

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

Housing Finance Agency

Adopted Permanent Rules Relating to Accessibility Deferred and Home Improvement Loan Program

Rules as Adopted

4900.0010 DEFINITIONS.

[For text of subps 1 to 22, see M.R.]

Subp. 23. **Persons and families of low and moderate income.** "Persons and families of low and moderate income" means:

[For text of items A to C, see M.R.]

D. With respect to home improvement grants and rehabilitation loans pursuant to parts 4900.0610 to 4900.0700 and accessibility loans pursuant to parts 4900.0750 to 4900.0780 to be made by the agency, those persons and families whose assets do not exceed $25,000, and

(1) with respect to home improvement grants and rehabilitation loans defined in part 4900.0610 as deferred loans, those persons and families whose adjusted income does not exceed $8,500; or

(2) with respect to rehabilitation loans defined in part 4900.0610 as revolving loans and accessibility loans defined in part 4900.0770 as deferred loans, those persons and families:

(a) in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington whose adjusted income does not exceed $15,000; and

(b) in all other counties whose adjusted income does not exceed $12,000.

E. With respect to home improvement loans and accessibility improvement assistance, pursuant to parts 4900.0510 and 4900.0710, respectively, those persons and families whose gross income does not exceed the limits established by the agency pursuant to part 4900.0070 in conformity with the requirements of the United States Department

of the Treasury or other agency of the federal government for federally subsidized mortgages for low- and moderate-income families.

[For text of items F to H, see M.R.]

4900.0770 DISTRIBUTION OF ACCESSIBILITY DEFERRED LOANS.

Subpart 1. **Availability.** Accessibility funds shall be provided in the form of deferred loans. A household will be eligible for a loan representing the total of approved expenses, or the maximum assistance available, whichever is less.

Subp. 2. **Combined with other aid.** When an accessibility deferred loan is combined with assistance from other agency loan or grant programs, the requirements of those programs shall be met.

Subp. 3. **Limit on aid.** In no case shall the accessibility deferred loan for accessibility improvements, technical assistance, and related repairs inclusively exceed $10,000 for a single structure.

Subp. 4. **Five-year limitation.** No property shall be eligible for an accessibility deferred loan if it has been improved through such assistance within the five-year period next preceding the date on which the application for such assistance is made, except in extraordinary circumstances relating to damage to the property as a result of events beyond the control of the recipient, or a significant change in the handicapped person's physical condition which requires additional accessibility improvements to enable the handicapped person to function in the property.

APPROVED AS TO FORM AND LEGALITY

August 12, 1991

HUBERT H. HUMPHREY, III
ATTORNEY GENERAL
BY Charlene St. Hatcher
SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED

AUG 19 1991

Joan Anderson Growe
Secretary of State

4:10pm

DEPARTMENT: Office of the Attorney General **STATE OF MINNESOTA**

OFFICE MEMORANDUM

DATE: August 21, 1991

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 Accessibility Deferred and Home Improvement Loan Program

The above-referenced rule has been approved as to its legality by the Attorney General on August 12, 1991.

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:sc
Enclosures
cc: Karl Herman
William Brown, Chief Judge
MaryAnn Hruby

7/31 cH

RULE REVIEW CHECKLIST

File No. 1842
DATE RECEIVED 7/29/91
REVIEW DATE 8-7-91
DUE DATE 8-12-91
(DIS)APPROVED 8-12-91
WITHDRAWN _____

Docket No. 05.009.0450
ADOPTED W/O HEARING _____
EMERGENCY RULE _____
TO REVISOR ON 7-31-91
REVISOR (DIS)APPROVED 8-6-91
FILED W/SEC. OF STATE 8-19-91
RETURNED TO AGENCY 8-21-91

✓ 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
May 23, 1991 Date adopted

✓ Proposed Rule
✓ Revisor's Certificate

✓ Notice of Intent to Adopt Rule
462 A.06 sub 4+11 Statutory Authority
no statement Small Business Statement
no statement Expenditure of public money statement
June 21, 1991 Signature

✓ Statement of Need and Reasonableness (if applicable)
not apply Small Business Statement
_____ Fees - § 16A.128

✓ Affidavit of Mailing Notice of Intent to Adopt Rule
June 21, 199 Dated 30/25 days before adoption
✓ Notice attached indicates it is attached
_____ Copy of rule or summary attached

✓ Publication in State Register
June 24, 1991 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
July 25, 1991 Date adopted

✓ Findings of Fact, Conclusions & Order Adopting
July 25, 1991 Date

_____ Written Requests, Submissions or Comments

✓ Declaration of Attorney
Karl Herman Name of SAAG representing agency

_____ Notice of Submission to Attorney General (if applicable)

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

Stat. Authority 462A.06 subd 4 and 11

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 4 It may make, and from time to time, amend and repeal rules not inconsistent 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

Celebrate MINNESOTA 1990

July 25, 1991

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 Accessibility Deferred and Home Improvement 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 (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.

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 91-61

RESOLUTION AUTHORIZING ADOPTION OF RULES RELATING TO ACCESSIBILITY DEFERRED AND HOME IMPROVEMENT LOAN PROGRAMS WITHOUT A PUBLIC HEARING

BE IT RESOLVED BY THE MINNESOTA HOUSING FINANCE AGENCY:

That the rule relating to Accessibility Deferred and Home Improvement Loan Programs 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 25th day of July, 1991.

Chairman

Housing Finance Agency

Adopted Permanent Rules Relating to Accessibility Deferred and Home Improvement Loan Program

Rules as Adopted

4900.0010 DEFINITIONS.

[For text of subps 1 to 22, see M.R.]

Subp. 23. **Persons and families of low and moderate income.** "Persons and families of low and moderate income" means:

[For text of items A to C, see M.R.]

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E. With respect to home improvement loans and accessibility improvement assistance, pursuant to parts 4900.0510 and 4900.0710, respectively, those persons and families whose gross income does not exceed the limits established by the agency pursuant to part 4900.0070 in conformity with the requirements of the United States Department

of the Treasury or other agency of the federal government for federally subsidized mortgages for low- and moderate-income families.

[For text of items F to H, see M.R.]

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Subp. 3. **Limit on aid.** In no case shall the accessibility deferred loan for accessibility improvements, technical assistance, and related repairs inclusively exceed $10,000 for a single structure.

Subp. 4. **Five-year limitation.** No property shall be eligible for an accessibility deferred loan if it has been improved through such assistance within the five-year period next preceding the date on which the application for such assistance is made, except in extraordinary circumstances relating to damage to the property as a result of events beyond the control of the recipient, or a significant change in the handicapped person's physical condition which requires additional accessibility improvements to enable the handicapped person to function in the property.

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 Accessibility Deferred and Home Improvement Loan Programs

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 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. 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 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.

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: June 21, 1991

James J. Solem
Commissioner

Housing Finance Agency

Proposed Permanent Rules Relating to Accessibility Deferred and Home Improvement Loan Program

Rules as Proposed

4900.0010 DEFINITIONS.

[For text of subps 1 to 22, see M.R.]

Subp. 23. **Persons and families of low and moderate income.** "Persons and families of low and moderate income" means:

[For text of items A to C, see M.R.]

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(1) with respect to home improvement grants and rehabilitation loans defined in part 4900.0610 as deferred loans, those persons and families whose adjusted income does not exceed $8,500; or

(2) with respect to rehabilitation loans defined in part 4900.0610 as revolving loans and accessibility loans defined in part 4900.0770 as deferred loans, those persons and families:

(a) in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington whose adjusted income does not exceed $15,000; and

(b) in all other counties whose adjusted income does not exceed $12,000.

E. With respect to home improvement loans, and accessibility improvement assistance, ~~and accessibility deferred loans,~~ pursuant to parts 4900.0510, and 4900.0710, ~~and 4900.0750,~~ respectively, those persons and families whose ~~adjusted~~ gross income does not exceed ~~$27,000 or such lower amount as~~ the limits established by the agency ~~may~~

Approved by Revisor

~~establish-to-assure-that-the-interest-on-obligations-of-the~~ pursuant to part 4900.0070 in conformity with the requirements of the United States Department of the Treasury or other agency ~~will-be-exempt-from~~ of the federal ~~income-taxation~~ government for federally subsidized mortgages for low- and moderate-income families.

[For text of items F to H, see M.R.]

4900.0770 DISTRIBUTION OF ACCESSIBILITY DEFERRED LOANS.

Subpart 1. **Availability.** Accessibility funds shall be provided in the form of deferred loans. ~~As-funds-become available,-households-meeting-the-limits-established-in 4900.0010,-subpart-23,-item-D,-shall-have-first-priority-for receipt-of-funds.--These-households~~ A household will be eligible for a loan representing the total of approved expenses, or the maximum assistance available, whichever is less. ~~Households with-incomes-exceeding-the-limit-established-in-part-4900.0010, subpart-23,-item-D,-but-meeting-the-limit-established-in-part 4900.0010,-subpart-23,-item-E,-shall-have-second-priority-for receipt-of-funds.--These-households-will-be-eligible-for-a-loan representing-the-share-of-approved-expenses-the-household-cannot afford-as-determined-by-MHFA,-or-the-maximum-assistance available,-whichever-is-less.--The-agency-will-establish-the manner-of-priority-set-aside-and-the-manner-in-which affordability-is-calculated-at-the-time-funds-become-available.~~

Subp. 2. **Combined with other aid.** When an accessibility deferred loan is combined with assistance from other agency loan or grant programs, the requirements of those programs shall be met.

Subp. 3. **Limit on aid.** In no case shall the accessibility deferred loan for accessibility improvements, technical assistance, and related repairs inclusively exceed $10,000 for a single structure.

Subp. 4. **Five-year limitation.** No property shall be eligible for an accessibility deferred loan if it has been improved through such assistance within the five-year period

Approved
by Revisor _____

next preceding the date on which the application for such assistance is made, except in extraordinary circumstances relating to damage to the property as a result of events beyond the control of the recipient, or a significant change in the handicapped person's physical condition which requires additional accessibility improvements to enable the handicapped person to function in the property.

Approved
by Revisor _____

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Accessibility Deferred and Home Improvement 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 Accessibility Deferred and Home Improvement Loan Programs

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 21st day of June, 1991.

That on the 21st day of June, 1991, 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

Subscribed and sworn to before me
this 21st day of June, 1991.

Renee J. Dickinson
Notary Public

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

State of Minnesota

Minnesota Housing Finance Agency

In the Matter of the Proposed Rules
Relating to the Accessibility Deferred
and Home Improvement Loan Programs

Statement of Need
and Reasonableness

4900.0010

This part sets forth definitions for the purposes of Parts 4900.0510 to 4900.0520 and Parts 4900.0750 to 4900.0780.

Subp. 23D

This subpart sets forth the maximum income and assets of households applying for accessibility loans described in parts 4900.0750 to 4900.0780, and establishes them to be the same as for the revolving loan program in parts 4900.0610 to 4900.0700. This revision is both reasonable and necessary to implement the Minnesota Housing Finance Agency's Board policy of restricting access to this very limited and favorable source of accessibility improvement financing to those least able to afford and/or offer acceptable collateral for conventional financing, or to afford financing that is subsidized, but which requires monthly payments.

As with revolving loans, the income limit for accessibility loans establishes a higher limit for the seven-county twin cities area in recognition of the higher income levels in that region of the state.

Subp. 23E

This subpart is revised to eliminate reference to accessibility deferred loans, which income limits are now set forth in Subpart 23D.

This subpart also sets forth income limits for home improvement loans described in parts 4900.0510 to 4900.0520, and accessiblity inprovement assistance described in parts 4900.0710 to 4900.0740. Accessibility improvement assistance is a grant program that has not been funded for several years and for which there are no plans for resuming funding. It was intended to be used in conjunction with home improvement loans; thus the two programs share a common income limit.

This revision is necessary to ensure that income limits in the program do not exceed the income limits established by the federal government for federally subsidized mortgages for low- and moderate-income families. To exceed those income limits would endanger the tax-exempt status of the bonds the Agency sells to provide subsidized mortgages for low- and moderate-income families in the program.

4900.0770

This part sets forth the type of accessibility loan assistance that is available, and certain limits on assistance amounts.

Subp. 1.

Previously, this subpart provided for partial deferred loan funding for persons with incomes above the income limit for rehabilitation deferred loans. The share of the total project that would be funded with a deferred loan would decrease as household income increased. The subpart also provided that lower income households receive first priority for funding.

Revisions to subpart 1 provide for full deferred loan funding of eligible improvements, up to the maximum loan amount, for those households meeting the income limits established in Part 4900.0010, subpart 23D. This revision is reasonable and necessary to target a limited resource to those who are least able to afford conventional, or subsidized financing requiring monthly payments.

Subp. 4

Revisions to this subpart provide for additional loans within a five-year period when a significant change in the handicapped household member's condition again makes the home inaccessible. This revision is reasonable to further the State policy of keeping disabled persons in a setting in which they may continue to function. It is anticipated that this revision will protect the State's investment in the property at minimal cost, since some of the previously installed improvements will continue to be functional and of use to the handicapped resident.

The Agency is cognizant of the provisions of Section 14.115 of Minnesota Statutes, entitled Small Business Considerations in Rulemaking. To the extent that the home improvement loan and accessibility loan funds directly benefit the low income occupants in structures within the Agency's Programs, the statute is inapplicable. To the extent that the funds may inure to the benefit of small businesses, the proposed rules do not establish any compliance or reporting requirements, design or operational standards not mandated by the federal government, and the effect of the Agency's Programs in making the loan funds available is to make decent, safe, and sanitary housing affordable for low income persons and, as a consequence, the proposed regulations have no negative effect on small businesses.

Housing Finance Agency

Proposed Permanent Rules Relating to Accessibility Deferred and Home Improvement Loan Program

Rules as Proposed

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Approved by Revisor

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Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Accessibility Deferred and Home Improvement 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

Housing Finance Agency

Proposed Permanent Rules Relating to Accessibility Deferred and Home Improvement Loan Program

Notice of Intent to Adopt a Rule Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Minnesta 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.

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Dated: 21 June 1991

James J. Solem
Commissioner

Rules as Proposed

4900.0010 DEFINITIONS.

[For text of subps 1 to 22, see M.R.]

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[For text of items A to C, see M.R.]

D. With respect to home improvement grants and rehabilitation loans pursuant to parts 4900.0610 to 4900.0700 and accessibility loans pursuant to parts 4900.0750 to 4900.0780 to be made by the agency, those persons and families whose assets do not exceed $25,000, and

(1) with respect to home improvement grants and rehabilitation loans defined in part 4900.0610 as deferred loans, those persons and families whose adjusted income does not exceed $8,500; or

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.

(2) with respect to rehabilitation loans defined in part 4900.0610 as revolving loans and accessibility loans defined in part 4900.0770 as deferred loans, those persons and families:

(a) in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington whose adjusted income does not exceed $15,000; and

(b) in all other counties whose adjusted income does not exceed $12,000.

E. With respect to home improvement loans~~,~~ and accessibility improvement assistance, ~~and accessibility deferred loans,~~ pursuant to parts 4900.0510~~,~~ and 4900.0710, ~~and 4900.0750,~~ respectively, those persons and families whose ~~adjusted~~ gross income does not exceed ~~$27,000 or such lower amount as~~ the limits established by the agency ~~may establish to assure that the interest on obligations of the~~ pursuant to part 4900.0070 in conformity with the requirements of the United States Department of the Treasury or other agency ~~will be exempt from~~ of the federal ~~income taxation~~ government for federally subsidized mortgages for low- and moderate-income families.

[For text of items F to H, see M.R.]

4900.0770 DISTRIBUTION OF ACCESSIBILITY DEFERRED LOANS.

Subpart 1. **Availability.** Accessibility funds shall be provided in the form of deferred loans. ~~As funds become available, households meeting the limits established in 4900.0010, subpart 23, item D, shall have first priority for receipt of funds. These households~~ A household will be eligible for a loan representing the total of approved expenses, or the maximum assistance available, whichever is less. ~~Households with incomes exceeding the limit established in part 4900.0010, subpart 23, item D, but meeting the limit established in part 4900.0010, subpart 23, item E, shall have second priority for receipt of funds. These households will be eligible for a loan representing the share of approved expenses the household cannot afford as determined by MHFA, or the maximum assistance available, whichever is less. The agency will establish the manner of priority set aside and the manner in which affordability is calculated at the time funds become available.~~

Subp. 2. **Combined with other aid.** When an accessibility deferred loan is combined with assistance from other agency loan or grant programs, the requirements of those programs shall be met.

Subp. 3. **Limit on aid.** In no case shall the accessibility deferred loan for accessibility improvements, technical assistance, and related repairs inclusively exceed $10,000 for a single structure.

Subp. 4. **Five-year limitation.** No property shall be eligible for an accessibility deferred loan if it has been improved through such assistance within the five-year period next preceding the date on which the application for such assistance is made, except in extraordinary circumstances relating to damage to the property as a result of events beyond the control of the recipient, or a significant change in the handicapped person's physical condition which requires additional accessibility improvements to enable the handicapped person to function in the property.

Department of Labor and Industry

Occupational Safety and Health Division

Proposed Revisions to the Occupational Safety and Health Standards and Request for Comments

NOTICE IS HEREBY GIVEN that the Department of Labor and Industry, Occupational Safety and Health Division (Minnesota OSHA) proposes to adopt the following revisions to the Department of Labor and Industry, Occupational Safety and Health Rules, as authorized under *Minnesota Statutes* 182.655 (1990). This notice proposes the adoption by reference of Occupational Safety and Health Standards that have already been proposed and adopted by the Federal Occupational Safety and Health Administration (Federal OSHA).

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

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

John B. Lennes, Jr., Commissioner
Department of Labor and Industry

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 23rd day of May, 1991, 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 Accessibility Deferred and Home Improvement Loan Programs 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 23rd day of May, 1991.

Chairman

Attest by the other Board Member

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 Accessiblity Deferred and Home Improvement Loan Programs	FINDINGS OF FACT, CONCLUSIONS, AND ORDER ADOPTING RULE WITHOUT PUBLIC HEARING

Notice of the Commissioner's intent to adopt the above rule was published in the State Register on June 24, 1991 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 June 21, 1991. The statement of need and reasonableness was prepared before the notice of intent to adopt a rule without a public hearing was mailed to all persons on the rulemaking mailing list and published in the State Register and was available to the public.

All persons were given the opportunity to submit comments on the rule for 30 days after notice of proposed rulemaking. No requests for a public hearing on the rule were received by the agency.

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

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

The above rule is needed and reasonable.

NOW, THEREFORE, IT IS ORDERED that the rule identified as 4900.0010 and 4900.0770 is adopted this 25th day of July, 1991, 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 Accessibility
Deferred and Home Improvement
Loan Programs

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: July 25, 1991