

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

Barb make 2 copies of adopted Rules

MJC

RULE REVIEW CHECKLIST

File No. 1699

Docket No. 05.009.0450

DATE RECEIVED 5/23/90

ADOPTED W/O HEARING X

REVIEW DATE 6/1/90

EMERGENCY RULE _____

DUE DATE 6/6/90

TO REVISOR ON 5/23/90

REVISOR APPROVED 5-29-90

APPROVED 6-1-90 mjc

REVISOR DISAPPROVED _____

DISAPPROVED ✓

FILED W/SEC. OF STATE 6-5-90

WITHDRAWN _____

RETURNED TO AGENCY 6-5-90

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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

✓ Notice of Intent to Adopt Rule subd 4 and 11
- 462A.06 Statutory Authority
- NA Small Business Statement
- NA Expenditure of public money statement
- March 9, 1990 Signature

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

✓ Affidavit of Mailing Notice of Intent to Adopt Rule
- March 9, 1990 Date 30/25 days before adoption
- ✓ Notice attached
- _____ Copy of rule or summary attached

✓ Publication in State Register
- March 12, 1990 Date 30/25 days before adoption

✓ 180-day deadline from:
- NA Effective date of law requiring rule (14.12) (both rules) not mandatory
- ✓ end of comment period (§ 14.26) (rules without hearing)
- _____ effective date of statutory authority (§ 14.29) (emergency rules)

✓ Resolution Adopting
- April 26, 1990 Date adopted

✓ Findings of Fact, Conclusions & Order Adopting
- April 26, 1990 Date

_____ Written requests, submissions or comments

_____ Declaration of attorney
- Karl J. Herman Name of SAAG representing agency

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

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

SF-00006-05 (4/86)

DEPARTMENT : ATTORNEY GENERAL

STATE OF MINNESOTA

Office Memorandum

DATE : June 5, 1990

TO : JAMES J. SOLEM
Commissioner
Minnesota Housing Finance Agency

FROM : MARTHA J. CASSERLY
Special Assistant Attorney General
525 Park Street, Suite 500 (55103)

PHONE : 296-6839

SUBJECT : In the Matter of the Adopted Permanent Rules Relating to Capacity Building Grant Program

The above-referenced rule has been approved as to its legality by the Attorney General on June 1, 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/rlb
Enclosures
cc: William Brown, Chief Judge (memo only)
MaryAnn Hruby " "
Karl J. Herman " "

Minnesota Housing Finance Agency

Adopted Permanent Rules Relating to Capacity Building Grant Program

Rules as Adopted

CAPACITY BUILDING GRANT PROGRAM

4900.1931 SCOPE.

Parts 4900.1931 to 4900.1937 govern the implementation of the capacity building grant program.

4900.1932 DEFINITIONS.

Subpart 1. **Scope.** The terms used in parts 4900.1931 to 4900.1937 have the meaning given to them in this part.

Subp. 2. **Agency.** "Agency" means the Minnesota Housing Finance Agency created by Minnesota Statutes, sections 462A.01 to 462A.24.

Subp. 3. **Application.** "Application" means a submittal requesting a grant from the capacity building grant program.

Subp. 4. **Applicant.** "Applicant" means one or more entities that submit an application to the agency for a grant under the capacity building grant program.

Subp. 5. **Capacity building grant or grant.** "Capacity building grant" or "grant" means a disbursement of funds to an eligible applicant under the capacity building grant program.

Subp. 6. **Program.** "Program" means the capacity building grant program authorized by Minnesota Statutes, section 462A.21, subdivision 3b.

Subp. 7. **Project.** "Project" means the proposed use of grant funds as described by the applicant in the program application.

4900.1933 ELIGIBLE APPLICANTS.

To be eligible for selection as a recipient of a grant under this program, an applicant must be either:

A. a Minnesota nonprofit entity as defined in part

4900.0010, subpart 21, including, but not limited to, a housing and redevelopment authority established under Minnesota Statutes, sections 469.001 to 469.047, or a regional development commission established under Minnesota Statutes, section 462.387;

B. a town or home rule charter or statutory city in Minnesota; or

C. an Indian tribe, band, or community or Indian tribal organization as defined in part 4900.0900.

4900.1934 ELIGIBLE APPLICATIONS.

The applicant must provide an application in the form prescribed by the agency. At minimum, this application shall include the following:

A. documentation of the need for the project;

B. a description of the applicant's goals and objectives for the project;

C. a description of how the project will expand the applicant's capacity to provide housing and housing related services;

D. a complete description of the project including:

(1) a proposed budget for the project including how grant funds will be used and the other sources of funding sought or secured for the project; and

(2) a timetable for completion of the project; and

E. a description of the applicant's organization including the organization's past experience in providing housing related services, the types of services provided, and the composition of the organization's membership.

4900.1935 ELIGIBLE USES OF GRANT FUNDS.

Grants may be awarded to fund the following activities:

A. staff training;

B. studies and analyses of housing needs within the applicant's service area and the development of plans to meet those needs;

C. legal and other professional services associated with the establishment or incorporation of an organization as a provider of housing and housing related services; and

D. other activities that expand the capacity of the organization to meet housing needs in the applicant's service area.

4900.1936 SELECTION CRITERIA.

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

A. the need for the project as documented by the applicant;

B. the geographic area to be served, to the extent that a distribution of grant funds throughout the state can be achieved;

C. the extent to which the project will expand the applicant's ability to provide affordable housing and housing related services;

D. the extent to which grant funds are combined with other sources of funding, particularly funds from local resources;

E. the amount of the grant request as a proportion of the total amount of grant funds available, to the extent that funds can be used to support several different projects;

F. the ability of the applicant to proceed expeditiously with the project;

G. the prior experience of the applicant in providing housing and housing related services to low income people; and

H. the extent to which the organization has low income persons in its membership.

4900.1937 FUNDING PRIORITY.

Funding priority shall be given to those applicants:

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B. have provided housing related services to low

income persons; and

C. demonstrate a local commitment of local resources, which may include in-kind contributions.

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
JUN - 5 1990
Secretary of State

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED

JUN - 5 1990

Joan Anderson Growe

Secretary of State

9:00 AM

APPROVED AS TO FORM AND LEGALITY

June 1 19 90

HUBERT H. HUMPHREY, III
ATTORNEY GENERAL

BY M J Cassedy

SPECIAL ASSISTANT ATTORNEY GENERAL

MINNESOTA HOUSING FINANCE AGENCY

Celebrate MINNESOTA 1990

15)
May ~~10~~, 1990

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

Re: In the Matter of the Proposed Rule Relating to Capacity Building Grant Program

Dear Ms. Nolte:

I have enclosed 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 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 received no comments during the 30-day comment period, and it received no 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.

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

If you have any questions call Susan K. Noren at 296-9794.

Sincerely,

James J. Solem
Commissioner

JJS:skn
Encs.

CAPACITY BUILDING GRANT PROGRAM
STATEMENT OF NEED AND REASONABLENESS

Minnesota Statutes (1989), Section 462A.21 Subdivision 3b establishes that the Minnesota Housing Finance Agency (Agency) may make grants to eligible organizations to expand their capacity to provide affordable housing and housing related services. An appropriation of $100,000 was authorized to fund this program. The proposed rule has been developed under the above referenced statute.

Proposed Minnesota Rules Part 4900.1931 (Scope) describes the scope of parts 4900.1931 to 4900.1937 as they apply to the Agency's Capacity Building Grant Program.

Proposed Minnesota Rules Part 4900.1932 (Definitions) provides definitions under these rules.

Proposed Minnesota Rules Part 4900.1933 (Eligible Applicants) defines those entities that are eligible to receive grant funds as stated in the statute and existing Agency regulations applicable to it. Regional Development Commissions (RDCs) are specifically mentioned because in some regions of the state RDCs are the most active entities in assessing housing needs.

Proposed Minnesota Rules Part 4900.1934 (Eligible Applications) specifies what information, at minimum, will be required as part of an applicant's request for grant funds. The information required under this rule is that which is reasonable and necessary for the Agency to determine the applicant's need for the grant funds and to assess the applicant's ability to successfully complete the proposed project.

Proposed Minnesota Rules Part 4900.1935 (Eligible Uses of Grant Funds) specifies what activities may be funded under the program. Section B is taken directly from the statute. The other eligible uses of funds under this rule are activities which reasonably expand an organization's ability to provide necessary housing and housing related services.

Proposed Minnesota Rules Part 4900.1936 (Selection Criteria) defines the criteria to be used by the Agency when awarding grant funds. These criteria are reasonable and necessary to ensure that the limited funds provided under this program are used to meet the housing needs of a community, assist projects that are economically viable, support projects throughout the state, and expand the capacity of the applicant to continue providing housing related services.

Proposed Minnesota Rules Part 4900.1937 (Funding Priority) is taken directly from the statute.

The Agency is cognizant of the provisions of Section 14.115 of Minnesota Statutes, entitled "Small Business Considerations in Rulemaking," but since the recipients of the grants under the proposed regulation must be nonprofit entities, local units of government, housing and redevelopment authorities, regional development commissions, or Indian tribes or tribal organizations, the regulation does not affect small businesses directly, and the said law, by its terms, is inapplicable to the proposed regulation. Further, to the extent that the grants which are the subject of this regulation may have an ultimate and indirect effect effect on small businesses, the effect is to make the construction and rehabilitation of low and moderate income housing more capable of feasible underwriting and, accordingly, more obtainable; and, as a result, the proposed rules have no negative effect on small businesses.

MINNESOTA HOUSING FINANCE AGENCY

In the Matter of the Proposed Adoption of the Rule of the Minnesota Housing Finance Agency Governing the Capacity Building Grant Program

NOTICE OF INTENT TO ADOPT A RULE WITHOUT A PUBLIC HEARING

(1) 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.

(2) 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. (3) 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. (4) 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. (6) 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. (7) If a public hearing is required, the agency will proceed pursuant to Minnesota Statutes, sections 14.131 to 14.20.

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

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

(8) 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.

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

(12) 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.

(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 or who wish to receive a copy of the adopted rule, must submit the written request to Susan K. Noren.

Date: March 9, 1990

James J. Solem
Commissioner

Minnesota Housing Finance Agency

Proposed Permanent Rules Relating to Capacity Building Grant Program

Rules as Proposed (all new material)

CAPACITY BUILDING GRANT PROGRAM

4900.1931 SCOPE.

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Approved by Revisor

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Approved
by Revisor _____

C. legal and other professional services associated with the establishment or incorporation of an organization as a provider of housing and housing related services; and

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4900.1936 SELECTION CRITERIA.

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Approved by Revisor _____

income persons; and

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Approved
by Revisor _____

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Capacity Building Grant 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

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 Capacity Building Grant 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

ATTEST BY ONE OTHER BOARD MEMBER

MINNESOTA HOUSING FINANCE AGENCY
400 Sibley Street
St. Paul, Minnesota 55101

RESOLUTION NO. MHFA 90-56

RESOLUTION AUTHORIZING ADOPTION OF RULES RELATING TO CAPACITY BUILDING GRANT PROGRAM WITHOUT A PUBLIC HEARING

BE IT RESOLVED BY THE MINNESOTA HOUSING FINANCE AGENCY:

That the rule relating to Capacity Building Grant 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 26th day of April, 1990.

Chairman

Minnesota Housing Finance Agency

Adopted Permanent Rules Relating to Capacity Building Grant Program

Rules as Adopted

CAPACITY BUILDING GRANT PROGRAM

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income persons; and

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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 properly called and held on the 26th day of April, 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 Capacity Building Grant Program is approved and adopted, purusant 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 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 26th day of April, 1990.

Chairman

Attest by one other Board member.

In the Matter of the Proposed Adoption of the Rule of the Minnesota Housing Finance Agency Governing the Capacity Building Grant Program

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

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

Susan K. Noren, 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 9th day of March, 1990

That on the 9th day of March, 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.

Susan K. Noren
Office Services Supervisor

Subscribed and sworn to before me this 9th day of March, 1990.

Notary Public

DIANE SKELLY-BAULEKE
NOTARY PUBLIC — MINNESOTA
HENNEPIN COUNTY
My commission expires 2-24-94

Minnesota Housing Finance Agency

Proposed Permanent Rules Relating to Capacity Building Grant Program

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(2) a timetable for completion of the project; and

E. a description of the applicant's organization including the organization's past experience in providing housing related services, the types of services provided, and the composition of the organization's membership.

4900.1935 ELIGIBLE USES OF GRANT FUNDS.

Grants may be awarded to fund the following activities:

A. staff training;

B. studies and analyses of housing needs within the applicant's service area and the development of plans to meet those needs;

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by Revisor _____

C. legal and other professional services associated with the establishment or incorporation of an organization as a provider of housing and housing related services; and

D. other activities that expand the capacity of the organization to meet housing needs in the applicant's service area.

4900.1936 SELECTION CRITERIA.

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

A. the need for the project as documented by the applicant;

B. the geographic area to be served, to the extent that a distribution of grant funds throughout the state can be achieved;

C. the extent to which the project will expand the applicant's ability to provide affordable housing and housing related services;

D. the extent to which grant funds are combined with other sources of funding, particularly funds from local resources;

E. the amount of the grant request as a proportion of the total amount of grant funds available, to the extent that funds can be used to support several different projects;

F. the ability of the applicant to proceed expeditiously with the project;

G. the prior experience of the applicant in providing housing and housing related services to low income people; and

H. the extent to which the organization has low income persons in its membership.

4900.1937 FUNDING PRIORITY.

Funding priority shall be given to those applicants:

A. that include low income persons in their membership;

B. have provided housing related services to low

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income persons; and

C. demonstrate a local commitment of local resources, which may include in-kind contributions.

Approved
by Revisor _____

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Capacity Building Grant 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

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 Capacity Building Grant 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*, sections 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: 9 March 1990

James J. Solem
Commissioner

Rules as Proposed (all new material)

CAPACITY BUILDING GRANT PROGRAM

4900.1931 SCOPE.

Parts 4900.1931 to 4900.1937 govern the implementation of the capacity building grant program.

4900.1932 DEFINITIONS.

Subpart 1. **Scope.** The terms used in parts 4900.1931 to 4900.1937 have the meaning given to them in this part.

Subp. 2. **Agency.** "Agency" means the Minnesota Housing Finance Agency created by *Minnesota Statutes*, sections 462A.01 to 462A.24.

Subp. 3. **Application.** "Application" means a submittal requesting a grant from the capacity building grant program.

Subp. 4. **Applicant.** "Applicant" means one or more entities that submit an application to the agency for a grant under the capacity building grant program.

Subp. 5. **Capacity building grant or grant.** "Capacity building grant" or "grant" means a disbursement of funds to an eligible applicant under the capacity building grant program.

Subp. 6. **Program.** "Program" means the capacity building grant program authorized by *Minnesota Statutes*, section 462A.21, subdivision 3b.

Subp. 7. **Project.** "Project" means the proposed use of grant funds as described by the applicant in the program application.

4900.1933 ELIGIBLE APPLICANTS.

To be eligible for selection as a recipient of a grant under this program, an applicant must be either:

A. a Minnesota nonprofit entity as defined in part 4900.0010, subpart 21, including, but not limited to, a housing and redevelopment authority established under *Minnesota Statutes*, sections 469.001 to 469.047, or a regional development commission established under *Minnesota Statutes*, section 462.387;

B. a town or home rule charter or statutory city in Minnesota; or

C. an Indian tribe, band, or community or Indian tribal organization as defined in part 4900.0900.

4900.1934 ELIGIBLE APPLICATIONS.

The applicant must provide an application in the form prescribed by the agency. At minimum, this application shall include the following:

A. documentation of the need for the project;

B. a description of the applicant's goals and objectives for the project;

C. a description of how the project will expand the applicant's capacity to provide housing and housing related services;

D. a complete description of the project including:

(1) a proposed budget for the project including how grant funds will be used and the other sources of funding sought or secured for the project; and

(2) a timetable for completion of the project; and

E. a description of the applicant's organization including the organization's past experience in providing housing related services, the types of services provided, and the composition of the organization's membership.

4900.1935 ELIGIBLE USES OF GRANT FUNDS.

Grants may be awarded to fund the following activities:

A. staff training;

B. studies and analyses of housing needs within the applicant's service area and the development of plans to meet those needs;

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.

C. legal and other professional services associated with the establishment or incorporation of an organization as a provider of housing and housing related services; and

D. other activities that expand the capacity of the organization to meet housing needs in the applicant's service area.

4900.1936 SELECTION CRITERIA.

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

A. the need for the project as documented by the applicant;

B. the geographic area to be served, to the extent that a distribution of grant funds throughout the state can be achieved;

C. the extent to which the project will expand the applicant's ability to provide affordable housing and housing related services;

D. the extent to which grant funds are combined with other sources of funding, particularly funds from local resources;

E. the amount of the grant request as a proportion of the total amount of grant funds available, to the extent that funds can be used to support several different projects;

F. the ability of the applicant to proceed expeditiously with the project;

G. the prior experience of the applicant in providing housing and housing related services to low income people; and

H. the extent to which the organization has low income persons in its membership.

4900.1937 FUNDING PRIORITY.

Funding priority shall be given to those applicants:

A. that include low income persons in their membership;

B. have provided housing related services to low income persons; and

C. demonstrate a local commitment of local resources, which may include in-kind contributions.

Minnesota Housing Finance Agency

Proposed Permanent Rules Relating to Capacity Building Revolving 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* 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*, sections 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.

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 Capacity Building Grant Program

FINDINGS OF FACT, CONCLUSIONS, AND ORDER ADOPTING RULE WITHOUT PUBLIC HEARING

(1) Notice of the Commissioner's intent to adopt the above rule was published in the State Register on March 12, 1990 and was sent by United States mail to all persons on the list maintained by the agency pursuant to Minnesota Statutes, sections 14.14, subd. 1a and 14.22 on March 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 comments 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 rule is needed and reasonable.

NOW, THEREFORE, IT IS ORDERED that the rule identified as 4900.4900.1931 through 4900.1937 is adopted this 26th day of April, 1990, pursuant to authority vested in the agency by Minnesota Statutes, sections 462A.06, subd. 4 and 11.

James J. Solem, Commissioner

In the Matter of the Adoption
of the Rule of the Minnesota
Housing Finance Agency
Governing the Capacity
Building Grant Program

DECLARATION
OF COUNSEL

I, Karl J. Herman, Special Assistant Attorney General, do hereby declare that I have examined the above 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.

Karl J. Herman
Special Assistant Attorney General

Dated: April 26, 1990