer eligibility on individuals who were not AFDC recipients as of January 1, 1988. This would result in the eligibility of persons who would, under the proposed rule, not receive notices informing them of the housing subsidy program. The Department would then have to give notice of the housing subsidy to individuals who were AFDC recipients prior to January 1, 1988. This would expand notification beyond practicable limits. Indeed, each additional month's worth of recipients to be notified would cost at least $12,000 in addition to the $24,000 which would be spent on notification under the rule as currently proposed. The cost would be excessive given the fact that the Department's total allocation for administering the housing subsidy program is $34,000.

5. Houston County recommended that the subsidy be limited to persons with serious physical or mental disabilities and not be provided to other long-term unemployed individuals. This recommendation would violate state statute which requires that the subsidy be targeted to "recipients who are or are likely to become long-term recipients or who experience substantial barriers to employment (emphasis added)." See Minnesota Statutes 1987 Supplement, section 256.736, subdivision 1b.

6. The telephone comments received by phone from the Minneapolis Legal Aid Society recommended that subpart 7 of the above entitled rule specify (1) that applicants who have filed timely appeals will be eligible for the random selection; and (2) that the notice must inform applicants who are not selected under subpart 7 that they may be selected in subsequent random drawings.

The first recommendation of Legal Aid merely makes subpart 7 consistent with subpart 6 which indicates that applicants who file appeals by June 15, 1988 are eligible for the random drawing. Therefore, the Commissioner adopts this recommendation by inserting the following in line 6 of subpart 7:

> . . . randomly from the applicants found eligible and the applicants who have filed timely appeals under subpart 6 . . ..

The second recommendation of Legal Aid is also adopted with the addition of the following sentence at the end of subpart 7:

> The notice must inform applicants who are not selected to receive the housing subsidy that they will be eligible for any subsequent random drawings under subpart 12 unless they are determined to be ineligible under subpart 2.

This change is minor and will simply assure that applicants receive information on the consequences of not being selected.

7. The rule is also modified with the addition of the following language to subpart 11, line 6:

> . . .must not be continued or started during the pendency of an appeal.

This language is added in recognition of the fact that some appeals will be filed prior to the initiation of subsidy payments. Under subpart 6, these individuals will also not receive subsidy payments pending the outcomes of their appeals.

CONCLUSIONS

I hereby conclude that:

1. The Commissioner has statutory authority to promulgate this rule.

2. Proper notice of the Department's intent to adopt the proposed above-captioned rule was given as required by law, and all interested persons were afforded an opportunity to submit data and views on the proposed rule.

3. All modifications made to the proposed rule are not substantial changes.

4. The rule, as modified, is necessary and reasonable.

5. Any duplication in this rule of language contained in Minnesota Statutes is crucial to the ability of persons affected by the rule to comprehend its meaning and effect.

6. The Department has complied with all applicable provisions of law and rule in the promulgation of this rule.

7. If any finding or part of a finding, above, is properly characterized as a conclusion, it is adopted as a conclusion.

NOW, THEREFORE, IT IS ORDERED that the rule identified as emergency rule relating to work incentive housing subsidy for AFDC recipients (as modified) is adopted this 15 day of December, 1987, pursuant to authority vested in me by Minnesota Statutes, section 256.736, subdivision 1b.

Sandra Gardebring

SANDRA S. GARDEBRING

Commissioner

In the Matter of the Adoption
of the Rule of the State Department
of Human Services Governing Proposed
Emergency Rule Relating to Work
Incentive Housing Subsidy for AFDC
Recipients, Part 9500.2890.

DECLARATION OF
COUNSEL

I, Michael Cohen, Special Assistant Attorney General, do hereby declare that I have examined the above-captioned rule, and the supporting rulemaking record, and that, based on my examination, the Administrative Procedure Act and Minnesota Rules, chapter 2010 have been followed. Any exceptions are listed below. For Attorney General billing purposes, the four-digit docket client code is 0863.

Michael Cohen

Special Assistant
Attorney General

Dated: 12-15-87

Notice of Intent

... Rule will take effect 5 working days after approval by AG. . . . ok

Authority

256.736 subd 1b ok but there are 4 requirements see rule

Rule:

Changes made on adopted

I did not read this rule

STATE OF MINNESOTA
DEPARTMENT OF HUMAN SERVICES
444 LAFAYETTE ROAD
ST. PAUL, MINNESOTA 55155

TO: Rita Desmond
Legal Assistant
Attorney General's Office, Administration Division

FROM: Dan Lipschultz
Rules Division
Department of Human Services

SUBJECT: Attorney General's Review of Emergency Rule

Enclosed are the documents required to be submitted under Minnesota Rules, part 2010.0400 for your review of an emergency rule governing housing subsidy paymemts to AFDC recipients under the work incentive subsidized housing program.

Official documents in this submitted material include:

1. A copy or photocopy of the notice of solicitation of outside information or opinions as published in the State Register.

2. A copy of the proposed rule with a certificate of approval as to form by the revisor of statutes attached.

3. The notice of intent to adopt an emergency rule as mailed.

4. The affidavit of mailing the notice of intent to adopt an emergency rule. The affidavits state that the mailing list maintained by the agency pursuant to Minnesota Statutes, sections 14.30, is accurate, complete, and current and that the notice of intent to adopt the emergency rule was mailed to all persons and groups whose names appear on the list.

5. A copy or photocopy of the notice of intent to adopt the emergency rule as published in the State Register.

6. Four copies of the emergency rule as adopted. Any modification made to the proposed rule is reflected on the rule as adopted and is approved as to form by the revisor of statutes.

7. The findings of fact, conclusions, and order adopting the emergency rule.

8. All written requests, submissions, or comments on the rule received by the agency except requests solely for copies of the rule.

9. The declaration of the attorney in the attorney general's office who represents the agency.

11. The notice of submission of the rule to the attorney general, if applicable. (This notice is not applicable since the department did not receive any requests to be notified of submission to the attorney general).

12. The affidavit of mailing notice of submission of the rule to the attorney general, if applicable. (This affidavit is not applicable for the reason given above).

If you have any questions on this submitted material, please call me at 297-4302.