

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

MSC
1-8-92

RULE REVIEW CHECKLIST

File No. 1888
DATE RECEIVED 1-7-92
REVIEW DATE 1-16-92
DUE DATE 1-21-92
(DIS)APPROVED 1-21-92mjc
WITHDRAWN

Docket No. 05 0009 0450
ADOPTED W/O HEARING
EMERGENCY RULE
TO REVISOR ON 1-8-92
REVISOR (DIS)APPROVED 1-16
FILED W/SEC. OF STATE 1-23-92
RETURNED TO AGENCY 1-24-92

✓ 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
October 24, 1991 Date adopted

✓ Proposed Rule
___ Revisor's Certificate

✓ Notice of Intent to Adopt Rule
462A.06 subd 4c(1) Statutory Authority
___ Small Business Statement
___ Expenditure of public money statement
Nov 15, 1991 Signature unsigned Bard

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

✓ Affidavit of Mailing Notice of Intent to Adopt Rule
November 15, 1991 Dated 30/25 days before adoption
✓ Notice attached indicates it is attached
___ Copy of rule or summary attached

✓ Publication in State Register
November 18, 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
December 19, 1991 Date adopted

✓ Findings of Fact, Conclusions & Order Adopting
December 19, 1991 Date

___ Written Requests, Submissions or Comments

✓ Declaration of Attorney
Kuretsky Name of SAAG representing agency

___ Notice of Submission to Attorney General (if applicable)

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

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

OFFICE MEMORANDUM

DATE: January 23, 1992

TO: SUSAN K. NOREN
Legal Divsiion
Minnesota Housng Finance Agency
400 Sibley St., Suite 300
St. Paul

FROM: MARTHA J. CASSERLY
Special Assistant
Attorney General

PHONE: 296-6839

SUBJECT: In the Matter of the Adopted Rule Relating to Mortgage Bonds for the Purchase of New Housing

The above-referenced rule has been approved as to its legality by the Attorney General on January 21, 1992.

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.

MJC:jj

cc: William Kuretsky
William Brown, Chief Judge
MaryAnn Hruby

Minnesota Housing Finance Agency

Adopted Permanent Rules Relating to Mortgage Revenue Bonds for the Purchase of New Housing

Rules as Adopted

4900.3310 DEFINITIONS.

[For text of subps 1 to 4, see M.R.]

Subp. 5. **Metropolitan area.** "Metropolitan area" means the metropolitan area as defined in Minnesota Statutes, section 473.121, subdivision 2.

[For text of subps 6 to 12, see M.R.]

4900.3320 LIMITATIONS ON NEW CONSTRUCTION; METROPOLITAN AREA.

During the first ten months of an origination period, the agency may not make mortgage loans for the purchase of new housing in the metropolitan area unless one of the conditions in items A to D is met.

A. The new housing is located in a redevelopment area.

B. The new housing is replacing a structurally substandard structure or structures.

C. The new housing is located on a parcel purchased by a city or conveyed to a city under Minnesota Statutes, section 282.01, subdivision 1.

D. The new housing is part of a housing affordability initiative, other than those financed with the proceeds from the sale of mortgage revenue bonds, in which federal, state, or local assistance is used to substantially improve the terms of financing or to substantially write down the purchase price of the new housing. A housing affordability initiative must meet one or more of the criteria in subitems (1) to (5).

[For text of subitems (1) to (5), see M.R.]

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED

JAN 23 1992

Joan Anderson Growe
Secretary of State

9:10 AM

P.B.

APPROVED AS TO FORM AND LEGALITY

January 21 19 92

HUBERT H. HUMPHREY, III
ATTORNEY GENERAL

BY MJ Carsenty
SPECIAL ASSISTANT ATTORNEY GENERAL

DEPARTMENT: ATTORNEY GENERAL

STATE OF MINNESOTA

OFFICE MEMORANDUM

DATE: January 22, 1992

TO: WILLIAM KURETSKY
Special Assistant
Attorney General

FROM: MARTHA J. CASSERLY
Special Assistant
Attorney General

PHONE: 296-6839

SUBJECT: **Rules relating to Mortgage Revenue Bonds**

While I approved the above-captioned rules, as you know, Patty Nolte and I were very troubled with the Statements of Need and Reasonableness in support of both rules. We essentially had two concerns with the statements.

First, as you know, the statements cited the wrong statute in support of the rule changes, and when we called to inquire, there was further confusion as to the correct cite. That error was further compounded when the only justification of the rule was solely based on the (incorrect) cite. Specifically, the statements in support of the rules were only one paragraph long, and simply stated that "the proposed rules are being promulgated only to make said rules consistent with the statute. No other changes are proposed."

Because of the mis-cite, in reviewing both rules, Patty and I had to research, locate and compare each and every rule amendment to the statute. The statements should have discussed each rule amendment separately, citing the statute upon which the rule was changed.

The second major concern was that, upon examining each amendment, it turns out that not all the amendments to the rules were based upon solely on statutory change, but were additional amendments to clarify the statute. That is not what the Statement of Need and Reasonableness said. Thus, your client's statement was incomplete. As we have discussed in the past with you and Karl Herman, client's statements need to separately discuss and justify each subpart amendment. If the changes are made solely to reflect new statutory language, then the specific statute should be cited. If the rule amendment is a bit different than the statutory change, then the rule amendment must be justified.

I hope this memorandum assists you and your client so that future statements will be more complete in justifying the rule. Thanks.

MJC:cu0
cc: Patty Nolte

area median income, adjusted for household size as determined by the federal Department of Housing and Urban Development.

The maximum rent for a proposed single room occupancy unit under paragraph (a) is 30 percent of the amount equal to 30 percent of the greater of the statewide or county median income for a one-member household as determined by the federal Department of Housing and Urban Development. The maximum rent for at least 75 percent of the units of a multifamily project under paragraph (b) is 30 percent of the amount equal to 50 percent of the greater of the statewide or county median income as determined by the federal Department of Housing and Urban Development based on a household size with one person per bedroom.

[For text of subd 2, see M.S.1990]

Subd. 3. **Penalty.** The issuer shall monitor project compliance with the rental rate and income level requirements under subdivision 1. The issuer may issue an order of noncompliance if a project is found by the issuer to be out of compliance with the rental rate or income level requirements under subdivision 1. The owner or owners of the project shall pay a penalty to the issuer equal to one-half of one percent of the total amount of bonds issued for the project under this chapter if the issuer issues an order of noncompliance. For each additional year a project is out of compliance, the annual penalty must be increased by one-half of one percent of the total amount of bonds issued under this chapter for the project. The issuer may waive insubstantial violations.

History: *1991 c 346 s 13,14*

474A.048 [Repealed, 1991 c 346 s 29]

NOTE: Subdivision 2 was also amended by Laws 1991, chapter 292, article 9, section 35, to read as follows:

"Subd. 2. **Limitation; origination period.** During the first ten months of an origination period, the Minnesota housing finance agency or a city may make loans financed with proceeds of mortgage bonds for the purchase of existing housing. Loans financed with the proceeds of mortgage bonds for new housing in the metropolitan area may be made during the first ten months of an origination period only if at least one of the following conditions is met:

(1) the new housing is located in a redevelopment area and is replacing a structurally substandard structure or structures;

(2) the new housing is located on a parcel purchased by the city or conveyed to the city under section 282.01, subdivision 1;

(3) the new housing is part of a housing affordability initiative, other than those financed with the proceeds from the sale of bonds, in which federal, state, or local assistance is used to substantially improve the terms of the financing or to substantially write down the purchase price of the new housing; or

(4) the new housing is accessible housing and the borrower or a member of the borrower's family is a person with a disability. For the purposes of this clause, "accessible housing" means a dwelling unit with the modifications necessary to enable a person with a disability to function in a residential setting. "A person with a disability" means a person who has a permanent physical condition which is not correctable and which substantially reduces the person's ability to function in a residential setting. A person with a physical condition which does not require the use of a device to increase mobility must be deemed a person with a disability upon written certification of a licensed physician that the physical condition substantially limits the person's ability to function in a residential setting.

Upon expiration of the first ten-month period, the agency or a city may make loans financed with the proceeds of mortgage bonds for the purchase of new and existing housing."

474A.061 ALLOCATION OF MANUFACTURING, HOUSING, AND PUBLIC FACILITIES POOLS.

Subdivision 1. **Application.** (a) An issuer may apply for an allocation under this section by submitting to the department an application on forms provided by the department, accompanied by (1) a preliminary resolution, (2) a statement of bond counsel that the proposed issue of obligations requires an allocation under this chapter, (3) the type of qualified bonds to be issued, (4) an application deposit in the amount of one percent of the requested allocation before the last Monday in July, or in the amount of two percent of the requested allocation on or after the last Monday in July, and (5) a public purpose scoring worksheet for manufacturing project applications. The issuer must pay the application deposit by a check made payable to the department of finance. The Minnesota housing finance agency and the Minnesota rural finance authority may apply for and receive an allocation under this section without submitting an application

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MN Stat 462A.06, subd 4 and 11

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 lending etc.

Solar 474A.408 - is under Bond Allocation there is no 474A.408 - error should be 474A.048

474A.048 is inconsistant with the changes in the rule ~~to~~ ie 4900.3320 B. see attachment

Non HRA 1-10-92 Talked to Bill sees conflict of 474A.048 was repealed what are they offering to. If 474A.048 isn't repealed subd 2 (1) is in conflict with rule. Doesn't understand it. Will talk to client will call back on Monday.

HRA 1-14-92 - Bill left a message on voice mail that cite is 462A.073 (Pocket part) 462A.073 subd 2 is consistant with rule change. This is correct. This is the HRA ~~HRA~~ 474A.048 HRA

Minnesota Housing Finance Agency

Proposed Permanent Rules Relating to Mortgage Revenue Bonds for the Purchase of New Housing

Rules as Proposed

4900.3310 DEFINITIONS.

[For text of subps 1 to 4, see M.R.]

Subp. 5. **Metropolitan area.** "Metropolitan area" means the ~~Minneapolis-St.-Paul-Metropolitan-Statistical-Area-as-defined-by the-United-States-Department-of-Commerce,-Bureau-of-the-Census, or-other-area-specified-in~~ metropolitan area as defined in Minnesota Statutes, section ~~474A.048~~ 473.121, subdivision ~~1~~ 2.

[For text of subps 6 to 12, see M.R.]

4900.3320 LIMITATIONS ON NEW CONSTRUCTION; METROPOLITAN AREA.

During the first ten months of an origination period, the agency may not make mortgage loans for the purchase of new housing in the metropolitan area unless one of the conditions in items A to ~~C~~ D is met.

A. The new housing is located in a redevelopment area ~~and-is-replacing-a-structurally-substandard-structure-or structures~~.

B. The new housing is replacing a structurally substandard structure or structures.

C. The new housing is located on a parcel purchased by a city or conveyed to a city under Minnesota Statutes, section 282.01, subdivision 1.

~~C.~~ D. The new housing is part of a housing affordability initiative, other than those financed with the proceeds from the sale of mortgage revenue bonds, in which federal, state, or local assistance is used to substantially improve the terms of financing or to substantially write down the purchase price of the new housing. A housing affordability initiative must meet one or more of the criteria in subitems (1) to (5).

Approved by Revisor CMK/JMM

1 [For text of subitems (1) to (5), see M.R.]

Approved
by Revisor _____

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Mortgage Revenue Bonds for the Purchase of New Housing

AGENCY: Minnesota Housing Finance Agency

MINNESOTA RULES: Chapter 4900

The attached rules are approved for publication in the State Register

CMR / Dmm

Carla M. Riehle
Assistant Revisor

MINNESOTA HOUSING FINANCE AGENCY

1-7-92 Rec.

December 31, 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 Mortgage Revenue Bonds for the Purchase of New Housing

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 91-119

RESOLUTION AUTHORIZING ADOPTION OF RULES RELATING TO MORTGAGE REVENUE BONDS FOR THE PURCHASE OF NEW HOUSING WITHOUT A PUBLIC HEARING

BE IT RESOLVED BY THE MINNESOTA HOUSING FINANCE AGENCY:

That the rule relating to Mortgage Revenue Bonds for the Purchase of New Housing 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 19th day of December, 1991.

Chairman

Minnesota Housing Finance Agency

Adopted Permanent Rules Relating to Mortgage Revenue Bonds for the Purchase of New Housing

Rules as Adopted

4900.3310 DEFINITIONS.

[For text of subps 1 to 4, see M.R.]

Subp. 5. **Metropolitan area.** "Metropolitan area" means the metropolitan area as defined in Minnesota Statutes, section 473.121, subdivision 2.

[For text of subps 6 to 12, see M.R.]

4900.3320 LIMITATIONS ON NEW CONSTRUCTION; METROPOLITAN AREA.

During the first ten months of an origination period, the agency may not make mortgage loans for the purchase of new housing in the metropolitan area unless one of the conditions in items A to D is met.

A. The new housing is located in a redevelopment area.

B. The new housing is replacing a structurally substandard structure or structures.

C. The new housing is located on a parcel purchased by a city or conveyed to a city under Minnesota Statutes, section 282.01, subdivision 1.

D. The new housing is part of a housing affordability initiative, other than those financed with the proceeds from the sale of mortgage revenue bonds, in which federal, state, or local assistance is used to substantially improve the terms of financing or to substantially write down the purchase price of the new housing. A housing affordability initiative must meet one or more of the criteria in subitems (1) to (5).

[For text of subitems (1) to (5), 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 24th day of October, 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 Mortgage Revenue Bonds for the Purchase of New Housing 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 24th day of October, 1991.

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 Mortgage Revenue Bonds for the Purchase of New Housing

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, 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 15th day of November, 1991.

That on the 15th day of November, 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

Susan K. Noren, Legal Secretary

Subscribed and sworn to before me
this 15th day of November, 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 Pertaining
to Mortgage Revenue Bond for the Purchase
of New Housing

Statement of Need and Reasonableness

4900.3310 through 4900.3360:

Minnesota Statute § 474A.408 establishes limitations on the use of mortgage revenue bonds for cities and the Minnesota Housing Finance Agency to finance the purchase of newly constructed homes. In early 1991, rules were promulgated under the above-referenced statute to address Agency mortgage revenue bond programs. During its 1991 session, the Legislature revised the referenced statute, and the proposed rules are being promulgated only to make said rules consistent with the statute. No other changes are proposed.

The Agency is cognizant of the provisions of section 14.115 of Minnesota Statutes, entitled Small Business Considerations in Rulemaking. The proposed rule does not establish any compliance or reporting requirements, or design or operational standards that directly affect the way any business must operate. Therefore, the provisions contained in Minnesota Statutes 14.115 (1986) do not apply to the proposed rule described herein.

You are hereby advised, pursuant to *Minnesota Statute* § 14.115 (1990), "Small business considerations in rulemaking," that the proposed amendments will have no negative effect on small business, as the amendments do not limit the ability of small business to participate in this program.

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

Dated: 4 November 1991

Dottie Rietow
Director

Minnesota Housing Finance Agency

Proposed Permanent Rule Relating to Mortgage Revenue Bonds for the Purchase of New Housing

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: 15 November 1991

James J. Solem
Commissioner

Rules as Proposed

4900.3310 DEFINITIONS.

[For text of subps 1 to 4, see M.R.]

Subp. 5. **Metropolitan area.** "Metropolitan area" means the ~~Minneapolis-St. Paul Metropolitan Statistical Area as defined by the United States Department of Commerce, Bureau of the Census, or other area specified in~~ metropolitan area as defined in *Minnesota Statutes*, section ~~474A.048~~ 473.121, subdivision ~~1~~ 2.

[For text of subps 6 to 12, see M.R.]

4900.3320 LIMITATIONS ON NEW CONSTRUCTION; METROPOLITAN AREA.

During the first ten months of an origination period, the agency may not make mortgage loans for the purchase of new housing in the metropolitan area unless one of the conditions in items A to ~~C~~ D is met.

A. The new housing is located in a redevelopment area ~~and is replacing a structurally substandard structure or structures~~.

B. The new housing is replacing a structurally substandard structure or structures.

C. The new housing is located on a parcel purchased by a city or conveyed to a city under *Minnesota Statutes, section 282.01, subdivision 1*.

~~C.~~ D. The new housing is part of a housing affordability initiative, other than those financed with the proceeds from the sale of mortgage revenue bonds, in which federal, state, or local assistance is used to substantially improve the terms of financing or to substantially write down the purchase price of the new housing. A housing affordability initiative must meet one or more of the criteria in subitems (1) to (5).

[For text of subitems (1) to (5), see M.R.]

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.

Pollution Control Agency

Adopted Permanent Rules Relating to Closure of Hazardous Waste Facilities

The rules proposed and published at *State Register*, Volume 16, Number 4, pages 129-135, July 22, 1991 (16 SR 129), are adopted as proposed.

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.

In the Matter of the Adoption
of the Rule of the Minnesota
Housing Finance Agency
Governing the Mortgage Revenue
Bonds for the Purchase of New Housing

DECLARATION
OF COUNSEL

I, William H. Kuretsky, 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.

Wm H. Kuretsky

William H. Kuretsky
Special Assistant Attorney General

Dated: December 19, 1991

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 Mortgage Revenue Bonds Bonds for the Purchase of New Housing	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 November 18, 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 November 15, 1991. (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:

The above rule is needed and reasonable. (8)

(9) NOW, THEREFORE, IT IS ORDERED that the rule identified as 4900.3310-4900.3320 is adopted this 19th day of December, 1991, 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

In the Matter of the Proposed Adoption of the Rule of the Minnesota Housing the Minnesota Housing Finance Agency Governing the Mortgage Revenue Bonds for the Purchase of New Housing

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.

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

(5)

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.

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: November 15, 1991

James J. Solem
Commissioner

Minnesota Housing Finance Agency

Proposed Permanent Rules Relating to Mortgage Revenue Bonds for the Purchase of New Housing

Rules as Proposed

4900.3310 DEFINITIONS.

[For text of subps 1 to 4, see M.R.]

Subp. 5. **Metropolitan area.** "Metropolitan area" means the ~~Minneapolis-St.-Paul-Metropolitan-Statistical-Area-as-defined-by the-United-States-Department-of-Commerce,-Bureau-of-the-Census, or-other-area-specified-in~~ metropolitan area as defined in Minnesota Statutes, section ~~474A.048~~ 473.121, subdivision ~~1~~ 2.

[For text of subps 6 to 12, see M.R.]

4900.3320 LIMITATIONS ON NEW CONSTRUCTION; METROPOLITAN AREA.

During the first ten months of an origination period, the agency may not make mortgage loans for the purchase of new housing in the metropolitan area unless one of the conditions in items A to ~~C~~ D is met.

A. The new housing is located in a redevelopment area ~~and-is-replacing-a-structurally-substandard-structure-or structures~~.

B. The new housing is replacing a structurally substandard structure or structures.

C. The new housing is located on a parcel purchased by a city or conveyed to a city under Minnesota Statutes, section 282.01, subdivision 1.

~~C.~~ D. The new housing is part of a housing affordability initiative, other than those financed with the proceeds from the sale of mortgage revenue bonds, in which federal, state, or local assistance is used to substantially improve the terms of financing or to substantially write down the purchase price of the new housing. A housing affordability initiative must meet one or more of the criteria in subitems (1) to (5).

Approved by Revisor CMR/JC

1 [For text of subitems (1) to (5), see M.R.]

Approved
by Revisor _____

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Mortgage Revenue Bonds for the Purchase of New Housing

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