

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

MJC

RULE REVIEW CHECKLIST

File No. 1580 Docket No. 05.0009.0450

DATE RECEIVED 3-27-89 ADOPTED W/O HEARING X

REVIEW DATE 4-5-89 EMERGENCY RULE _____

DUE DATE 4/10-89 REVISOR APPROVED _____

APPROVED 4.10.89 mjc REVISOR DISAPPROVED _____

DISAPPROVED _____ FILED W/SEC. OF STATE _____

WITHDRAWN _____ RETURNED TO AGENCY _____

✓ Rule as adopted (4 copies)

_____ ~~Notice to Solicit Outside Information/Opinion (if applicable)~~
- _____ ~~Date published in State Register~~
- _____ ~~Comments~~

_____ Petition for Adoption of a Rule (if applicable)

✓ Board's Authorizing Resolution
- 3/23/89 Date adopted Rtg 2/23/89

✓ Proposed Rule
- yes Revisor's Certificate

✓ Notice of Intent to Adopt Rule
- 4162A.06 Statutory Authority
- no Small Business Statement
- no Expenditure of public money statement
- AB Signature

✓ Statement of Need and Reasonableness (if applicable)
- yes Small Business Statement
- N/A Fees - § 16A.128

✓ Affidavit of Mailing Notice of Intent to Adopt Rule
- 2/10/89 Date 30/25 days before adoption
- OK Notice attached
- _____ ~~Copy of rule or summary attached~~

✓ Publication in State Register
- 2/13/89 Date 30/25 days before adoption

_____ 180-day deadline from:
- N/A Effective date of law requiring rule (14.12) (both rules)
- 3/15/89 end of comment period (§ 14.26) (rules without hearing)
- _____ ~~effective date of statutory authority (§ 14.29) (emergency rules)~~

✓ Resolution Adopting
- 3/23/89 Date adopted

✓ Findings of Fact, Conclusions & Order Adopting
- 3/23/89 Date

_____ ~~Written requests, submissions or comments~~

✓ Declaration of attorney
- K. Herman Name of SAAG representing agency

✓ Cert of Bids Resolutions Adopting Rules ~~Notice of Submission to Atty. Gen. (if applicable)~~

✓ Mailing List ~~Aff. of Mailing Notice to Atty. Gen. (if applicable)~~

✓ Order for Notice of Intent to Adopt Rules.

SF-00006-05 (4/86)

STATE OF MINNESOTA

Office Memorandum

DEPARTMENT : ATTORNEY GENERAL

DATE : April 12, 1989

TO : KARL J. HERMAN
Special Assistant Attorney General

FROM : MARTY CASSERLY
Special Assistant Attorney General

PHONE : 6-6839

SUBJECT : In the Matter of the Adopted Permanent Rules Relating to Housing Trust Fund

The above-referenced rule has been approved as to its legality by the Attorney General on April 10, 1989.

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 accoradance 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:klk
Enclosures

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

William Brown
Chief Administrative Law Judge
Office of Administrative Hearings

AG Copy

Minnesota Housing Finance Agency

Adopted Permanent Rules Relating to Housing Trust Fund

Rules as Adopted

4900.1920 SCOPE.

Parts 4900.1920 to 4900.1924 govern the implementation of the housing trust fund housing program for low-income persons and families.

4900.1921 DEFINITIONS.

Subpart 1. **Agency.** "Agency" means the Minnesota Housing Finance Agency created by Minnesota Statutes, sections 462A.01 to 462A.24.

Subp. 2. **Applicant.** "Applicant" means one or more entities that submit an application to the agency for a grant or loan from the housing trust fund account to assist in the development, construction, acquisition, preservation, and rehabilitation of rental and limited equity cooperative housing units for low-income persons and families.

Subp. 3. **Application.** "Application" means a submittal requesting a grant or loan from the housing trust fund account to assist in the development, construction, acquisition, preservation, and rehabilitation of rental and limited equity cooperative housing units for low-income persons and families.

Subp. 4. **Low-income persons and families.** "Low-income persons and families" means persons and families whose annual gross income at the time the person or family originally occupied the unit was at or below 30 percent of the median family income for the metropolitan area as defined in Minnesota Statutes, section 473.121, subdivision 2.

Subp. 5. **Housing trust fund account.** "Housing trust fund account" means a separate account in the housing development fund consisting of:

A. money appropriated and transferred from other state funds;

B. interest accrued from real estate trust accounts;

C. gifts, grants, and donations received from the United States, private foundations, and other sources; and

D. money made available to the agency for the purpose of the account from other sources.

Subp. 6. **Program.** "Program" means the housing trust fund housing program for low-income persons and families.

Subp. 7. **Project.** "Project" means housing receiving a loan or grant under the housing trust fund housing program for low-income persons and families.

4900.1922 ELIGIBILE APPLICATIONS.

To be eligible for selection as a recipient of a grant or loan under the program, an applicant must satisfy the requirements in items A and B.

A. The proposed project must substantially consist of residential housing and other housing related services such as community spaces or parking facilities, with at least 75 percent of the units rented to or cooperatively owned by low-income persons and families.

B. The application must include a comprehensive plan for the development and management of housing for low-income persons 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 the type of housing in the proposed geographic area;

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

(3) a detailed description of how the 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; and

(6) documentation of the experience and fiscal responsibility and capability of the applicant or fiscal agent of the applicant in developing similar housing.

4900.1923 ELIGIBLE APPLICANTS.

To be eligible for selection as a recipient of a grant or loan under the program, an applicant must be an individual, a nonprofit entity, a for profit entity, a cooperative housing corporation, a Minnesota city, a joint powers board established by two or more cities, or a Minnesota housing and redevelopment authority created under Minnesota Statutes, sections 462.415 to 462.705, with the authority to enter into any loan or grant documents that may be required by the agency.

4900.1924 SELECTION CRITERIA.

The agency shall take the following criteria into consideration when determining whether an application and applicant will be selected for a grant or loan 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 can be achieved; and

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

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
APR 13 1989
Secretary of State

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED

APR 12 1989

Joan Anderson Growe
Secretary of State

10:10 AM.
JH

APPROVED AS TO FORM AND LEGALITY
april 10 1989
HUBERT H. HUMPHREY, III
ATTORNEY GENERAL
BY M J Carsley
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 23rd day of February, 1989, 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 Home Ownership Assistance Fund; Down Payment Assistance 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 23rd day of March, 1989.

Robert A. Worthington

Chairman

Minnesota Housing Finance Agency

Proposed Permanent Rules Relating to Housing Trust Fund

Rules as Proposed (all new material)

4900.1920 SCOPE.

Parts 4900.1920 to 4900.1924 govern the implementation of the housing trust fund housing program for low-income persons and families.

4900.1921 DEFINITIONS.

Subpart 1. **Agency.** "Agency" means the Minnesota Housing Finance Agency created by Minnesota Statutes, sections 462A.01 to 462A.24.

Subp. 2. **Applicant.** "Applicant" means one or more entities that submit an application to the agency for a grant or loan from the housing trust fund account to assist in the development, construction, acquisition, preservation, and rehabilitation of rental and limited equity cooperative housing units for low-income persons and families.

Subp. 3. **Application.** "Application" means a submittal requesting a grant or loan from the housing trust fund account to assist in the development, construction, acquisition, preservation, and rehabilitation of rental and limited equity cooperative housing units for low-income persons and families.

Subp. 4. **Low-income persons and families.** "Low-income persons and families" means persons and families whose annual gross income at the time the person or family originally occupied the unit was at or below 30 percent of the median family income for the metropolitan area as defined in Minnesota Statutes, section 473.121, subdivision 2.

Subp. 5. **Housing trust fund account.** "Housing trust fund account" means a separate account in the housing development fund consisting of:

A. money appropriated and transferred from other state funds;

Approved by Revisor

B. interest accrued from real estate trust accounts;

C. gifts, grants, and donations received from the United States, private foundations, and other sources; and

D. money made available to the agency for the purpose of the account from other sources.

Subp. 6. **Program.** "Program" means the housing trust fund housing program for low-income persons and families.

Subp. 7. **Project.** "Project" means housing receiving a loan or grant under the housing trust fund housing program for low-income persons and families.

4900.1922 ELIGIBILE APPLICATIONS.

To be eligible for selection as a recipient of a grant or loan under the program, an applicant must satisfy the requirements in items A and B.

A. The proposed project must substantially consist of residential housing and other housing related services such as community spaces or parking facilities, with at least 75 percent of the units rented to or cooperatively owned by low-income persons and families.

B. The application must include a comprehensive plan for the development and management of housing for low-income persons 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 the type of housing in the proposed geographic area;

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

(3) a detailed description of how the 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;

(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; and

(6) documentation of the experience and fiscal responsibility and capability of the applicant or fiscal agent of the applicant in developing similar housing.

4900.1923 ELIGIBLE APPLICANTS.

To be eligible for selection as a recipient of a grant or loan under the program, an applicant must be an individual, a nonprofit entity, a for profit entity, a cooperative housing corporation, a Minnesota city, a joint powers board established by two or more cities, or a Minnesota housing and redevelopment authority created under Minnesota Statutes, sections 462.415 to 462.705, with the authority to enter into any loan or grant documents that may be required by the agency.

4900.1924 SELECTION CRITERIA.

The agency shall take the following criteria into consideration when determining whether an application and applicant will be selected for a grant or loan 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

Approved by Revisor _____

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 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 Housing Trust Fund

AGENCY: Minnesota Housing Finance Agency

MINNESOTA RULES: Chapter 4900

The attached rules are approved for publication
in the State Register

Carla M. Riehle
Assistant Revisor

MINNESOTA HOUSING FINANCE AGENCY

In the Matter of the Proposed Rules Relating to Housing Trust Fund Housing Program for Low Income Persons and Families

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, 625 North Robert Street, St. Paul, Minnesota 55101-2520 (612) 296-5615.

Dated: February 10, 1989

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 GOVERNING THE HOUSING TRUST FUND

STATEMENT OF NEED AND REASONABLENESS

4900.1920

This part describes the scope of 4900.1920 to 4900.1924 as they describe the housing trust fund housing program.

4900.1921

This part sets forth definitions for the purpose of parts 4900.1920 to 4900.1924.

Subpart 1 - A single word reference to the Minnesota Housing Finance Agency is incorporated for brevity of presentation.

Subpart 2 - Is necessary to describe who may apply for a loan or grant under the Housing Trust Fund Program.

Subpart 3 - Is necessary to describe the form and purpose of submittals requesting a grant or loan under this program.

Subpart 4 - Is necessary to define who is to be served under this program.

Subpart 5 - Is necessary to describe the sources of funds for the Housing Trust Fund Program.

Subpart 6 - A single word reference to housing receiving a loan or grant under the Housing Trust Fund Housing Program.

4900.1922

The section details the requirements which must be included in an Eligible Application in order to receive a loan or grant under the Housing Trust Fund Housing Program. This section is necessary in order to insure compliance with Minnesota Statutes 462A.201, Subdivision 2 which specifies the minimum requirements for the use of loans or grants from the Housing Trust Fund Account. It is reasonable to expect that the loans or grants under this program will meet the minimum requirements of the enabling legislation.

4900.1923

This section specifies which entities are eligible to apply for and receive loans or grants under this program. It is necessary and reasonable to list entities eligible to apply for loans and grants under this program so that prospective interested parties can determine their eligibility prior to expending resources on preparing a grant application.

4900.1924

This section lists the criteria that will be taken into consideration when determining whether an application and applicant will be selected for a loan or grant under the Housing Trust Fund Housing Program. Criteria which will be considered are prior experience of the applicant, the extent of leveraging with other funds, applicants ability to proceed expeditiously, need for the housing, cost and quality of housing, rent to be paid by low income tenants, geographic distribution, and extent of community support. It is reasonable to make known the criteria which will be utilized when considering loan or grant fund applications.

The Agency is cognizant of the provisions of Section 14.115 of the Minnesota Statutes, entitled Small Business Considerations in Rulemaking, however, the proposed rules do not establish any compliance or reporting requirements, design or operational standards, or directly affect the way any business must operate. Therefore, the provisions contained in Minn. Stat. §14.115 (1988) do not apply to the proposed rules discussed herein.

STATE OF MINNESOTA

COUNTY OF RAMSEY

In the Matter of the Proposed
Rules Relating to
Housing Trust Fund Housing
Program for Low Income
Persons and Families
Without a Public Hearing

AFFIDAVIT
OF MAILING

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

That on the 10th day of February, 1989, at the City of St. Paul, County of Ramsey, State of Minnesota, she served the attached Notice of Intent to Adopt Rules Without a Public Hearing by depositing in the United States mail at said City of St. Paul, a copy thereof, properly enveloped, with postage prepaid to all persons and associations who have requested that their names be placed on file with the Minnesota Housing Finance Agency for the purpose of receiving notice of the proposed adoption of rules by this Agency.

Kathleen J. Johnson

Kathleen J. Johnson

Subscribed and sworn to before
me this 10th day of February,
1989.

Susan K. Noren

Notary Public

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

3525.4700 FINAL DECISION.

The ~~commissioner's~~ hearing review officer's final decision ~~shall~~ must be in writing, include findings and conclusions, and be based on the standards ~~set forth~~ in *Minnesota Statutes,* section 120.17, subdivision 3a, and the standards, requirements, and principles ~~set forth~~ in ~~part~~ parts 3525.4400, subparts 2 and 3, and ~~parts~~ 3525.0200 to 3525.4700.

The decision of the ~~commissioner shall be~~ hearing review officer is final unless appealed by the parent or the school board to the district court of the county in which the ~~providing~~ school ~~districts~~ district, in whole or in part, is located. The scope of judicial review shall be as provided in *Minnesota Statutes,* chapter 14.

If the ~~providing school~~ district fails to implement the hearing officer's decision, the parent shall have the right to bring ~~such~~ the failure to the attention of the commissioner. In accordance with ~~the provisions of~~ *Minnesota Statutes,* section 124.15, the State Board of Education ~~may~~ shall impose ~~such~~ sanctions necessary to correct any ~~such~~ failure.

REPEALER. *Minnesota Rules,* parts 3525.0200, subpart 9a; 3525.1600; 3525.2300; 3525.2320; 3525.2330, subparts 2, 3, and 4; 3525.2360; 3525.4800; 3525.4900; 3525.5000; 3525.5100; 3525.5200; 3525.5300; 3525.5400; 3525.5500; 3525.5600; 3525.5700; 3525.5800; 3525.5900; 3525.6000; 3525.6100; 3525.6200; 3525.6300; 3525.6400; 3525.6500; 3525.6600; 3525.6700; 3525.6800; 3525.6900; 3525.7000; 3525.7100; 3525.7200; 3525.7300; 3525.7400; and 3525.7500, are repealed.

RENUMBER. *Minnesota Rules,* parts 3525.2600; 3525.2700; and 3525.2800, should be renumbered as 3525.2750; 3525.2550, and 3525.2650 respectively.

Minnesota Housing Finance Agency

Proposed Permanent Rules Relating to Housing Trust Fund

Notice of Intent to Adopt Rules Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Housing Finance Agency ("agency") proposes to adopt the above-entitled rules without a public hearing. The agency has determined that the proposed adoption of these rules will be noncontroversial in nature and has selected to follow the procedures set forth in *Minnesota Statutes* Section 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 *Minnesota Statutes* Section 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 *Minnesota Statutes* 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 *Minnesota Statutes* Chapter 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 *Minnesota Statutes* 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, 625 North Robert Street, St. Paul, Minnesota 55101-2520 (612) 296-5615.

Dated: 10 February 1989

James J. Solem
Commissioner

Rules as Proposed (all new material)

4900.1920 SCOPE.

Parts 4900.1920 to 4900.1924 govern the implementation of the housing trust fund housing program for low-income persons and families.

4900.1921 DEFINITIONS.

Subpart 1. **Agency.** "Agency" means the Minnesota Housing Finance Agency created by *Minnesota Statutes,* sections 462A.01 to 462A.24.

Subp. 2. **Applicant.** "Applicant" means one or more entities that submit an application to the agency for a grant or loan from the housing trust fund account to assist in the development, construction, acquisition, preservation, and rehabilitation of rental and limited equity cooperative housing units for low-income persons and families.

Subp. 3. **Application.** "Application" means a submittal requesting a grant or loan from the housing trust fund account to assist in the development, construction, acquisition, preservation, and rehabilitation of rental and limited equity cooperative housing units for low-income persons and families.

Subp. 4. **Low-income persons and families.** "Low-income persons and families" means persons and families whose annual gross income at the time the person or family originally occupied the unit was at or below 30 percent of the median family income for the metropolitan area as defined in *Minnesota Statutes,* section 473.121, subdivision 2.

Subp. 5. **Housing trust fund account.** "Housing trust fund account" means a separate account in the housing development fund consisting of:

A. money appropriated and transferred from other state funds;

B. interest accrued from real estate trust accounts;

C. gifts, grants, and donations received from the United States, private foundations, and other sources; and

D. money made available to the agency for the purpose of the account from other sources.

Subp. 6. **Program.** "Program" means the housing trust fund housing program for low-income persons and families.

Subp. 7. **Project.** "Project" means housing receiving a loan or grant under the housing trust fund housing program for low-income persons and families.

4900.1922 ELIGIBILE APPLICATIONS.

To be eligible for selection as a recipient of a grant or loan under the program, an applicant must satisfy the requirements in items A and B.

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.

A. The proposed project must substantially consist of residential housing and other housing related services such as community spaces or parking facilities, with at least 75 percent of the units rented to or cooperatively owned by low-income persons and families.

B. The application must include a comprehensive plan for the development and management of housing for low-income persons 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 the type of housing in the proposed geographic area;

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

(3) a detailed description of how the 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; and

(6) documentation of the experience and fiscal responsibility and capability of the applicant or fiscal agent of the applicant in developing similar housing.

4900.1923 ELIGIBLE APPLICANTS.

To be eligible for selection as a recipient of a grant or loan under the program, an applicant must be an individual, a nonprofit entity, a for profit entity, a cooperative housing corporation, a Minnesota city, a joint powers board established by two or more cities, or a Minnesota housing and redevelopment authority created under *Minnesota Statutes,* sections 462.415 to 462.705, with the authority to enter into any loan or grant documents that may be required by the agency.

4900.1924 SELECTION CRITERIA.

The agency shall take the following criteria into consideration when determining whether an application and applicant will be selected for a grant or loan 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 can be achieved; and

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

Department of Labor and Industry

Proposed Permanent Rules Relating to Workers' Compensation Rules of Practice

Notice of Intent to Amend Rules Without a Public Hearing

NOTICE IS HEREBY GIVEN that the State Department of Labor and Industry, Workers' Compensation Division, intends to adopt the above entitled amendments to *Minnesota Rules,* parts 5220.2500 to 5220.5000 without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in *Minnesota Statutes*, sections 14.22 to 14.28. The statutory authority to adopt the rules is contained in *Minnesota Statutes* Section 175.17 (2); Section 176.83, subd. 1 and 15; and Section 176.129, subd. 10.

STATE OF MINNESOTA

MINNESOTA HOUSING FINANCE AGENCY

In the Matter of the Proposed Rules Relating to Housing Trust Fund Housing Program for Low Income Persons and Families 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 23rd day of March, 1989, 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 Housing Trust Fund Housing Program for Low Income Persons and Families 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 23rd day of March, 1989.

Chairman

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 Housing Trust Fund Housing Program for Low Income Persons and Families

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 of February 13, 1989 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 February 10, 1989. 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.

The Agency received comments from the Duluth Housing Trust Fund and The Low-Income Housing Consortium each dated March 15th, which were considered 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 4900.1920 through 4900.1924 and relating to Housing Trust Fund Housing Program for Low Income Persons and Families are adopted this 23rd day of March, 1989, 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 23rd day of March, 1989.

James J. Solem, Commissioner

STATE OF MINNESOTA

MINNESOTA HOUSING FINANCE AGENCY

In the Matter of the Proposed
Rules Relating to Housing
Trust Fund Housing Program
for Low Income Persons and Families

STATEMENT OF COMPLIANCE
WITH THE RULEMAKING
PROCEDURES

I, Special Assistant Attorney General, Karl J. Herman, do hereby declare that I have examined the rules and all related documents and that, based on my examination and my personal familiarity with the applicable procedures, the Administrative Procedure Act, the rules of the Office of Administrative Hearings, and the rules of the Attorney General have been followed. Any exceptions are noted below.

Dated: 3/24/89

Karl J. Herman
Special Assistant Attorney General

STATE OF MINNESOTA

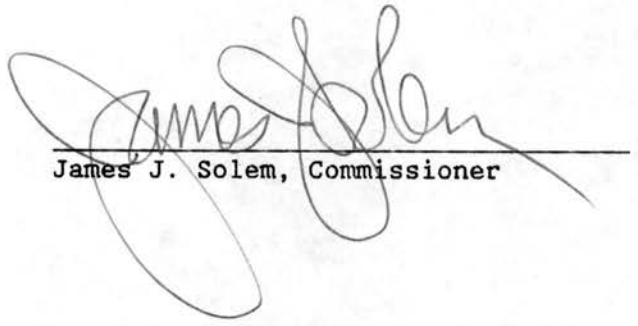
MINNESOTA HOUSING FINANCE AGENCY

In the Matter of the Proposed
Rules Relating to
Housing Trust Fund Housing
Program for Low Income
Persons and Families
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 February 13, 1989 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 February 10, 1989. 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 Housing Trust Fund Housing Program for Low Income Persons and Families are adopted this 23rd day of March, 1989 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
Housing Trust Fund Housing
Program for Low Income
Persons and Families
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 February 13, 1989 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 February 10, 1989. 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 Housing Trust Fund Housing Program for Low Income Persons and Families are adopted this 23rd day of March, 1989 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

MAILING LIST CERTIFICATE

In the Matter of the Proposed
Rules Relating to
Housing Trust Fund Housing
Program for Low Income
Persons and Families
Without a Public Hearing

I hereby certify that the list of persons, associations and other interested groups who have requested, pursuant to Minnesota Statutes Section 14.14 Subdivision 1, that their names be placed on file with and maintained by the Minnesota Housing Finance Agency for the purpose of receiving notice of the proposed adoption of rules by this Agency is accurate and complete this 10th day of February, 1989.

Kathleen J. Johnson

STATE OF MINNESOTA

MINNESOTA HOUSING FINANCE AGENCY

In the Matter of the Proposed Rules
Relating to Housing Trust
Fund Housing Program for
Low Income Persons and Families

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

It is ordered this 26th day of January, 1989 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 HOUSING FINANCE AGENCY

March 24, 1989

OK Record 3/87

Ms. Rita Desmond
Attorney General Office
515 Transportation Building
St. Paul, Minnesota 55155

RE: In the Matter of the Proposed Rules Relating to Housing Trust Fund Housing Program for Low Income Persons and Families 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.

400 Sibley Street, Suite 300, St. Paul, Minnesota 55101 (612) 296-7608 Telecopier (612) 296-8139
Equal Opportunity Housing and Equal Opportunity Employment

The Agency did not publish a Notice of Intent to Solicit Outside Opinion in connection with this rule. No requests for a hearing were received during the 30 day comment period. The Agency received comments from the Duluth Housing Trust Fund and The Low-Income Housing Consortium each dated March 15th, which were considered by the Agency. The Agency did not receive any requests from persons desiring notice of the date of submission of the proposed rule to the Attorney General. The Adopted rules are the same as the Proposed rules.

Sincerely,

James J. Solem
Commissioner

JJS/kjj

Encs.