

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

Agency knows it's on the old form
They are in the process of updating their docs.

RULE REVIEW CHECKLIST

File No. 1599 Docket No. 05.0009, 0450

DATE RECEIVED 5-1-89 ADOPTED W/O HEARING X

REVIEW DATE 5-10-89 EMERGENCY RULE _____

DUE DATE 5-15-89 WD REVISOR APPROVED _____

APPROVED 5/10/89 JEA 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WITHDRAWN _____ RETURNED TO AGENCY _____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
3/22/89 Date adopted

✓ Proposed Rule
yes Revisor's Certificate

Notice of Intent to Adopt Rule
46A.06(4)(11) Statutory Authority
no Small Business Statement
no Expenditure of public money statement
yes 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
3/10/89 Date 30/25 days before adoption
yes Notice attached
yes Copy of rule or summary attached

✓ Publication in State Register
3/13/89 Date 30/25 days before adoption

180-day deadline from:
n/a Effective date of law requiring rule (14.12) (both rules)
4/12/89 end of comment period (§ 14.26) (rules without hearing)
~~effective date of statutory authority (§ 14.29) (emergency rules)~~

✓ Resolution Adopting
4/27/89 Date adopted

✓ Findings of Fact, Conclusions & Order Adopting
4/27/89 Date

~~Written requests, submissions or comments~~

✓ Declaration of attorney
B Kuretsky Name of SAAG representing agency

✓ ~~Notice of Submission to Atty. Gen. (if applicable)~~ Order for Notice of Intent to Adopt Rules

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

DEPARTMENT : ATTORNEY GENERAL

STATE OF MINNESOTA

Office Memorandum

DATE : May 12, 1989

TO : WILLIAM H. KURETSKY
Special Assistant Attorney General

FROM : JACQUELYN ALBRIGHT
Special Assistant Attorney General

PHONE : 6-9715

SUBJECT : In the Matter of the Adopted Permanent Rules Relating to Home Ownership Assistance Fund; Down Payment Assistance Program

The above-referenced rule has been approved as to its legality by the Attorney General on May 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.

CBE:klk
Enclosures

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

William Brown
Chief Administrative Law Judge
Office of Administrative Hearings

Minnesota Housing Finance Agency

Adopted Permanent Rules Relating to Home Ownership Assistance Fund; Down Payment Assistance Program

Rules as Adopted

4900.1340 HOME OWNERSHIP ASSISTANCE FUND; DOWN PAYMENT ASSISTANCE.

The agency may provide interest-free down payment assistance loans to recipients eligible for home ownership assistance who are determined, on the basis of normal credit procedures, to lack the cash or land equity necessary to pay the required down payment, plus closing costs, expenses, and origination fees on the dwelling to be purchased. The amount of the down payment assistance loan shall equal the maximum amount allowable under the applicable mortgage insurance program, but it shall not exceed the lesser of 50 percent of the down payment or $1,500. Down payment assistance may be used to pay a portion of the required down payment, closing costs, expenses, and origination fees on the dwelling to be purchased, ~~as-may-be determined-by-the-agency~~ which are customary within the mortgage industry.

Approved by Revisor

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED

MAY 12 1989

Joan Anderson Growe

Secretary of State

10:00 AM

APPROVED AS TO FORM AND LEGALITY

May 10 19 89

ROBERT H. HUMPHREY, III
ATTORNEY GENERAL

Jacqueline E. Albright

SPECIAL ASSISTANT ATTORNEY GENERAL

Minnesota Housing Finance Agency

Adopted Permanent Rules Relating to Home Ownership Assistance Fund; Down Payment Assistance Program

Rules as Adopted

4900.1340 HOME OWNERSHIP ASSISTANCE FUND; DOWN PAYMENT ASSISTANCE.

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Office of the Revisor of Statutes

Administrative Rules

TITLE: Adopted Permanent Rules Relating to Home Ownership Assistance Fund; Down Payment Assistance Program

AGENCY: Minnesota Housing Finance Agency

MINNESOTA RULES: Chapter 4900

The attached rules are approved for filing with the Secretary of State

Carla M. Riehle
Assistant Revisor

Minnesota Housing Finance Agency

Adopted Permanent Rules Relating to Home Ownership Assistance Fund; Down Payment Assistance Program

Rules as Adopted

4900.1340 HOME OWNERSHIP ASSISTANCE FUND; DOWN PAYMENT ASSISTANCE.

The agency may provide interest-free down payment assistance loans to recipients eligible for home ownership assistance who are determined, on the basis of normal credit procedures, to lack the cash or land equity necessary to pay the required down payment, plus closing costs, expenses, and origination fees on the dwelling to be purchased. The amount of the down payment assistance loan shall equal the maximum amount allowable under the applicable mortgage insurance program, but it shall not exceed the lesser of 50 percent of the down payment or $1,500. Down payment assistance may be used to pay a portion of the required down payment, closing costs, expenses, and origination fees on the dwelling to be purchased, as may be determined by the agency.

Office of the Revisor of Statutes

Administrative Rules

TITLE: Adopted Permanent Rules Relating to Home Ownership Assistance Fund; Down Payment Assistance Program

AGENCY: Minnesota Housing Finance Agency

MINNESOTA RULES: Chapter 4900

The attached rules are approved for filing with the Secretary of State

Carla M. Riehle
Assistant Revisor

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 Home Ownership Assistance Fund; Down Payment Assistance Program

Rules as Proposed

4900.1340 HOME OWNERSHIP ASSISTANCE FUND; DOWN PAYMENT ASSISTANCE.

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discretionary will their guidelines be consistent?

Approved by Revisor

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Home Ownership Assistance Fund; Down Payment Assistance Program

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 the Home Ownership Assistance Fund; Down Payment Assistance Program

NOTICE OF INTENT TO ADOPT RULES WITHOUT A PUBLIC HEARING

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

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

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

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

Authority for the adoption of these rules is contained in Minn. Stat. Sec. 462A.06, Subd. 4 and 11. Additionally, a Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rules, and that identifies the data and information relied upon to support the proposed rules has been prepared and is available from Kathleen J. Johnson upon request.

Upon adoption of the final rules without a public hearing, the proposed rules, this notice, the Statement of Need and Reasonableness, all written comments received, and the final rules as adopted will be delivered to a designee of the Attorney General for review as to form and legality, including the issue of substantial change, and to determine whether the agency has the authority to adopt the rules and

whether the record demonstrates a rational basis for the need for and reasonableness of the proposed rules. Persons who wish to receive notice of the date of submission of these rules to the Attorney General for review, or who wish to receive a free copy of the final rules as adopted, should make such requests to Kathleen J. Johnson.

A copy of the proposed rule is attached to this notice. Additional copies may be obtained by contacting Kathleen J. Johnson.

Please be advised that Minn. Stat. Ch. 10A.03 requires each lobbyist to register with the State Ethical Practices Board within five (5) days after he or she commences lobbying. A lobbyist is defined in Minn. Stat. Sec. 10A.01, Subd. 11 as any individual:

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

(b) Who spends more than $250.00, not including his own traveling expenses and membership dues, in any year for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.

The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 625 North Robert Street, St. Paul, Minnesota 55101-2520 (612) 296-5615.

Dated: March 10, 1989

James J. Solem
Commissioner

STATE OF MINNESOTA

MINNESOTA HOUSING FINANCE AGENCY

In the Matter of the Proposed
Permanent Rules Relating to the
Homeownership Assistance Fund;
Downpayment Assistance Program

Statement of Need and Reasonableness

4900.1340

Minnesota Statutes Section 462A.21, Subdivision 8, authorizes the Minnesota Housing Finance Agency (MHFA) to establish a Homeownership Assistance Fund (HAF) on terms and conditions it deems advisable to assist persons of low and moderate income in the purchase of affordable housing. The program has been established to assist eligible recipients in paying installments of eligible loans for affordable housing and in providing the required equity investment enabling such persons to purchase an affordable home.

Minnesota Rules 4900.1340 governs downpayment assistance that may be provided under HAF that enables eligible recipients to receive a portion of the required equity investment for a home to be financed under MHFA's mortgage revenue bond program. Current rules for the program were designed to work primarily with insured conventional mortgage loans. These rules provide that the amount of the downpayment assistance loan available under HAF shall equal the amount by which the sum of the downpayment, closing costs, expenses, and origination fees exceeds 5% of the purchase price of the dwelling, but such amount shall not exceed the lesser of 50% of the downpayment or $1,500. The language requiring a 5% cash investment was inserted specifically to meet the requirements of private mortgage insurance entities that insure high loan-to-value ratio mortgage loans. However, for a variety of reasons, the percentage of MHFA loans originated with private mortgage insurance has decreased from 100% to under 30% during the past three years. The vast majority of MHFA loans are now FHA insured.

In light of the above, and in light of the fact that a significant need has been observed among FHA borrowers for downpayment assistance, it is hereby proposed that the requirement that at least 5% of the purchase price of the dwelling be paid into the transaction be removed. Under the proposed rule, the amount of the downpayment assistance loan shall equal the maximum amount allowable under the applicable mortgage insurance program, but it shall not exceed the lesser of 50% of the downpayment or $1,500. This language will remove the restrictions under current rule that are specifically designed to meet the requirements of private mortgage insuring entities and will enable the downpayment assistance loan program to be more compatible

with FHA insured loans. However, the rule has also been designed so that the program may continue to meet the needs of insured conventional borrowers by requiring that downpayment assistance loans must meet the requirements of applicable mortgage insurance programs.

The proposed rule also clarifies the eligible costs and expenses for which the downpayment assistance loan may be used. However, as the costs and expenses connected with the downpayment and closing of a mortgage loan are varied and numerous, the rule does provide MHFA with the ability to identify the various costs and expenses to which the downpayment assistance loan may be applied.

MHFA is mindful of the provisions of Section 14.115 of Minnesota Statutes, entitled "Small Business Considerations in Rulemaking," but since the recipients of HAF loans under the proposed regulation must be natural persons and families of low and moderate income who purchase a home with a first mortgage from MHFA, the regulation does not affect small businesses directly, and the said law, by its terms, is inapplicable to this proposed regulation. Further, to the extent that HAF loans which are a subject of this regulation may have an indirect affect on small businesses, the affect of this proposed rule is to make such loans more capable of feasible underwriting and, consequently, more obtainable; and, as a result, the proposed rule has no negative affect on small businesses.

STATE OF MINNESOTA

COUNTY OF RAMSEY

In the Matter of the Proposed
Rules Relating to
the Home Ownership Assistance
Fund; Down Payment Assistance Program
Without a Public Hearing

AFFIDAVIT
OF MAILING

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

That on the 10th day of March, 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 March,
1989.

Susan K. Noren

Notary Public

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

MINNESOTA HOUSING FINANCE AGENCY

In the Matter of the Proposed
Rules Relating to the Home
Ownership Assistance Fund;
Down Payment Assistance Program

NOTICE OF INTENT TO
ADOPT RULES WITHOUT
A PUBLIC HEARING

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

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

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

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

Authority for the adoption of these rules is contained in Minn. Stat. Sec. 462A.06, Subd. 4 and 11. Additionally, a Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rules, and that identifies the data and information relied upon to support the proposed rules has been prepared and is available from Kathleen J. Johnson upon request.

Upon adoption of the final rules without a public hearing, the proposed rules, this notice, the Statement of Need and Reasonableness, all written comments received, and the final rules as adopted will be delivered to a designee of the Attorney General for review as to form and legality, including the issue of substantial change, and to determine whether the agency has the authority to adopt the rules and

whether the record demonstrates a rational basis for the need for and reasonableness of the proposed rules. Persons who wish to receive notice of the date of submission of these rules to the Attorney General for review, or who wish to receive a free copy of the final rules as adopted, should make such requests to Kathleen J. Johnson.

A copy of the proposed rule is attached to this notice. Additional copies may be obtained by contacting Kathleen J. Johnson.

Please be advised that Minn. Stat. Ch. 10A.03 requires each lobbyist to register with the State Ethical Practices Board within five (5) days after he or she commences lobbying. A lobbyist is defined in Minn. Stat. Sec. 10A.01, Subd. 11 as any individual:

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

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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: March 10, 1989

James J. Solem
Commissioner

Minnesota Housing Finance Agency

Proposed Permanent Rules Relating to Home Ownership Assistance Fund; Down Payment Assistance Program

Rules as Proposed

4900.1340 HOME OWNERSHIP ASSISTANCE FUND; DOWN PAYMENT ASSISTANCE.

The agency may provide interest-free down payment assistance loans to recipients eligible for ~~monthly~~ home ownership assistance who are determined, on the basis of normal credit procedures, to lack the cash or land equity necessary to pay the required down payment, plus closing costs, expenses, and origination fees on the dwelling to be purchased. The amount of the down payment assistance loan shall equal the maximum amount ~~by which the sum of the down payment, closing costs, expenses, and origination fees exceeds five percent of the purchase price of the dwelling~~ allowable under the applicable mortgage insurance program, but it shall not exceed the lesser of 50 percent of the down payment or $1,500. Down payment assistance may be used to pay a portion of the required down payment, closing costs, expenses, and origination fees on the dwelling to be purchased, as may be determined by the agency.

Approved by Revisor

7075.1400-.1530 (adopted) 1822
7075.2505; .2510; .2515; .2520; .2525; .2530; .2535; .2540; .2545; .2550 (adopted) 1690

Psychology Board

7200.0100; .0400; .1300; .1450; .2000; .3900; .4900 (proposed) 2041
7200.1400; .3600; .3800; .4800; .5200 s.6 (proposed repealer) 2041

Trade & Economic Development Department

7380.0100-.0130 (adopted) 1822
7380.0400; .0410; .0420; .0430; .0440; .0450; .0470; .0480 (adopted) 2155
7380.0410; .0420; .0430; .0440; .0460; .0480 (proposed) 2216
7380.0420 s.3 (proposed repealer) 2216
7380.0500; .0530; .0560; .0570; .0580; .0581; .0582 (proposed) 2214
7380.0570 s.2, 5 (proposed repealer) 2214
7380.0600; .0630; .0700; .0730; .0740 (proposed) 1993
7380.0600-.0650 (adopted) 1922
7380.0700-.0780 (adopted) 1922

Public Safety Department

7406.0100; .0300; .0500; .0700 (adopted) 1733
7406.0450 2091
7520.1000; .1100 (adopted) 1688
7530.0010; .0020; .0030; .0040; .0050; .0060 (proposed emergency) 1691

Public Service Department

7605.0010-.0080 (withdrawn proposed) 1852
7605.0010-.0080 (proposed) 1855
7605.0100; .0110; .0120; .0130; .0140; .0150; .0160 (adopted) 2154
7660.0010-.0090 (withdrawn proposed) 1851
7660.0010-.0090 (proposed) 1852

Minnesota Racing Commission

7869.0100;.7873.0300; .0550; 7877.0110; .0120; .0160; 7883.0100; .0120; 7890.0140; 7892.0120; 7895.0100; .0350; 7897.0100; 7899.0100 (proposed) 2209
7873.0300 s.4; 7890.0140 s.7-9 (proposed repealer) 2209

Telecommunication Access for Communications-Impaired Persons Board

8775.0100-.0080 (proposed) 2087

Unlicensed Mental Health Service Providers Board

9000.0050-.0200 (adopted emergency) 1924

Pollution Control (Waste Management Board)

9205.0600-.0608 (proposed) 2198
9220.0900-.0935 (adopted) 2220
9230.0010-.0050 (proposed) 2196

Human Services Department

9500.1090; .1095; .1100; .1130 (adopted) 1689
9500.1100 s.21a (repealed) 1689
9500.1206; .1232; .1257; .1262; .1266 (adopted) ... 1688 and 1735
9505.0175; .0260; .0323 (proposed) 2141
9500.1070 subparts 4, 6, and 23 (proposed repealer) 2141
9505.0500; .0510; .0520; .0521; .0522; .0530; .0540 (adopted) 1688
9505.0297; .0446 (adopted) 1861
9505.5000; .5005; .5010; .5015; .5035; .5040; .5050; .5055; .5060; .5065; .5070; .5075; .5080; .5090; .5096; .5100; .5105 (adopted) 1688
9505.5095 (repealed) 1688
9575.1500 (adopted) 1688

Proposed Rules

Pursuant to Minn. Stat. §§ 14.22, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing, as long as the agency determines that the rules will be noncontroversial in nature. The agency must first publish a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register.* The notice must advise the public:

1. **that they have 30 days in which to submit comment on the proposed rules;**
2. **that no public hearing will be held unless 25 or more persons make a written request for a hearing within the 30-day comment period;**
3. **of the manner in which persons shall request a hearing on the proposed rules; and**
4. **that the rule may be modified if the modifications are supported by the data and views submitted.**

If, during the 30-day comment period, 25 or more persons submit to the agency a written request for a hearing of the proposed rules, the agency must proceed under the provisions of §§ 14.14-14.20, which state that if an agency decides to hold a public hearing, it must publish a notice of intent in the *State Register*.

Pursuant to Minn. Stat. §§ 14.29 and 14.30, agencies may propose emergency rules under certain circumstances. Proposed emergency rules are published in the *State Register* and, for at least 25 days thereafter, interested persons may submit data and views in writing to the proposing agency.

Minnesota Housing Finance Agency

Proposed Permanent Rules Relating to Home Ownership Assistance Fund; Down Payment Assistance Program

Notice of Intent to Adopt Rules Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Housing Finance Agency ("agency") proposed 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 *Minnesota Statutes* 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 *Minnesota Statutes* 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
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Suite 300
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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 March 1989

James J. Solem
Commissioner

Rules as Proposed

4900.1340 HOME OWNERSHIP ASSISTANCE FUND; DOWN PAYMENT ASSISTANCE.

The agency may provide interest-free down payment assistance loans to recipients eligible for ~~monthly~~ home ownership assistance who are determined, on the basis of normal credit procedures, to lack the cash or land equity necessary to pay the required down payment, plus closing costs, expenses, and origination fees on the dwelling to be purchased. The amount of the down payment

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.

assistance loan shall equal the maximum amount ~~by which the sum of the down payment, closing costs, expenses, and origination fees exceeds five percent of the purchase price of the dwelling~~ allowable under the applicable mortgage insurance program, but it shall not exceed the lesser of 50 percent of the down payment or $1,500. Down payment assistance may be used to pay a portion of the required down payment, closing costs, expenses, and origination fees on the dwelling to be purchased, as may be determined by the agency.

Department of Labor and Industry

Occupational Safety and Health Division

Proposed Revisions to the Occupational Safety and Health Standards

Request for Comments

NOTICE IS HEREBY GIVEN that the Department of Labor and Industry, Occupational Safety and Health Division (Minnesota OSHA) proposes to adopt the following revision to the Department of Labor and Industry, Occupational Safety and Health Rules, as authorized under *Minnesota Statutes* § 182.655 (1988). This revision proposes the adoption by reference of an Occupational Safety and Health Standard that has already been proposed and adopted by the Federal Occupational Safety and Health Administration (Federal OSHA).

A complete copy of the federal standard proposed for adoption is available by writing: Occupational Safety and Health Division, Department of Labor and Industry, 443 Lafayette Road, St. Paul, Minnesota 55155-4307; or by calling (612) 297-3254.

Interested persons are hereby afforded a period of 30 days to submit written data or comments on the described standards. Any interested person may file with the Commissioner written objections to the proposed standard stating the grounds for those objections. Such person may request a public hearing on those objections. Written comments or requests for hearing should be sent to the above address and must include the name and address of the person submitting the comment or request, define the reason for the comment or hearing request, and discuss any proposed changes.

Ken Peterson, Commissioner
Department of Labor and Industry

Standards as Proposed

5205.0010 ADOPTION OF FEDERAL OCCUPATIONAL SAFETY AND HEALTH STANDARDS BY REFERENCE.

Subpart 1. Title 29. The Minnesota Department of Labor and Industry Occupational Safety and Health Codes and rules are amended by incorporating and adopting by reference, and thereby making a part thereof, Title 29 of the *Code of Federal Regulations* as listed in subparts 2 to 7.

Subp. 2. Part 1910. Part 1910: Occupational Safety and Health Standards as published in Volume 43, No. 206 of the *Federal Register* on October 24, 1978 and corrected in Volume 43, No. 216, November 7, 1989 which incorporates changes, additions, deletions, and corrections made up to November 7, 1978; and subsequent changes made prior to ~~November 30, 1988~~ February 1, 1989:

Items A through K. [Unchanged]

L. *Federal Register*, Volume 54:

(1) *Federal Register*, Vol. 54, No. 12, dated January 19, 1989; "Air Contaminants (1910.1000)—Final Rule."

Subp. 3 to 7. [Unchanged]

Summary of Standard: The following summary of the proposed standard is very brief, persons interested in reviewing this standard in its entirety may obtain a copy as noted above.

On January 19, 1989, Federal OSHA amended its existing Air Contaminants standard (29 CFR 1910.1000) including Tables Z-1, Z-2 and Z-3. This amendment makes more protective 212 Permissible Exposure Limits (PELs) listed in these three tables; sets new PELs for 164 substances not currently regulated by OSHA, and maintains other PELs unchanged. All of the revised PELs are included in a single new Table Z-1-A which also includes the existing PELs. (Table Z-1-A is designed to include all substances covered by this regulation whether or not the PEL has been changed and whether or not a separate rulemaking for the substance is involved.) Tables Z-2 and Z-3 are temporarily maintained since they contain limits which cannot conveniently be included in the format used in Table Z-1-A.

STATE OF MINNESOTA

MINNESOTA HOUSING FINANCE AGENCY

MAILING LIST CERTIFICATE

In the Matter of the Proposed
Rules Relating to
the Home Ownership Assistance
Fund; Down Payment Assistance Program
Without a Public Hearing

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

Kathleen J. Johnson

STATE OF MINNESOTA

MINNESOTA HOUSING FINANCE AGENCY

In the Matter of the Proposed
Rules Relating to
the Home Ownership Assistance Fund;
Down Payment Assistance Program
Without a Public Hearing

CERTIFICATE OF BOARD'S
RESOLUTION ADOPTING RULES

I, Robert A. Worthington, do hereby certify that I am Chairman of the Minnesota Housing Finance Agency, an agency duly authorized under the laws of the State of Minnesota, and that the following is a true, complete, and correct copy of a resolution adopted at a meeting of the Agency, duly and properly called and held on the 27th day of April, 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 the Home Ownership Assistance Fund; Down Payment Assistance Program attached hereto as Exhibit A be and they hereby are approved and adopted pursuant to authority vested in us by Minnesota Statutes Section 462A.06, Subdivisions 4 and 11 and that James J. Solem, Commissioner of the Agency, be and hereby is authorized to sign an order adopting these rules and further is authorized to perform the necessary acts to provide that these rules shall have the force and effect of law."

IN WITNESS WHEREOF, I have hereunto subscribed my name this 27th day of April, 1989.

Robert A. Worthington
Chairman

MINNESOTA HOUSING FINANCE AGENCY

May 10, 1989

Ms. Jacquelyn Albright
Attorney General's Office
515 Transportation Building
St. Paul, Minnesota 55155

RE: In the Matter of Proposed Rules Relating to the Home Ownership Assistance Fund, Down Payment Assistance Program

Dear Ms. Albright:

The Minnesota Housing Finance Agency ("MHFA") hereby resubmits the above-referenced rule for your review. Enclosed please find ~~four (4) copies of the rule as modified by the Revisor and~~ the MHFA's Supplemental Findings of Fact, Conclusions, and Order Adopting Rule Without a Public Hearing.

Please let me know if I can be of any further assistance.

Very truly yours,

William H. Kuretsky

William H. Kuretsky
Special Assistant Attorney General

WHK/kjj

Encs.

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Equal Opportunity Housing and Equal Opportunity Employment

STATE OF MINNESOTA

MINNESOTA HOUSING FINANCE AGENCY

In the Matter of the Proposed Adoption of the Rule of the Minnesota Housing Finance Agency Relating to the Home Ownership Assistance Fund; Down Payment Assistance Program	SUPPLEMENTAL FINDINGS OF FACT, CONCLUSIONS, AND ORDER ADOPTING RULE WITHOUT PUBLIC HEARING

This document supplements the FINDINGS OF FACT, CONCLUSIONS, AND ORDER ADOPTING RULE WITHOUT PUBLIC HEARING dated the 27th day of April, 1989, for the above-captioned matter.

Based upon the advice of the Attorney General's Office, the Minnesota Housing Finance Agency has withdrawn the above-entitled rule, and modified such rule by deleting the "as may be determined by the Agency", which was wording contained on line 23 of page 1 thereof, and inserting the wording "which are customary within the mortgage industry" in place thereof. The purpose and intent of such modification is to clarify the standard to be used.

NOW, THEREFORE, IT IS ORDERED that the rules identified as 4900.1340 and relating to the Home Ownership Assistance Fund; Down Payment Assistance Program, as modified, are adopted this 10th day of May, 1989, pursuant to authority vested in me by Minnesota Statutes, sections 462A.06 subd. 3 and 11 and a resolution of the Board of the Minnesota Housing Finance Agency dated the 27th day of April, 1989.

James J. Solem

James J. Solem, Commissioner

MINNESOTA HOUSING FINANCE AGENCY

FAX NUMBER: 612/29(139

FO

~~TELECOPIER~~ TRANSMISSION

DATE: 5/8/89 TIME:

PLEASE DELIVER THE FOLLOWING PAGES TO:

Jackie Albright

FROM: William Kuretsky

PHONE: 6-9806

TOTAL NUMBER OF PAGES 2, INCLUDING THIS TRANSMITTAL.

SPECIAL INSTRUCTIONS/MESSAGES:

Please review this proposed Supplemental Findings of Fact and let me know if it is acceptable. Thank you.

IF YOU DO NOT RECEIVE ANY OF THE FOLLOWING PAGES, PLEASE CONTACT US AT (612) 296-7608.

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Equal Opportunity Housing and Equal Opportunity Employment

STATE OF MINNESOTA

MINNESOTA HOUSING FINANCE AGENCY

In the Matter of the Proposed Adoption of the Rule of the Minnesota Housing Finance Agency Relating to the Home Ownership Assistance Fund; Down Payment Assistance Program	SUPPLEMENTAL FINDINGS OF FACT, CONCLUSIONS, AND ORDER ADOPTING RULE WITHOUT PUBLIC HEARING

This document supplements the FINDINGS OF FACT, CONCLUSIONS, AND ORDER ADOPTING RULE WITHOUT PUBLIC HEARING dated the 27th day of April, 1989, for the above-captioned matter.

Based upon the advice of the Attorney General's Office, the Minnesota Housing Finance Agency has withdrawn the above-entitled rule, and modified such rule by deleting the "as may be determined by the Agency", which was wording contained on line 23 of page 1 thereof, and inserting the wording "which are customary within the mortgage industry" in place thereof. The purpose and intent of such modification is to clarify the standard to be used.

NOW, THEREFORE, IT IS ORDERED that the rules identified as 4900.1340 and relating to the Home Ownership Assistance Fund; Down Payment Assistance Program, as modified, are adopted this _____ day of May, 1989, pursuant to authority vested in me by Minnesota Statutes, sections 462A.06 subd. 3 and 11 and a resolution of the Board of the Minnesota Housing Finance Agency dated the 27th day of April, 1989.

_____

James J. Solem, Commissioner

RECEIVED
MAY 0 9 '84
ATTORNEY GENERAL'S OFFICE
TRANSPORTATION BLDG
ST. PAUL, MN 55155

STATE OF MINNESOTA

MINNESOTA HOUSING FINANCE AGENCY

In the Matter of the Proposed Adoption of the Rule of the Minnesota Housing Finance Agency Relating to the Home Ownership Assistance Fund; Down Payment Assistance Program	FINDINGS OF FACT, CONCLUSIONS, AND ORDER ADOPTING RULE WITHOUT PUBLIC HEARING

Notice of the Board's intent to adopt the above-entitled rule was published in the State Register on March 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 March 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.

No submissions or comments on the rule were received by the agency. No requests for notice of submission to the attorney general were received by the agency.

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

The above-captioned rule is needed and reasonable.

NOW, THEREFORE, IT IS ORDERED that the rules identified as 4900.1340 and relating to the Home Ownership Assistance Fund; Down Payment Assistance Program are adopted this 27th day of April, 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 27th day of April, 1989.

James J. Solem, Commissioner

STATE OF MINNESOTA

MINNESOTA HOUSING FINANCE AGENCY

In the Matter of the Proposed Rules Relating to the Home Ownership Assistance Fund; Down Payment Assistance Program Without a Public Hearing

ORDER ADOPTING RULES

Notice of the Agency's intent to adopt the above-entitled rules without a public hearing was published in the State Register on March 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 March 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 the Home Ownership Assistance Fund; Down Payment Assistance Program are adopted this 27th day of April, 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 the Home Ownership Assistance Fund; Down Payment Assistance Program Without a Public Hearing

ORDER ADOPTING RULES

Notice of the Agency's intent to adopt the above-entitled rules without a public hearing was published in the State Register on March 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 March 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 the Home Ownership Assistance Fund; Down Payment Assistance Program are adopted this 27th day of April, 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 the Home Ownership Assistance Fund; Down Payment Assistance Program

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

It is ordered this 23th day of February, 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

STATE OF MINNESOTA

MINNESOTA HOUSING FINANCE AGENCY

In the Matter of the Proposed
Rules Relating to the Home
Ownership Assistance Fund;
Down Payment Assistance Program

DECLARATION OF
COUNSEL

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

Dated: 4/28/89

William H. Kuretsky
Special Assistant Attorney General

MINNESOTA HOUSING FINANCE AGENCY

May 8, 1989

Ms. Jacquelyn Albright
Attorney General's Office
515 Transportation Building
St. Paul, Minnesota 55155

RE: In the Matter of Proposed Rules Relating to the Home Ownership Assistance Fund, Down Payment Assistance Program

Dear Ms. Albright:

Please consider this letter as the Minnesota Housing Finance Agency's ("MHFA's") request to withdraw the above-referenced adopted rule for review by the Attorney General, in accordance with Section 14.26 of Minnesota Statutes, to permit MHFA to obtain a modification from the Revisor on line 23 of page 1 of the rule, to delete the words "as may be determined by the Agency", and insert in place thereof the words "which are customary within the mortgage industry".

The Agency will resubmit the rule for review at its earliest opportunity.

Sincerely,

William H. Kuretsky
Special Assistant Attorney General

WHK/kjj

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RECEIVED

MAY 08 89

ATTORNEY GENERAL'S OFFICE
615 TRANSPORTATION BLDG
ST. PAUL, MN 55155

MINNESOTA HOUSING FINANCE AGENCY

RECEIVED

April 28, 1989

MAY 01 89

ATTORNEY GENERAL'S OFFICE
515 TRANSPORTATION BLDG
ST. PAUL, MN 55155

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

RE: In the Matter of the Proposed Rules Relating to the Home Ownership Assitance Fund; Down Payment Assistance Program Without a Public Hearing

Dear Ms. Desmond:

Enclosed please find for your review pursuant to Minnesota Statutes Sections 14.21 through 14.28, the adopted rules of the Minnesota Housing Finance Agency.

The following materials are submitted to you for your review pursuant to Minnesota Rules, Part 2000.0400:

Rule as Adopted;

Order Adopting;

Certificate of Board's Resolution Adopting the Rule;

Order of Notice to Adopt Rule Without a Public Hearing;

Certificate of Agency's Authorizing Resolution;

Notice of Intent to Adopt Rule Without a Public Hearing;

Affidavit of Mailing Notice of Intent to Adopt a Rule Without a Public Hearing;

Mailing List Certificate;

Rule as Proposed;

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

Statement of Need and Reasonableness; and

Declaration of Counsel.

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The Agency did not publish a Notice of Intent to Solicit Outside Opinion in connection with this rule. No requests for a hearing were received during the 30 day comment period. The Agency did not receive any comments during the 30 day comment period, nor did it receive any requests from persons desiring notice of the date of submission of the proposed rule to the Attorney General. The Adopted rules are the same as the Proposed rules.

Sincerely,

James J. Solem
Commissioner

JJS/kjj

Encs.