

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

DEPARTMENT: Office of the Attorney General

STATE OF MINNESOTA

OFFICE MEMORANDUM

DATE: October 25, 1990

TO: SUSAN K. NOREN
Minnesota Housing Finance Agency

FROM: CHARLENE HATCHER
Special Assistant Attorney General
525 Park Street, Suite 500 (55103)

PHONE: 296-9422

SUBJECT: In the Matter of the Adopted Rule Relating to Temporary Housing Program

The above-referenced rule has been approved as to its legality by the Attorney General on November 22, 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 tne 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:sc
Enclosures
cc: William Brown, Chief Judge
MaryAnn Hruby
Karl Herman

CH

RULE REVIEW CHECKLIST

File No. 1745
DATE RECEIVED 10-8-90
REVIEW DATE 10-17-90
DUE DATE 10-22-90
(DIS)APPROVED 10-22-90
WITHDRAWN _____

Docket No. 05 0009 0450
ADOPTED W/O HEARING _____
EMERGENCY RULE _____
TO REVISOR ON 10-12-90
REVISOR (DIS)APPROVED _____
FILED W/SEC. OF STATE _____
RETURNED TO AGENCY _____

✓ Rule as adopted (4 copies)

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

✓ Petition for Adoption of a Rule

✓ Board's Authorizing Resolution
June 28, 1990 Date adopted

✓ Proposed Rule
✓ Revisor's Certificate

✓ Notice of Intent to Adopt Rule
462A.06 subd 4+11 Statutory Authority
_____ Small Business Statement
_____ Expenditure of public money statement
August 10, 1990 Signature

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

✓ Affidavit of Mailing Notice of Intent to Adopt Rule
August 10, 1990 Dated 30/25 days before adoption
_____ Notice attached indicates it is attached
_____ Copy of rule or summary attached

✓ Publication in State Register
August 13, 1990 Date 30/25 days before adoption

✓ 180-day deadline from:
✓ Effective date of law requiring rule (14.12) (both rules) amendments don't apply
✓ end of comment period (§ 14.26) (rules without hearing)
_____ effective date of statutory authority (§ 14.29) (emergency rules)

✓ Resolution Adopting
Sept 27, 1990 Date adopted

✓ Findings of Fact, Conclusions & Order Adopting
September 27, 1990 Date

_____ Written Requests, Submissions or Comments

✓ Declaration of Attorney
Kal Herman Name of SAAG representing agency

_____ Notice of Submission to Attorney General (if applicable)

_____ Affidavit of Mailing Notice to Attorney General (if applicable)

Minnesota Housing Finance Agency

Adopted Permanent Rules Relating to Temporary Housing Program

Rules as Adopted

4900.1701 DEFINITIONS.

[For text of subps 1 to 6, see M.R.]

Subp. 7. **Support services.** "Support services" means a service that identifies the needs of individuals for independent living, develops an individualized plan to achieve independent living, and arranges or provides for the appropriate educational, social, legal, advocacy, child care, employment, financial, or information and referral services to meet these needs.

Subp. 8. **Temporary housing.** "Temporary housing" means housing provided for a limited duration not exceeding 24 months and available for occupancy on a continuous 24-hour basis.

[For text of subp 9, see M.R.]

APPROVED AS TO LEGALITY
October 22, 1990
HUBERT H. HUMPHREY, III
ATTORNEY GENERAL
BY Charlene H. Hatcher
SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
OCT 24 1990
Joan Anderson Growe
Secretary of State
3:36 P.M.
M

Stat Authority
462A.06 subd 4 and 11

... The agency shall have the general powers granted in this section.

subd 4 It may make, and from time to time, amend and repeal rules not inconsistant with the provisions of sections 462A.01 to 462A.24

subd 11 It may make and publish rules pursuant to chapter 14 respecting its mortgage lending, construction...

Minnesota Housing Finance Agency

Proposed Permanent Rules Relating to Temporary Housing Program

Rules as Proposed

4900.1701 DEFINITIONS.

[For text of subps 1 to 6, see M.R.]

Subp. 7. **Support services.** "Support services" means ~~an assessment~~ a service that identifies the needs of individuals for independent living, develops an individualized plan to achieve independent living, and arranges or provides for the appropriate educational, social, legal, advocacy, child care, employment, financial, or information and referral services to meet these needs.

Subp. 8. **Temporary housing.** "Temporary housing" means housing provided for a limited duration not exceeding ~~six~~ 24 months and available for occupancy on a continuous 24-hour basis.

[For text of subp 9, see M.R.]

Approved by Revisor

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Temporary Housing Program

AGENCY: Minnesota Housing Finance Agency

MINNESOTA RULES: Chapter 4900

The attached rules are approved for publication in the State Register

Carla M. Riehle
Assistant Revisor

MINNESOTA HOUSING FINANCE AGENCY

In the Matter of the Proposed Adoption of the Rule of the Minnesota Housing the Minnesota Housing Finance Agency Governing the Temporary Housing 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 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 portin 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 withint 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
400 Sibley St., Suite 300
St. Paul, MN 55101-1998
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 an 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 rs 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: August 10, 1990

James J. Solem
Commissioner

Minnesota Housing Finance Agency

Proposed Permanent Rules Relating to Temporary Housing Program

Rules as Proposed

4900.1701 DEFINITIONS.

[For text of subps 1 to 6, see M.R.]

Subp. 7. **Support services.** "Support services" means ~~an assessment~~ a service that identifies the needs of individuals for independent living, develops an individualized plan to achieve independent living, and arranges or provides for the appropriate educational, social, legal, advocacy, child care, employment, financial, or information and referral services to meet these needs.

Subp. 8. **Temporary housing.** "Temporary housing" means housing provided for a limited duration not exceeding ~~six~~ 24 months and available for occupancy on a continuous 24-hour basis.

[For text of subp 9, see M.R.]

Approved by Revisor

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Temporary Housing Program

AGENCY: Minnesota Housing Finance Agency

MINNESOTA RULES: Chapter 4900

The attached rules are approved for publication in the State Register

Carla M. Riehle
Assistant Revisor

Subp. 5. **Grant.** "Grant" means a disbursement of funds to an eligible applicant under the program.

Subp. 6. **Mental illness.** "Mental illness" has the meaning given in *Minnesota Statutes*, section 245.462, subdivision 20.

Subp. 7. **Program.** "Program" means the rental housing program for persons with mental illness as authorized by *Minnesota Statutes*, section 462A.21, subdivision 8c.

Subp. 8. **Project.** "Project" means the proposed use of grant funds as described by the applicant in the program application.

4900.3020 ELIGIBLE RECIPIENTS.

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

A. a nonprofit social service provider that provides community-based support services to persons with mental illness and living independently; or

B. a local unit of government that provides supportive services to persons with mental illness living independently.

4900.3030 ELIGIBLE APPLICATIONS.

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

A. a description of the proposed use of the funds;

B. a description of appropriate supportive services available to the recipient;

C. a description of the intended target group;

D. a proposed administrative structure to efficiently provide the funds to the landlord on behalf of an individual recipient; and

E. a description of the applicant's organization including the organization's past experience in providing housing or support services to persons with mental illness, the structure of the organization, and the types of services provided.

4900.3040 ELIGIBLE USES OF GRANT FUNDS.

Grants may be awarded to fund direct rental subsidies for housing. Funds shall be advanced by the agency to the provider who will provide the subsidy to the landlord on behalf of the individual recipient.

4900.3050 SELECTION CRITERIA.

The agency shall take the following criteria into consideration when determining which applications will be selected for a grant under the program:

A. the applicant's prior experience in working with persons with mental illness and prior experience providing supportive services;

B. the applicant's prior experience in providing housing assistance to persons with mental illness;

C. the extent to which grant funds are combined with other sources of funds or services in-kind;

D. the amount of community and constituency support for the proposal;

E. the demonstration value or innovation of the proposal to the extent a successful project could be replicated across the state; and

F. how realistic the proposal is in terms of budget, staff time, and administrative structure.

Minnesota Housing Finance Agency

Proposed Permanent Rules Relating to Temporary Housing Program

Notice of Intent to Adopt a Rule Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Housing Finance Agency intends to adopt the above 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 St., Suite 300
St. Paul, MN 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: 10 August 1990

James J. Solem
Commissioner

Rules as Proposed

4900.1701 DEFINITIONS.

[For text of subps 1 to 6, see M.R.]

Subp. 7. **Support services.** "Support services" means ~~an assessment~~ a service that identifies the needs of individuals for independent living, develops an individualized plan to achieve independent living, and arranges or provides for the appropriate educational, social, legal, advocacy, child care, employment, financial, or information and referral services to meet these needs.

Subp. 8. **Temporary housing.** "Temporary housing" means housing provided for a limited duration not exceeding ~~six~~ 24 months and available for occupancy on a continuous 24-hour basis.

[For text of subp 9, see M.R.]

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.

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 Temporary Housing 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 August 13, 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 August 10, 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. (3) 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.

(5) NOW, THEREFORE, IT IS ORDERED that the rule identified as 4900.1701 is adopted this 27th day of September, 1990, pursuant to authority vested in the agency by Minnesota Statutes, sections 462A.06, subd. 4 and 11.

James J. Solem, Commissioner

MINNESOTA HOUSING FINANCE AGENCY

Celebrate MINNESOTA 1990

October 4, 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 Temporary Housing 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 (four copies);

Agency's Board Resolution Adopting the Rule;

Certificate of the Minnesota Housing Finance Agency 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, no comments on the rule, and no requests from persons desiring notice of the date of submission of the proposed rule to the Attorney General were received during the 30-day comment period. 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.

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

RESOLUTION NO. MHFA 90-142

RESOLUTION AUTHORIZING ADOPTION OF RULES RELATING TO TEMPORARY HOUSING PROGRAM WITHOUT A PUBLIC HEARING

BE IT RESOLVED BY THE MINNESOTA HOUSING FINANCE AGENCY:

That the rule relating to Temporary Housing 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 27th day of September, 1990.

Chairman

Minnesota Housing Finance Agency

Adopted Permanent Rules Relating to Temporary Housing Program

Rules as Adopted

4900.1701 DEFINITIONS.

[For text of subps 1 to 6, see M.R.]

Subp. 7. **Support services.** "Support services" means a service that identifies the needs of individuals for independent living, develops an individualized plan to achieve independent living, and arranges or provides for the appropriate educational, social, legal, advocacy, child care, employment, financial, or information and referral services to meet these needs.

Subp. 8. **Temporary housing.** "Temporary housing" means housing provided for a limited duration not exceeding 24 months and available for occupancy on a continuous 24-hour basis.

[For text of subp 9, see M.R.]

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 28th day of June, 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 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 Temporary Housing 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 28th day of June, 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 Temporary Housing Program

ADOPTION 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, subd. 1a and 14.22 or 14.30, that their names be placed on the Minnesota Housing Finance Agency rule making mailing list is accurate, complete, and current as of this 10th day of August, 1990.

That on the 10th day of August, 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, Legal Secretary

Subscribed and sworn to before me
this 10th day of August, 1990.

Notary Public

RENEE J. DICKINSON
NOTARY PUBLIC-MINNESOTA
RAMSEY COUNTY
MY COMMISSION EXPIRES MARCH 26, 1996

AMENDMENTS TO PERMANENT RULES RELATING TO TEMPORARY HOUSING PROGRAM
STATEMENT OF NEED AND REASONABLENESS

The Minnesota Housing Finance Agency (hereinafter the Agency) administers the temporary housing program pursuant to Minnesota Statutes section 462A.06 subdivisions 4 and 11, and Minnesota Rules Part 4900.1700 et.seq. The proposed rule amends two definitions in Part 4900.1701 of the existing permanent rule.

Part 4900.1701, subpart 7, amends the definition of "supportive services" by adding a requirement that a supportive service develop an individualized plan to achieve independent living. This proposed requirement is necessary and reasonable to ensure that persons living in transitional housing receive individualized services to assist them in achieving independent living.

Part 4900.1701, subpart 8, amends the definition of "temporary housing" from housing provided for a period not exceeding six months to a period not exceeding 24 months. This proposed change is reasonable and necessary because it conforms to a change made in Minnesota Statutes Section 268.38, subdivision 1, defining "transitional housing" for the purpose of the Department of Jobs and Training's transitional housing program.

The Agency recognizes the provisions Minnesota Statutes Section 14.115, "Small Business Considerations in Rulemaking," but since a recipients of a grant under the proposed rule must be a local unit of government, the regulation does not affect small business directly. Section 14.155, by its terms, is inapplicable to the proposed rule. Further, to the extent that the grants which are the subject of this rule may have an ultimate and indirect effect on small businesses, the effect is to make persons without a permanent home able to achieve independent living. As a result the proposed rule has no negative effect on small businesses.

In the Matter of the Adoption
of the Rule of the Minnesota
Housing Finance Agency
Governing the Temporary
Housing 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: September 27, 1990