

Minnesota Attorney General: Administrative Rules Proceedings

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SF-00006-05 (4/86)

STATE OF MINNESOTA

Office Memorandum

DEPARTMENT : ATTORNEY GENERAL

DATE : March 14, 1990

TO : JAMES J. SOLEM, Commissioner
HOUSING FINANCE AGENCY
400 Sibley Street, Suite 300 (55101)

FROM : CHARLENE HATCHER CH
Special Assistant Attorney General
525 Park Street, Suite 404 (55103)

PHONE : 296-9422

SUBJECT : In the Matter of the Adopted Permanent Rule
Relating to Urban Indian Housing Program

The above-referenced Permanent rule has been approved as to its legality by the Attorney General on March 11, 1990.

Enclosed is your copy of the approved rule. This office has already filed two copies with the Secretary of State, who will forward one copy to the Revisor of Statutes. The fourth is being retained by this division of the Attorney General's Office for its records.

Also enclosed are any petitions, requests, submissions or comments along with any extra copies of documents which you submitted to the Attorney General.

Your next step is to arrange for publication of the Notice of Adoption in the State Register. In a day or two, you should receive from the Revisor's Office three copies of the notice of adoption of your rule. You should submit two copies of the Notice of Adoption to the State Register for publication. A permanent rule without a hearing does not become effective until five days after a notice of adoption is published in the State Register in accordance with Minn. Stat. § 14.27. An emergency rule becomes effective five working days after approval by the Attorney General; however, the agency must publish a notice in the State Register in accordance with Minn. Stat. § 14.34.

If you have any questions in this regard please contact me.

CH:bbl
Enclosures
cc: William Brown, Chief Judge (memo only)
MaryAnn Hruby " "
William Kuretsky " "

Housing Finance Agency

Adopted Permanent Rules Relating to the Urban Indian Housing Program

Rules as Adopted

4900.1520 THE URBAN INDIAN HOUSING LOAN PROGRAM.

The urban Indian housing loan program provides loans for housing for American Indian persons and families residing in urban areas of the state. The program is implemented in whole or in part directly by the agency or through administrators selected by the agency. The eligible areas within the state of Minnesota are the metropolitan area as defined in Minnesota Statutes, section 473.121, subdivision 2, and any city with a population greater than 50,000 persons. To the extent practicable, the agency shall allocate urban Indian loan program funds equitably among eligible areas, based upon American Indian population estimates. However, the agency may also set aside a portion of program funds for alternative program components as described in part 4900.1580 without regard to a prescribed allocation formula. The agency maintains the authority to reallocate funds at its discretion based on varying loan demand.

4900.1574 LOW AND MODERATE INCOME UNDER URBAN INDIAN HOUSING LOAN PROGRAM.

For the purpose of the urban Indian housing loan program, "persons and families of low and moderate income" means recipients or beneficiaries of a mortgage loan whose income does not exceed 80 percent of the greater of the state or area median income as determined and adjusted from time to time by the United States Department of Housing and Urban Development.

4900.1580 ALTERNATIVE PROGRAM COMPONENTS.

The agency may consider alternative program components to provide unique housing opportunities under the program given the availability of additional resources with which to leverage

urban Indian housing loan program funds. The agency may directly administer the components, or may select an alternate administrator. An alternate administrator must be a nonprofit entity or local community as defined by part 4900.0010 or an Indian tribal organization eligible under parts 4900.0900 to 4900.1080. It is anticipated that the alternative program component will deal primarily with rental and rehabilitation of housing. An alternative program component may deal with a limited geographical area.

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED

MAR 14 1990

Joan Anderson Growe

Secretary of State

3:12 PM

APPROVED AS TO LEGALITY

March 11, 1990

HUBERT H. HUMPHREY, III
ATTORNEY GENERAL

BY Charlene H. Hatcher
SPECIAL ASSISTANT ATTORNEY GENERAL

CH

RULE REVIEW CHECKLIST

File No. 1676 Docket No. #05.0009.0450

DATE RECEIVED 2-28-90 ADOPTED W/O HEARING X

REVIEW DATE ~~2-28-90~~ 3-9-90 EMERGENCY RULE

DUE DATE ~~3-9-90~~ 3-14-90 To Revisor: 2-28-90

REVISOR APPROVED 3-7-90

APPROVED ~~3-14-90~~ 3-11-90 REVISOR DISAPPROVED

DISAPPROVED FILED W/SEC. OF STATE

WITHDRAWN RETURNED TO AGENCY

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4 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
Dec 21, 1989 Date adopted

✓ Proposed Rule
✓ Revisor's Certificate * no certificate Rec 3-6-90 PN

✓ Notice of Intent to Adopt Rule
462A.06 sub 4,11 Statutory Authority
- ~~Small Business Statement~~
- ~~Expenditure of public money statement~~

Jan 12, 1990 Signature

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

✓ Affidavit of Mailing Notice of Intent to Adopt Rule
Jan 12, 1990 Date 30/25 days before adoption
✓ Notice attached
- Copy of rule or summary attached

✓ Publication in State Register
Jan 16, 1990 Date 30/25 days before adoption

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

✓ Resolution Adopting
Feb 22, 1990 Date adopted

✓ Findings of Fact, Conclusions & Order Adopting
Feb 22, 1990 Date

~~Written requests, submissions or comments~~

Declaration of attorney
William Kuretsky Name of SAAG representing agency

~~Notice of Submission to Atty. Gen. (if applicable)~~

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

* Called Teresa on 3-2-90 Going to send it

Stat authority 462A.06 Subd 4 and 11

subd 4 Agency may make and ... rules not inconsistant with 462A.01 to 462A.24

subd 11 It may make and publish rules pursuant to chapter 14, respecting its mortgage lending ... and any such other rules as are necessary to effectuate its corporate purpose

Statement of need and Reasonableness should state why these rules are needed or reasonable. They may think it's self evident but I think they could have done a little bit more explanation even though the changes are minor.

State of Minnesota

Minnesota Housing Finance Agency

In the Matter of the Proposed Rules
Relating to Urban Indian Housing
Program

Statement of Need and Reasonableness

4900.0520, 4900.1574, and 4900.1580:

Minnesota Statutes, Section 462A.07, subdivision 17 establishes that the Minnesota Housing Finance Agency (Agency) may engage in housing programs for low and moderate income American Indians residing in designated metropolitan areas throughout the state. The statute further provides, in excerpt, that the program shall demonstrate innovative methods of providing housing for Urban Indians, shall, to the extent possible, combine appropriated money with other money from both public and private sources, and shall be flexible as to the entity that shall administer such programs. The statute also provides that the Agency shall consult with the Advisory Council on Urban Indians in the development of programs pursuant to the applicable subdivision.

Two amendments to the administrative rules governing the Urban Indian Housing Program are proposed herein. These changes are proposed pursuant to recent operating experience under the program and suggestions from the Advisory Council on Urban Indians.

Under the first proposed change to the rules, the Agency may set aside a portion of Urban Indian Housing program funds for special assistance programs without regard to a prescribed allocation formula. Currently, the administrative rules provide for an Agency administered program component and alternative program components which may be suggested by potential outside Urban Indian Housing Program administrators in accordance with these rules. Current rules in 4900.1520 and 4900.1580 specify that any allocation formula for Urban Indian Housing Program funds among eligible communities must be adjusted if funds are provided for alternative program components through outside administrators. Given that such proposals may be developed at any time, may require more or less funds than may be originally planned for under an allocation formula, and that the alternative component may be designed to serve Urban Indian families across community boundaries, more flexibility to allocate such funds was requested. As under the current rule, the Agency would continue to allocate funds equitably among eligible areas based upon American Indian population estimates. However, the proposed change to the rule would make it clear that alternative program components may be implemented within specific communities that would, in essence, provide for housing services across geographic areas.

The second proposed change to administrative rule 4900.1574 greatly simplifies the income limits under the program so that beneficiaries of the program must have incomes that do not exceed 80% of the greater of state or area median income as determined and adjusted from time to time by the United States Department of Housing and Urban Development. This change removes the cumbersome matrix that was previously in effect for the program and provides considerably more flexibility for special assistance applications of Urban Indian Housing Program funds. It is consistent with other recent administrative rules promulgated by the Agency. Under federal definitions of low and moderate income, any household with an income less than or equal to 80% of median income meets the definition of a "low income" individual.

The Agency is cognizant of the provisions of Section 14.115 of 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 Minnesota Statutes Section 14.115 (1986) do not apply to the proposed Rules discussed herein.

MINNESOTA
HOUSING
FINANCE
AGENCY

Celebrate
MINNESOTA 1990

February 26, 1990

Ms. Patricia Nolte
Legal Assistant
Public Finance Division
Attorney General
404 Capitol Office Building
525 Park Street
St. Paul, MN 55155

RE: In the Matter of the Proposed Rule Relating to The Urban Indian Housing Loan Program

Dear Ms. Nolte:

Enclosed please find for your review pursuant to Minnesota Statutes, Section 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 2010:

- Rule as Adopted;
- Certificate of Board's Resolution Adopting the Rule;
- Certificate of Agency's Authorizing Resolution;
- Notice of Intent to Adopt a Rule Without a Public Hearing;
- Affidavit of Mailing the Notice of Intent to Adopt a Rule Without a Public Hearing and Certificate of Mailing List;
- Rule as Proposed;
- Rule as published in State Register;
- Findings of Fact, Conclusions and Order Adopting the Rule Without a Public Hearing;
- Statement of Need and Reasonableness; and
- Declaration of Counsel.

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

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

MINNESOTA HOUSING FINANCE AGENCY
400 Sibley Street, Suite 300
St. Paul, Minnesota 55101-1998

RESOLUTION NO. MHFA 89-147

RESOLUTION AUTHORIZING ADOPTION OF RULES RELATING TO THE URBAN INDIAN HOUSING LOAN PROGRAM WITHOUT A PUBLIC HEARING

BE IT RESOLVED BY THE MINNESOTA HOUSING FINANCE AGENCY:

That James J. Solem, Commissioner, of the Minnesota Housing Finance Agency, is hereby granted the authority and directed to sign and to give the Notice of the Minnesota Housing Finance Agency's Intent to Adopt a rule without a public hearing governing the The Urban Indian Housing Loan Program to all persons who have registered their names with the Agency for that purpose and publish the Notice and rule in the State Register, and to perform any and all acts incidental thereto.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 21st day of December, 1989.

Chairman

CERTIFICATE OF THE

MINNESOTA HOUSING FINANCE AGENCY

AUTHORIZING RESOLUTION

I, Robert A. Worthington, do hereby certify that I am a member and the 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 21st day of December, 1989, that a quorum was present, and that a majority of those present voted for the resolution which has not been rescinded or modified.

> "RESOLVED, that James J. Solem, Commissioner of the Minnesota Housing Finance Agency, is hereby granted the authority and directed to sign and to give the Notice of the Minnesota Housing Finance Agency's Intent to Adopt a rule without a public hearing, governing the The Urban Indian Housing Loan Program to all persons who have registered their names with the Agency for that purpose and publish the Notice and rule in the State Register, and to perform any and all acts incidental thereto."

IN WITNESS WHEREOF, I have hereunto subscribed my name this 21st day of December, 1989.

Robert A. Worthington
Chairman

Demetrius G. Jelatis
Attest by one other Board Member

MINNESOTA HOUSING FINANCE AGENCY
400 Sibley Street, Suite 300
St. Paul, Minnesota 55101-1998

RESOLUTION NO. MHFA 90-15

RESOLUTION AUTHORIZING ADOPTION OF RULES RELATING TO THE URBAN INDIAN HOUSING LOAN PROGRAM WITHOUT A PUBLIC HEARING

BE IT RESOLVED BY THE MINNESOTA HOUSING FINANCE AGENCY:

That the rule relating to The Urban Indian Housing Loan Program is approved and adopted, pursuant to authority vested in the Agency by Minnesota Statutes 462A.06, Subd. 4 and 11. James J. Solem, the Commissioner of the Minnesota Housing Finance Agency is authorized to sign the findings of fact, conclusions, and order adopting the rule and further is authorized to modify the rule if necessary to obtain the approval of the rule by the attorney general and to perform the necessary acts to provide that the rule shall have the force and effect of law.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 22nd day of February, 1990.

Chairman

CERTIFICATE OF THE

MINNESOTA HOUSING FINANCE AGENCY

RESOLUTION ADOPTING THE RULE

I, Robert A. Worthington, do hereby certify that I am a member and the 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 property called and held on the 22nd day of February, 1990, that a quorum was present, and that a majority of those present voted for the resolution which has not been rescinded or modified.

> "RESOLVED, that the rule relating to The Urban Indian Housing Loan Program is approved and adopted, pursuant to authority vested in the Agency by Minnesota Statutes 462A.06, Subd. 4 and 11. James J. Solem, the Commissioner of the Minnesota Housing Finance Agency is authorized to sign the findings of fact, conclusions, and order adopting the rule and further is authorized to modify the rule if necessary to obtain the approval of the rule by the attorney general and to perform the necessary acts to provide that the rule shall have the force and effect of law."

IN WITNESS WHEREOF, I have hereunto subscribed my name this 22nd day of February, 1990.

Chairman

Attest by one other Board Member

MINNESOTA HOUSING FINANCE AGENCY

In the Matter of the Proposed Adoption of the Rule of the Minnesota Housing Finance Agency Governing the The Urban Indian Housing Loan Program

NOTICE OF INTENT TO ADOPT A RULE WITHOUT A PUBLIC HEARING

Notice is hereby given that the Minnesota Housing Finance Agency intends to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in Minnesota Statutes section 14.22 to 14.28. The statutory authority to adopt the rule is Minnesota Statutes 462A.06, Subd. 4 and 11.

All persons have 30 days in which to submit comment in support of or in opposition to the proposed rule or any part of subpart of the rule. Comment is encouraged. Each comment should identify the portion of the prosed rule addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. 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. If a public hearing is required, the agency will proceed pursuant to Minnesota Statutes, section 14.131 to 14.20.

Comments or written requests for a public hearing must be submitted to:

Susan K. Noren
Legal Division
Minnesota Housing Finance Agency
400 Sibley Street, Suite 300
St. Paul, Minnesota 55101-1998
Telephone: 612-296-9794

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

A copy of the proposed rule is attached to this notice.

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifies the date and information relied upon to support the proposed rule has been prepared and is available from Susan K. Noren upon request.

(9) If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General of who wish to receive a copy of the adopted rule, must submit the written request to Susan K. Noren.

Date: January 12, 1990

James J. Solem
Commissioner

General for review as to legality and form, to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit the written request to Wayne Arrowood.

Dated: 20 December 1989

Sister Mary Madonna Ashton
Commissioner of Health

Rules as Proposed

4690.5000 LAPSED CERTIFICATES.

An applicant may renew a lapsed certificate as follows:

A. within 12 months of the certificate expiration date, complete an approved emergency care refresher course and pass the written and practical examinations approved by the commissioner; ~~or~~

B. if more than 12 months have passed since the certificate expiration date, complete an approved emergency care course and pass the written and practical examinations approved by the commissioner~~.~~; or

C. petition the commissioner for reinstatement as a state-certified emergency medical technician upon successful completion of an emergency care refresher course approved by the commissioner. The applicant must provide evidence of registration with the National Registry of Emergency Medical Technicians or certification as a Minnesota emergency medical services technician. The registration or certification must have an expiration date before January 1, 1989. Proper evidence may consist of the following:

(1) a copy of an emergency medical technician-ambulance or nonambulance registration issued by the National Registry of Emergency Medical Technicians;

(2) a copy of a Minnesota emergency medical care certificate issued by the commissioner under part 4690.4600; or

(3) a statement from a training institution with an approved emergency care refresher course, that documents the applicant's past status as an emergency medical technician under subitems (1) and (2). This statement must be accompanied by written verification from the medical advisor or medical director and the chief administrative representative of an ambulance service licensed by the commissioner to operate within Minnesota.

This item expires August 1, 1994. Only applicants enrolled in an approved emergency care refresher course on or after April 27, 1989, may apply for reinstatement as a state certified emergency medical technician under this item.

Housing Finance Agency

Proposed Permanent Rules Relating to the Urban Indian Housing Program

Notice of Intent to Adopt a Rule Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Housing Finance Agency intends to adopt the above-entitled rule 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 rule is *Minnesota Statutes* 462A.06, Subd. 4 and 11.

All persons have 30 days in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. 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. If a public hearing is required, the agency will proceed pursuant to *Minnesota Statutes*, section 14.131 to 14.20.

Comments or written requests for a public hearing must be submitted to:

Susan K. Noren
Legal Division
Minnesota Housing Finance Agency
400 Sibley Street, Suite 300
St. Paul, Minnesota 55101-1998
Telephone: 612-296-9794

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

A copy of the proposed rule is attached to this notice.

A STATEMENT OF NEED AND REASONABLENESS that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from Susan K. Noren upon request.

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General or who wish to receive a copy of the adopted rule, must submit the written request to Susan K. Noren.

Dated: 12 January 1990

James J. Solem
Commissioner

Rules as Proposed

4900.1520 THE URBAN INDIAN HOUSING LOAN PROGRAM.

The urban Indian housing loan program provides loans for housing for American Indian persons and families residing in urban areas of the state. The program is implemented in whole or in part directly by the agency or through administrators selected by the agency. The eligible areas within the state of Minnesota are the metropolitan area as defined in *Minnesota Statutes*, section 473.121, subdivision 2, and any city with a population greater than 50,000 persons. To the extent practicable, the agency shall allocate urban Indian loan program funds equitably among eligible areas, based upon American Indian population estimates~~, but~~. However, the agency may also set aside a portion of program funds for alternative program components as described in part 4900.1580 without regard to a prescribed allocation formula. The agency maintains the authority to reallocate funds at its discretion based on varying loan demand.

4900.1574 LOW AND MODERATE INCOME UNDER URBAN INDIAN HOUSING LOAN PROGRAM.

For the purpose of the urban Indian housing loan program, "persons and families of low and moderate income" means recipients or beneficiaries of a ~~limited unit development~~ mortgage loan whose ~~adjusted~~ income does not exceed ~~the amount in the following tables:~~ 80 percent of the greater of the state or area median income as determined and adjusted from time to time by the United States Department of Housing and Urban Development.

~~A. Maximum adjusted income for loans for new construction:~~

~~(1) in the counties of Anoka, Carver, Chisago, Dakota, Hennepin, Ramsey, Scott, Washington, and Wright:~~

~~Mortgage Interest Rate~~	~~Maximum Adjusted Income~~
~~0 - 6.0%~~	~~$27,000~~
~~6.01 - 7.0%~~	~~$29,000~~
~~7.01 - 8.0%~~	~~$31,000~~
~~8.01 - 9.0%~~	~~$33,000~~
~~9.01 - 10.0%~~	~~$35,000~~

~~(2) in all other counties:~~

~~Mortgage Interest Rate~~	~~Maximum Adjusted Income~~
~~0 - 6.0%~~	~~$18,000~~
~~6.01 - 7.0%~~	~~$20,000~~
~~7.01 - 8.0%~~	~~$22,000~~

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.

8.01 - 9.0%	$24,000
9.01 - 10.0%	$26,000

B. Maximum adjusted income for loans for existing dwelling unit.

(1) in the counties of Anoka, Carver, Chisago, Dakota, Hennepin, Isanti, Ramsey, Scott, Washington, and Wright:

Mortgage Interest Rate	Maximum Adjusted Income
0 - 6.0%	$23,000
6.01 - 7.0%	$25,000
7.01 - 8.0%	$27,000
8.01 - 9.0%	$29,000
9.01 - 10.0%	$31,000

(2) in all other counties:

Mortgage Interest Rate	Maximum Adjusted Income
0 - 6.0%	$13,000
6.01 - 7.0%	$15,000
7.01 - 8.0%	$17,000
8.01 - 9.0%	$19,000
9.01 - 10.0%	$21,000

4900.1580 ALTERNATIVE PROGRAM COMPONENTS.

The agency may consider alternative program components to provide unique housing opportunities under the program given the availability of additional resources with which to leverage urban Indian housing loan program funds. The agency may directly administer the components, or may select an alternate administrator. An alternate administrator must be a nonprofit entity or local community as defined by part 4900.0010 or an Indian tribal organization eligible under parts 4900.0900 to 4900.1080. It is anticipated that the alternative program component will deal primarily with rental and rehabilitation of housing. An alternative program component may deal with a limited geographical area. but in this event the statewide allocation of urban Indian funds will be adjusted to reflect the direction of funds to the limited geographical area.

Department of Human Services

Correction to Proposed Permanent Rules Relating to Community Alternatives for Disabled Individuals

At least one copy of the Department of Human Services' notices and proposed rules relating to community alternatives for disabled individuals under age 65 published at *State Register* pages 1627 to 1646 on January 2, 1990 (CITE 14 S.R. 1627-1646) was printed with a blank page 1640. Below is a copy of page 1640.

Dated: 3 January 1990

9505.3095 FAMILY SUPPORT SERVICES.

Subpart 1. **Availability as CADI service.** Family support services that are the training and counseling services in items A and B are available under CADI. The services may be provided to the recipient as well as to persons with whom the recipient lives or who routinely are the recipient's informal caregivers.

A. Training must be designed to increase the recipient's or family member's ability to care for the recipient at home and must be necessary to avoid the recipient's admission to a nursing home. Training includes instruction about the use of equipment and treatment regimens that are specified in the recipient's care plan.

B. Counseling includes helping the recipient or members of the recipient's family with crises, coping strategies, and stress reduction as required for family functioning to maintain the recipient in the community.

In the Matter of the Proposed Adoption of the Rule of the Minnesota Housing Finance Agency Governing the The Urban Indian Housing Loan Program

AFFIDAVIT OF MAILING THE NOTICE OF INTENT TO ADOPT A RULE WITHOUT A PUBLIC HEARING AND CERTIFICATE OF MAILING LIST

State of Minnesota
County of Ramsey } ss.

Terese M. Fritchman, being sworn says:

I hereby certify that the list of persons and associations who have requested, pursuant to Minnesota Statutes sections 14.14, subdivision 1a and 14.22 or 14.30, that their names be placed on the Minnesota Housing Finance Agency rulemaking mailing list is accurate, complete, and current as of this January 12, 1990.

That on the January 12, 1990 at the City of St. Paul, County of Ramsey, State of Minnesota, I mailed the attached Notice of Intent to Adopt a Rule Without a Public Hearing by depositing in the United States mail, a copy thereof, with postage prepaid, to all persons and associations on the aforementioned mailing list.

Terese M. Fritchman

Terese M. Fritchman

Subscribed and sworn to before me this January 12, 1990.

Notary Public

STATE OF MINNESOTA

MINNESOTA HOUSING FINANCE AGENCY

In the Matter of the Proposed Adoption of the Rule of the Minnesota Housing Finance Agency Governing the The Urban Indian Housing Loan Program	FINDINGS OF FACT, CONCLUSIONS, AND ORDER ADOPTING RULE WITHOUT PUBLIC HEARING

(1) Notice of the Commissioner's intent to adopt the above-entitled rule was published in the State Register on January 16, 1990 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 1a and 14.22 on January 12, 1990. (2) 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.

(4) All persons were given the opportunity to submit comment on the rule for 30 days after notice of proposed rulemaking. (5) No requests for a public hearing on the rule were received by the Agency.

(7) 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:

(8) The above-captioned rule is needed and reasonable.

NOW, THEREFORE, IT IS ORDERED that the rule identified as 4900.0520, 4900.1574, and 4900.1580 is adopted this 22nd day of February, 1990, pursuant to authority vested in the Agency by Minnesota Statutes, sections 462A.06, subd. 4 and 11.

(9)

James J. Solem, Commissioner

In the Matter of the Adoption
of the Rule of the Minnesota
Housing Finance Agency
Governing the The Urban Indian
Housing Loan Program

DECLARATION
OF COUNSEL

I, William H. Kuretsky, Special Assistant Attorney General, do hereby declare that I have examined the above-captioned rule, and the supporting rulemaking record, and that, based on my examination, the Administrative Procedure Act and Minnesota Rules,chapter 2010 have been followed. Any exceptions are listed below. For Attorney General billing purposes, the four-digit docket client code is 0450.

William H. Kuretsky
Special Assistant Attorney General

Dated: February 26, 1990

Housing Finance Agency

Proposed Permanent Rules Relating to the Urban Indian Housing Program

Rules as Proposed

4900.1520 THE URBAN INDIAN HOUSING LOAN PROGRAM.

The urban Indian housing loan program provides loans for housing for American Indian persons and families residing in urban areas of the state. The program is implemented in whole or in part directly by the agency or through administrators selected by the agency. The eligible areas within the state of Minnesota are the metropolitan area as defined in Minnesota Statutes, section 473.121, subdivision 2, and any city with a population greater than 50,000 persons. To the extent practicable, the agency shall allocate urban Indian loan program funds equitably among eligible areas, based upon American Indian population estimates~~, but~~. However, the agency may also set aside a portion of program funds for alternative program components as described in part 4900.1580 without regard to a prescribed allocation formula. The agency maintains the authority to reallocate funds at its discretion based on varying loan demand.

4900.1574 LOW AND MODERATE INCOME UNDER URBAN INDIAN HOUSING LOAN PROGRAM.

For the purpose of the urban Indian housing loan program, "persons and families of low and moderate income" means recipients or beneficiaries of a ~~limited-unit-development~~ mortgage loan whose ~~adjusted~~ income does not exceed ~~the amount in the following tables:~~ 80 percent of the greater of the state or area median income as determined and adjusted from time to time by the United States Department of Housing and Urban Development.

~~A. Maximum adjusted income for loans for new construction:~~

Approved by Revisor

~~(1) in the counties of Anoka, Carver, Chisago, Dakota, Hennepin, Ramsey, Scott, Washington, and Wright:~~

Mortgage Interest Rate	Maximum Adjusted Income
~~0 - 6.0%~~	~~$27,000~~
~~6.01 - 7.0%~~	~~$29,000~~
~~7.01 - 8.0%~~	~~$31,000~~
~~8.01 - 9.0%~~	~~$33,000~~
~~9.01 - 10.0%~~	~~$35,000~~

~~(2) in all other counties:~~

Mortgage Interest Rate	Maximum Adjusted Income
~~0 - 6.0%~~	~~$18,000~~
~~6.01 - 7.0%~~	~~$20,000~~
~~7.01 - 8.0%~~	~~$22,000~~
~~8.01 - 9.0%~~	~~$24,000~~
~~9.01 - 10.0%~~	~~$26,000~~

~~B. Maximum adjusted income for loans for existing dwelling unit.~~

~~(1) in the counties of Anoka, Carver, Chisago, Dakota, Hennepin, Isanti, Ramsey, Scott, Washington, and Wright:~~

Mortgage Interest Rate	Maximum Adjusted Income
~~0 - 6.0%~~	~~$23,000~~
~~6.01 - 7.0%~~	~~$25,000~~
~~7.01 - 8.0%~~	~~$27,000~~
~~8.01 - 9.0%~~	~~$29,000~~
~~9.01 - 10.0%~~	~~$31,000~~

~~(2) in all other counties:~~

Mortgage Interest Rate	Maximum Adjusted Income
~~0 - 6.0%~~	~~$13,000~~
~~6.01 - 7.0%~~	~~$15,000~~
~~7.01 - 8.0%~~	~~$17,000~~
~~8.01 - 9.0%~~	~~$19,000~~
~~9.01 - 10.0%~~	~~$21,000~~

4900.1580 ALTERNATIVE PROGRAM COMPONENTS.

The agency may consider alternative program components to provide unique housing opportunities under the program given the availability of additional resources with which to leverage urban Indian housing loan program funds. The agency may directly administer the components, or may select an alternate administrator. An alternate administrator must be a nonprofit entity or local community as defined by part 4900.0010 or an Indian tribal organization eligible under parts 4900.0900 to

Approved by Revisor _____

4900.1080. It is anticipated that the alternative program component will deal primarily with rental and rehabilitation of housing. An alternative program component may deal with a limited geographical area~~, but in this event the statewide allocation of urban Indian funds will be adjusted to reflect the direction of funds to the limited geographical area~~.

Approved
by Revisor _____

Housing Finance Agency

Proposed Permanent Rules Relating to the Urban Indian Housing Program

Rules as Proposed

4900.1520 THE URBAN INDIAN HOUSING LOAN PROGRAM.

The urban Indian housing loan program provides loans for housing for American Indian persons and families residing in urban areas of the state. The program is implemented in whole or in part directly by the agency or through administrators selected by the agency. The eligible areas within the state of Minnesota are the metropolitan area as defined in Minnesota Statutes, section 473.121, subdivision 2, and any city with a population greater than 50,000 persons. To the extent practicable, the agency shall allocate urban Indian loan program funds equitably among eligible areas, based upon American Indian population estimates~~,-but~~. However, the agency may also set aside a portion of program funds for alternative program components as described in part 4900.1580 without regard to a prescribed allocation formula. The agency maintains the authority to reallocate funds at its discretion based on varying loan demand.

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For the purpose of the urban Indian housing loan program, "persons and families of low and moderate income" means recipients or beneficiaries of a ~~limited-unit-development~~ mortgage loan whose ~~adjusted~~ income does not exceed ~~the-amount in-the-following-tables:~~ 80 percent of the greater of the state or area median income as determined and adjusted from time to time by the United States Department of Housing and Urban Development.

~~A.--Maximum-adjusted-income-for-loans-for-new construction:~~

Approved by Revisor

~~(1) in the counties of Anoka, Carver, Chisago, Dakota, Hennepin, Ramsey, Scott, Washington, and Wright:~~

Mortgage Interest Rate	Maximum Adjusted Income
~~0---6.0%~~	~~$27,000~~
~~6.01---7.0%~~	~~$29,000~~
~~7.01---8.0%~~	~~$31,000~~
~~8.01---9.0%~~	~~$33,000~~
~~9.01--10.0%~~	~~$35,000~~

~~(2) in all other counties:~~

Mortgage Interest Rate	Maximum Adjusted Income
~~0---6.0%~~	~~$18,000~~
~~6.01---7.0%~~	~~$20,000~~
~~7.01---8.0%~~	~~$22,000~~
~~8.01---9.0%~~	~~$24,000~~
~~9.01--10.0%~~	~~$26,000~~

~~B. Maximum adjusted income for loans for existing dwelling unit.~~

~~(1) in the counties of Anoka, Carver, Chisago, Dakota, Hennepin, Isanti, Ramsey, Scott, Washington, and Wright:~~

Mortgage Interest Rate	Maximum Adjusted Income
~~0---6.0%~~	~~$23,000~~
~~6.01---7.0%~~	~~$25,000~~
~~7.01---8.0%~~	~~$27,000~~
~~8.01---9.0%~~	~~$29,000~~
~~9.01--10.0%~~	~~$31,000~~

~~(2) in all other counties:~~

Mortgage Interest Rate	Maximum Adjusted Income
~~0---6.0%~~	~~$13,000~~
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4900.1080. It is anticipated that the alternative program component will deal primarily with rental and rehabilitation of housing. An alternative program component may deal with a limited geographical area~~,-but-in-this-event-the-statewide allocation-of-urban-Indian-funds-will-be-adjusted-to-reflect-the direction-of-funds-to-the-limited-geographical-area.~~

Approved
by Revisor _____

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to the Urban Indian Housing Program

AGENCY: Housing Finance Agency

MINNESOTA RULES: Chapter 4900

The attached rules are approved for publication in the State Register

Carla M. Riehle
Assistant Revisor