

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

Barb make 2 more copies of adopted rules MJC

RULE REVIEW CHECKLIST

File No. 1701

Docket No. 50.0009.0450

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 5-27-30

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WITHDRAWN _____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
- 462A.06 Statutory Authority subd 4 and 11
- NA Small Business Statement
- NA Expenditure of public money statement
- March 9, 1990 Signature

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

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

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

✓ 180-day deadline from:
- N/A 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
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)

F

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) MJC

PHONE : 296-6839

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

Rules as Adopted

CAPACITY BUILDING REVOLVING LOAN PROGRAM

4900.1925 SCOPE.

Parts 4900.1925 to 4900.1930 govern the implementation of the capacity building revolving loan program.

4900.1926 DEFINITIONS.

Subpart 1. **Scope.** The terms used in parts 4900.1925 to 4900.1930 have the meaning given 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 loan from the capacity building revolving loan program.

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

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

Subp. 6. **Program.** "Program" means the capacity building revolving loan program as authorized by Minnesota Statutes, section 462A.21, subdivision 3a.

Subp. 7. **Project.** "Project" means the housing to be developed by the applicant as described in the program application.

4900.1927 ELIGIBLE APPLICANTS.

To be eligible for selection as a recipient of a loan 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; or

B. a town or home rule charter or statutory city in the state of Minnesota.

4900.1928 ELIGIBLE APPLICATIONS.

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

A. a complete description of the project including:

(1) a statement of the applicant's goals and objectives for the project;

(2) a description of the site;

(3) a description of the construction or rehabilitation to be completed; and

(4) a description of the population for which the housing is being developed;

B. a proposed budget for the project including:

(1) a budget for the development of the project showing all development costs;

(2) a budget for the operation of the project showing all anticipated operating costs, the proposed rents, and other sources of income; and

(3) sources of funding sought or secured for the project;

C. a proposed budget for the use of loan funds received from the capacity building revolving loan program; and

D. a proposed timetable for the project, including a schedule for repayment of loan funds.

4900.1929 ELIGIBLE USES OF LOAN FUNDS.

All expenses must be reimbursable under the sources of

financing proposed for the project. The following are eligible uses of loan funds:

A. architectural, engineering, or related professional services required in the preparation of construction or rehabilitation plans, drawings, or write-ups;

B. costs of processing and closing the financing for a project such as lender origination fees, credit reports, fees for title insurance, fees for recording and filing legal documents, attorney's fees, and appraisal fees;

C. costs of contracting with a consultant and in-house staff costs related to the planning, processing, or preparation of a project proposal. Costs must be documentable, directly related to a specific project, and tied to a recoverable source of funds at closing;

D. studies and analyses of housing needs related to a particular housing project, including market feasibility studies;

E. earnest money or option deposits on land and buildings; and

F. other activities necessary to finance, design, or plan a specific housing project for low- and moderate-income residents prior to the construction or rehabilitation of the project.

4900.1930 SELECTION CRITERIA.

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

A. the likelihood of repayment of the loan funds, as determined by standard underwriting procedures of the agency;

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

C. the cost and quality of the proposed housing;

D. the extent to which the proposed project meets the housing needs of the community;

E. the extent to which the project will build the

organization's capacity to provide housing and housing related services; and

F. the geographic distribution of loan funds, to the extent that loan funds can be used to assist projects throughout the state.

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 9:00 AM

Secretary of State

APPROVED AS TO FORM AND LEGALITY

June 1 1990

HUBERT H. HUMPHREY, III
ATTORNEY GENERAL

BY MJ Cassedy

SPECIAL ASSISTANT ATTORNEY GENERAL

MINNESOTA HOUSING FINANCE AGENCY

Celebrate MINNESOTA 1990

May ~~10~~ 15, 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 Revolving Loan 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.

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

Sincerely,

James J. Solem
Commissioner

JJS:skn
Encs.

Findings of Fact
indicate Notice was mailed on
March 12, 1990 - affidavit indicates
March 9, 1990

Stat Authority

low-income families; (b) selling rehabilitated dwellings to homeless individuals families or very low-income families; or (c) selling, leasing, or conveying to organizations that will manage the dwelling for rental to homeless individuals and families very low-income families. These organizations may include organizations awarded grants under section 268.39. The homeless individuals or families or very low-income families that may purchase dwellings under (b) must have incomes that are equal to less than 30 percent of the median income for the Minneapolis-St. Paul metropolitan area.

Eligible mortgagors must demonstrate that the grants awarded under this section will not exceed 50 percent of the project's total cost. A project's total cost includes, but is not limited to, acquisition costs, rehabilitation costs, and related costs. In cases where the property is donated, the acquisition costs are the prerehabilitated estimated market value as established for property tax purposes. Donated property may be used to satisfy the match requirement.

History: *1971 c 702 s 5; 1973 c 515 s 11-19; 1974 c 441 s 8-10; 1976 c 254 s 3-6; 1977 c 401 s 4-8; 1979 c 50 s 60; 1979 c 327 s 1-3; 1980 c 579 s 20; 1980 c 593 s 1-3; 1981 c 614 s 149; 1981 c 306 s 5-8; 1981 c 356 s 238,248; 1982 c 424 s 130; 1983 c 185 s 1; 1983 c 289 s 115 subd 1; 1983 c 301 s 204-206; 1984 c 654 art 2 s 128; 1985 c 248 s 1; 1Sp1985 c 13 s 334-338; 1986 c 444; 1987 c 312 art 1 s 26 subd 2; 1987 c 350 s 2-6; 1987 c 384 art 2 s 98; 1987 c 404 s 175; 1988 c 542 s 2,3; 1988 c 689 art 2 s 234*

462A.06 GENERAL POWERS OF THE AGENCY.

Subdivision 1. For the purpose of exercising the specific powers granted in section 462A.05 and effectuating the other purposes of sections 462A.01 to 462A.24, the agency shall have the general powers granted in this section.

Subd. 2. It may sue and be sued.

Subd. 3. It may have a seal and alter the same at will.

Subd. 4. It may make, and from time to time, amend and repeal rules inconsistent with the provisions of sections 462A.01 to 462A.24.

Subd. 5. It may acquire, hold and dispose of personal property for its corporate purposes.

Subd. 6. It may enter into agreements or other transactions with any federal state agency, any person and any domestic or foreign partnership, corporation, association or organization.

Subd. 7. It may, subject to the provisions of section 462A.05, subdivision 1, acquire real or personal property, or an interest therein, including partnership interests in housing-related partnerships, on either a temporary or long-term basis in its own name, by purchase, exchange, gift, assignment, transfer, foreclosure, deed in lieu of foreclosure, lease, assignment of lease or otherwise, including rights or easements in real property; (2) own, hold, manage, operate, clear, improve, and rehabilitate any personal property; and (3) sell, assign, lease, encumber, mortgage, or otherwise dispose of any real or personal property, or any interest in that property, or mortgage or security interest owned by it or under its control, custody, or in its possession, release or relinquish any right, title, claim, lien, interest, easement, or demand however acquired, including any equity or right of redemption in property foreclosed by it, and do any of the foregoing by public or private sale, with or without public bidding, notwithstanding the provisions of any other law.

Subd. 8. It may sell, at public or private sale, any note, mortgage or other instrument or obligation evidencing or securing a loan, including a certificate evidencing an interest in one or more loans. The agency may, in connection with such sale, retain the right or obligation to collect the principal and interest on the loan, enter into commitments for timely remittal of the principal and interest, or to provide other services as described in the certificate.

Subd. 9. It may procure insurance against any loss in connection with its property in such amounts, and from such insurers, as may be necessary or desirable.

Subd. 10. It may consent, whenever it deems it necessary or desirable in the fulfillment of its corporate purpose, to the modification of the rate of interest, time of payment or any installment of principal or interest, or any other term, of any mortgage loan, mortgage loan commitment, construction loan, temporary loan, contract or agreement of any kind to which the agency is a party.

Subd. 11. It may make and publish rules pursuant to chapter 14 respecting its mortgage lending, construction lending, rehabilitation lending, grants, and temporary lending, and any such other rules as are necessary to effectuate its corporate purpose, and may adopt emergency rules to implement demonstration programs for the financing of residential housing.

Subd. 12. It may borrow money to carry out and effectuate its corporate purpose and may issue its bonds or notes as evidence of any such borrowing in accordance with sections 462A.08 to 462A.17.

Subd. 13. [Repealed, 1973 c 515 s 40]

Subd. 14. [Repealed, 1973 c 515 s 40]

Subd. 15. [Repealed, 1973 c 515 s 40]

Subd. 16. [Repealed, 1973 c 515 s 40]

History: *1971 c 702 s 6; 1973 c 35 s 75; 1973 c 515 s 20,21; 1974 c 441 s 11; 1980 c 593 s 4; 1982 c 424 s 130; 1983 c 185 s 7; 1984 c 640 s 32; 1985 c 248 s 70; 1987 c 350 s 7,8*

462A.065 FINANCIAL INFORMATION.

Financial information, including but not limited to credit reports, financial statements and net worth calculations, received or prepared by the agency regarding any agency loan or grant and the name of each individual who is the recipient of an agency grant are private data on individuals, pursuant to section 13.02, subdivision 12.

History: *1977 c 401 s 9; 1981 c 311 s 39; 1982 c 545 s 24*

462A.07 ADDITIONAL POWERS AND DUTIES OF THE AGENCY.

Subdivision 1. In addition to the powers granted in sections 462A.05 and 462A.06 the agency shall have the further powers granted in this section.

Subd. 2. It may provide general technical services to assist in the planning, processing, design, construction or rehabilitation, and inspection of residential housing for occupancy by persons and families of low and moderate income.

Subd. 3. It may provide general consultative project assistance services for residential housing for occupancy by persons and families of low and moderate income and for the residents thereof with respect to management, training and social services, homeownership counseling and continuing technical home maintenance services.

Subd. 3a. It shall make available technical assistance to potential applicants to encourage applications for multifamily housing projects which afford residents participation in the ownership or management of the project.

Subd. 4. It may promote research and development in scientific methods of constructing low cost residential housing of high durability.

Subd. 5. It may enter into agreements with sponsors, mortgagors, or the issuers of securities for the purpose of regulating the planning, development, and management of housing projects financed in whole or in part by the proceeds of eligible loans or eligible securities purchased by the agency.

Subd. 5a. It may enter into agreements with housing and redevelopment authorities or other appropriate local governmental units to foster multifamily housing rehabilitation and shall act to develop the agreements. It may give advance reservations of mortgage financing and federal rent subsidies as part of the agreements, with the understanding that the agency will only approve the mortgage loans pursuant to normal procedures, and may adopt special procedures designed to meet problems inherent in a program of multifamily housing rehabilitation. The agreements may include the

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

RESOLUTION NO. MHFA 90-57

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

BE IT RESOLVED BY THE MINNESOTA HOUSING FINANCE AGENCY:

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

Chairman

Minnesota Housing Finance Agency

Adopted Permanent Rules Relating to Capacity Building Revolving Loan Program

Rules as Adopted

CAPACITY BUILDING REVOLVING LOAN PROGRAM

4900.1925 SCOPE.

Parts 4900.1925 to 4900.1930 govern the implementation of the capacity building revolving loan program.

4900.1926 DEFINITIONS.

Subpart 1. **Scope.** The terms used in parts 4900.1925 to 4900.1930 have the meaning given 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 loan from the capacity building revolving loan program.

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

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

Subp. 6. **Program.** "Program" means the capacity building revolving loan program as authorized by Minnesota Statutes, section 462A.21, subdivision 3a.

Subp. 7. **Project.** "Project" means the housing to be developed by the applicant as described in the program application.

4900.1927 ELIGIBLE APPLICANTS.

To be eligible for selection as a recipient of a loan 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; or

B. a town or home rule charter or statutory city in the state of Minnesota.

4900.1928 ELIGIBLE APPLICATIONS.

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

A. a complete description of the project including:

(1) a statement of the applicant's goals and objectives for the project;

(2) a description of the site;

(3) a description of the construction or rehabilitation to be completed; and

(4) a description of the population for which the housing is being developed;

B. a proposed budget for the project including:

(1) a budget for the development of the project showing all development costs;

(2) a budget for the operation of the project showing all anticipated operating costs, the proposed rents, and other sources of income; and

(3) sources of funding sought or secured for the project;

C. a proposed budget for the use of loan funds received from the capacity building revolving loan program; and

D. a proposed timetable for the project, including a schedule for repayment of loan funds.

4900.1929 ELIGIBLE USES OF LOAN FUNDS.

All expenses must be reimbursable under the sources of

financing proposed for the project. The following are eligible uses of loan funds:

A. architectural, engineering, or related professional services required in the preparation of construction or rehabilitation plans, drawings, or write-ups;

B. costs of processing and closing the financing for a project such as lender origination fees, credit reports, fees for title insurance, fees for recording and filing legal documents, attorney's fees, and appraisal fees;

C. costs of contracting with a consultant and in-house staff costs related to the planning, processing, or preparation of a project proposal. Costs must be documentable, directly related to a specific project, and tied to a recoverable source of funds at closing;

D. studies and analyses of housing needs related to a particular housing project, including market feasibility studies;

E. earnest money or option deposits on land and buildings; and

F. other activities necessary to finance, design, or plan a specific housing project for low- and moderate-income residents prior to the construction or rehabilitation of the project.

4900.1930 SELECTION CRITERIA.

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

A. the likelihood of repayment of the loan funds, as determined by standard underwriting procedures of the agency;

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

C. the cost and quality of the proposed housing;

D. the extent to which the proposed project meets the housing needs of the community;

E. the extent to which the project will build the

organization's capacity to provide housing and housing related services; and

F. the geographic distribution of loan funds, to the extent that loan funds can be used to assist projects throughout the state.

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 Revolving Loan 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.

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 Revolving 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

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

Rules as Proposed (all new material)

CAPACITY BUILDING REVOLVING LOAN PROGRAM

4900.1925 SCOPE.

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Approved by Revisor CMR

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D. a proposed timetable for the project, including a schedule for repayment of loan funds.

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All expenses must be reimbursable under the sources of

Approved
by Revisor _____

financing proposed for the project. The following are eligible uses of loan funds:

A. architectural, engineering, or related professional services required in the preparation of construction or rehabilitation plans, drawings, or write-ups;

B. costs of processing and closing the financing for a project such as lender origination fees, credit reports, fees for title insurance, fees for recording and filing legal documents, attorney's fees, and appraisal fees;

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D. studies and analyses of housing needs related to a particular housing project, including market feasibility studies;

E. earnest money or option deposits on land and buildings; and

F. other activities necessary to finance, design, or plan a specific housing project for low- and moderate-income residents prior to the construction or rehabilitation of the project.

4900.1930 SELECTION CRITERIA.

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

A. the likelihood of repayment of the loan funds, as determined by standard underwriting procedures of the agency;

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

C. the cost and quality of the proposed housing;

D. the extent to which the proposed project meets the housing needs of the community;

E. the extent to which the project will build the

Approved
by Revisor _____

organization's capacity to provide housing and housing related services; and

F. the geographic distribution of loan funds, to the extent that loan funds can be used to assist projects throughout the state.

Approved
by Revisor _____

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Capacity Building Revolving Loan 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

In the Matter of the Proposed Adoption of the Rule of the Minnesota Housing Finance Agency Governing the Capacity Building Revolving 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)
) 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

Susan K. Noren
Office Services Supervisor

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

Diane Skelly-Bauleke

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 Revolving Loan Program

Rules as Proposed (all new material)

CAPACITY BUILDING REVOLVING LOAN PROGRAM

4900.1925 SCOPE.

Parts 4900.1925 to 4900.1930 govern the implementation of the capacity building revolving loan program.

4900.1926 DEFINITIONS.

Subpart 1. **Scope.** The terms used in parts 4900.1925 to 4900.1930 have the meaning given 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 loan from the capacity building revolving loan program.

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

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

Subp. 6. **Program.** "Program" means the capacity building revolving loan program as authorized by Minnesota Statutes, section 462A.21, subdivision 3a.

Subp. 7. **Project.** "Project" means the housing to be developed by the applicant as described in the program application.

4900.1927 ELIGIBLE APPLICANTS.

To be eligible for selection as a recipient of a loan under

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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; or

B. a town or home rule charter or statutory city in the state of Minnesota.

4900.1928 ELIGIBLE APPLICATIONS.

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

A. a complete description of the project including:

(1) a statement of the applicant's goals and objectives for the project;

(2) a description of the site;

(3) a description of the construction or rehabilitation to be completed; and

(4) a description of the population for which the housing is being developed;

B. a proposed budget for the project including:

(1) a budget for the development of the project showing all development costs;

(2) a budget for the operation of the project showing all anticipated operating costs, the proposed rents, and other sources of income; and

(3) sources of funding sought or secured for the project;

C. a proposed budget for the use of loan funds received from the capacity building revolving loan program; and

D. a proposed timetable for the project, including a schedule for repayment of loan funds.

4900.1929 ELIGIBLE USES OF LOAN FUNDS.

All expenses must be reimbursable under the sources of

Approved by Revisor

financing proposed for the project. The following are eligible uses of loan funds:

A. architectural, engineering, or related professional services required in the preparation of construction or rehabilitation plans, drawings, or write-ups;

B. costs of processing and closing the financing for a project such as lender origination fees, credit reports, fees for title insurance, fees for recording and filing legal documents, attorney's fees, and appraisal fees;

C. costs of contracting with a consultant and in-house staff costs related to the planning, processing, or preparation of a project proposal. Costs must be documentable, directly related to a specific project, and tied to a recoverable source of funds at closing;

D. studies and analyses of housing needs related to a particular housing project, including market feasibility studies;

E. earnest money or option deposits on land and buildings; and

F. other activities necessary to finance, design, or plan a specific housing project for low- and moderate-income residents prior to the construction or rehabilitation of the project.

4900.1930 SELECTION CRITERIA.

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

A. the likelihood of repayment of the loan funds, as determined by standard underwriting procedures of the agency;

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

C. the cost and quality of the proposed housing;

D. the extent to which the proposed project meets the housing needs of the community;

E. the extent to which the project will build the

Approved
by Revisor _____

organization's capacity to provide housing and housing related services; and

F. the geographic distribution of loan funds, to the extent that loan funds can be used to assist projects throughout the state.

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Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Capacity Building Revolving Loan 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

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.

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 REVOLVING LOAN PROGRAM

4900.1925 SCOPE.

Parts 4900.1925 to 4900.1930 govern the implementation of the capacity building revolving loan program.

4900.1926 DEFINITIONS.

Subpart 1. **Scope.** The terms used in parts 4900.1925 to 4900.1930 have the meaning given 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 loan from the capacity building revolving loan program.

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

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

Subp. 6. **Program.** "Program" means the capacity building revolving loan program as authorized by *Minnesota Statutes*, section 462A.21, subdivision 3a.

Subp. 7. **Project.** "Project" means the housing to be developed by the applicant as described in the program application.

4900.1927 ELIGIBLE APPLICANTS.

To be eligible for selection as a recipient of a loan 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; or

B. a town or home rule charter or statutory city in the state of Minnesota.

4900.1928 ELIGIBLE APPLICATIONS.

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

A. a complete description of the project including:

(1) a statement of the applicant's goals and objectives for the project;

(2) a description of the site;

(3) a description of the construction or rehabilitation to be completed; and

(4) a description of the population for which the housing is being developed;

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.

B. a proposed budget for the project including:

(1) a budget for the development of the project showing all development costs;

(2) a budget for the operation of the project showing all anticipated operating costs, the proposed rents, and other sources of income; and

(3) sources of funding sought or secured for the project;

C. a proposed budget for the use of loan funds received from the capacity building revolving loan program; and

D. a proposed timetable for the project, including a schedule for repayment of loan funds.

4900.1929 ELIGIBLE USES OF LOAN FUNDS.

All expenses must be reimbursable under the sources of financing proposed for the project. The following are eligible uses of loan funds:

A. architectural, engineering, or related professional services required in the preparation of construction or rehabilitation plans, drawings, or write-ups;

B. costs of processing and closing the financing for a project such as lender origination fees, credit reports, fees for title insurance, fees for recording and filing legal documents, attorney's fees, and appraisal fees;

C. costs of contracting with a consultant and in-house staff costs related to the planning, processing, or preparation of a project proposal. Costs must be documentable, directly related to a specific project, and tied to a recoverable source of funds at closing;

D. studies and analyses of housing needs related to a particular housing project, including market feasibility studies;

E. earnest money or option deposits on land and buildings; and

F. other activities necessary to finance, design, or plan a specific housing project for low- and moderate-income residents prior to the construction or rehabilitation of the project.

4900.1930 SELECTION CRITERIA.

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

A. the likelihood of repayment of the loan funds, as determined by standard underwriting procedures of the agency;

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

C. the cost and quality of the proposed housing;

D. the extent to which the proposed project meets the housing needs of the community;

E. the extent to which the project will build the organization's capacity to provide housing and housing related services; and

F. the geographic distribution of loan funds, to the extent that loan funds can be used to assist projects throughout the state.

Adopted Rules

The adoption of a rule becomes effective after the requirements of Minn. Stat. §14.14-14.28 have been met and five working days after the rule is published in *State Register*, unless a later date is required by statutes or specified in the rule.

If an adopted rule is identical to its proposed form as previously published, a notice of adoption and a citation to its previous *State Register* publication will be printed.

If an adopted rule differs from its proposed form, language which has been deleted will be printed with strikeouts and new language will be underlined. The rule's previous *State Register* publication will be cited.

An emergency rule becomes effective five working days after the approval of the Attorney General as specified in Minn. Stat. §14.33 and upon the approval of the Revisor of Statutes as specified in §14.36. Notice of approval by the Attorney General will be published as soon as practicable, and the adopted emergency rule will be published in the manner provided for adopted rules under §14.18.

Minnesota Housing Finance Agency

Adopted Permanent Rules Relating to Home Equity Conversion Counseling Program

The rules proposed and published at *State Register*, Volume 14, Number 25, pages 1415-1417, December 18, 1989 (14 S.R. 1415) are adopted as proposed.

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 Revolving Loan 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.

(9) NOW, THEREFORE, IT IS ORDERED that the rule identified as 4900.4900.1925 through 4900.1930 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

CAPACITY BUILDING REVOLVING LOAN FUND
STATEMENT OF NEED AND REASONABLENESS

Minnesota Statutes (1989) Section 462A.21 Subdivision 3a established that the Minnesota Housing Finance Agency (Agency) may establish a revolving loan fund for predevelopment costs for eligible organizations engaged in the construction or rehabilitation of low and moderate income housing. The statute was passed to assist nonprofit housing providers and local government units to expand their capacity to provide affordable housing to low and moderate income households. The Agency has committed $750,000 from its reserves to fund this program. The proposed rule has been developed under the above referenced statute.

Proposed Minnesota Rules Part 4900.1925 (Scope) describes the scope of Part 4900.1925 to Part 4900.1930 as they apply to the Agency's Capacity Building Revolving Loan Program.

Proposed Minnesota Rules Part 4900.1926 (Definitions) provide definitions under these rules.

Proposed Minnesota Rules Part 4900.1927 (Eligible Applicants) defines what entities are eligible to apply for loan funds as specified under the statute and existing Agency regulations applicable to it.

Proposed Minnesota Rules Part 4900.1928 (Eligible Applications) outlines the information that must be provided in the application for loan funds. The information required is that which is both reasonable and necessary for the Agency to determine the financial viability of the proposed project, the degree to which the proposed project addresses local housing needs, and the likelihood that the funds provided to an applicant will be repaid so that they can be used to assist other projects.

Proposed Minnesota Rules Part 4900.1929 (Eligible Uses of Loan Funds) specifies the eligible uses of loan funds. The statute states that the fund may be used for predevelopment costs and makes reference to several sections of the Agency's statute to designate other purposes that may be assisted by the fund. This rule defines specific activities which are reasonable and necessary to undertake during the predevelopment stages of a housing project for low and moderate income persons.

Proposed Minnesota Rules 4900.1930 (Selection Criteria) provides the criteria to be used by the Agency when selecting applicants to receive loan funds under the program. These criteria are reasonable and necessary to ensure that the loan funds provided by the program are used to address the housing needs of a community, support economically feasible projects, and assist projects throughout the state.

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 loans under the proposed regulation must be nonprofit entities, local units of government, housing and redevelopment authorities, or regional development commissions, 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 loans which are the subject of this regulation may have an ultimate and indirect 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.

In the Matter of the Adoption
of the Rule of the Minnesota
Housing Finance Agency
Governing the Capacity
Building Revolving Loan 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

Minnesota Housing Finance Agency

Adopted Permanent Rules Relating to Capacity Building Revolving Loan Program

Rules as Adopted

CAPACITY BUILDING REVOLVING LOAN PROGRAM

4900.1925 SCOPE.

Parts 4900.1925 to 4900.1930 govern the implementation of the capacity building revolving loan program.

4900.1926 DEFINITIONS.

Subpart 1. **Scope.** The terms used in parts 4900.1925 to 4900.1930 have the meaning given them in this part.

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

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Subp. 6. **Program.** "Program" means the capacity building revolving loan program as authorized by Minnesota Statutes, section 462A.21, subdivision 3a.

Subp. 7. **Project.** "Project" means the housing to be developed by the applicant as described in the program application.

4900.1927 ELIGIBLE APPLICANTS.

To be eligible for selection as a recipient of a loan 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; or

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4900.1928 ELIGIBLE APPLICATIONS.

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

A. a complete description of the project including:

(1) a statement of the applicant's goals and objectives for the project;

(2) a description of the site;

(3) a description of the construction or rehabilitation to be completed; and

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B. a proposed budget for the project including:

(1) a budget for the development of the project showing all development costs;

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C. a proposed budget for the use of loan funds received from the capacity building revolving loan program; and

D. a proposed timetable for the project, including a schedule for repayment of loan funds.

4900.1929 ELIGIBLE USES OF LOAN FUNDS.

All expenses must be reimbursable under the sources of

financing proposed for the project. The following are eligible uses of loan funds:

A. architectural, engineering, or related professional services required in the preparation of construction or rehabilitation plans, drawings, or write-ups;

B. costs of processing and closing the financing for a project such as lender origination fees, credit reports, fees for title insurance, fees for recording and filing legal documents, attorney's fees, and appraisal fees;

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D. the extent to which the proposed project meets the housing needs of the community;

E. the extent to which the project will build the

organization's capacity to provide housing and housing related services; and

F. the geographic distribution of loan funds, to the extent that loan funds can be used to assist projects throughout the state.

Minnesota Housing Finance Agency

Adopted Permanent Rules Relating to Capacity Building Revolving Loan Program

Rules as Adopted

CAPACITY BUILDING REVOLVING LOAN PROGRAM

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D. the extent to which the proposed project meets the housing needs of the community;

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organization's capacity to provide housing and housing related services; and

F. the geographic distribution of loan funds, to the extent that loan funds can be used to assist projects throughout the state.