

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

MSM
8/6/92

8-6-92

RULE REVIEW CHECKLIST

File No. 1936
DATE RECEIVED ~~8-6-92~~ 8-6-92
REVIEW DATE 8-17-92
DUE DATE 8-20-92
~~(DIS)~~APPROVED 8 18 92
~~WITHDRAWN~~

Docket No. 65 0009 0450
ADOPTED W/O HEARING
EMERGENCY RULE
TO REVISOR ON 8-6-92
REVISOR (DIS)APPROVED 8/7/92
FILED W/SEC. OF STATE 8-18-92
RETURNED TO AGENCY 8-19-92

✓ Rule as adopted (4 copies) ~~1 copy~~

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

Petition for Adoption of a Rule

✓ Board's Authorizing Resolution
April 23, 1992 Date adopted missing call

Proposed Rule
✓ Revisor's Certificate 4 copies

✓ Notice of Intent to Adopt Rule
462A.06 subd 4 and 11 Statutory Authority
no statement Small Business Statement
NA Expenditure of public money statement
May 22, 1992 Signature not signed

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

✓ Affidavit of Mailing Notice of Intent to Adopt Rule
May 22, 1992 Dated 30/25 days before adoption
Notice attached indicates it is attached
Copy of rule or summary attached

✓ Publication in State Register
May 26, 1992 Date 30/25 days before adoption

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

✓ Resolution Adopting
July 23, 1992 Date adopted

Findings of Fact, Conclusions & Order Adopting
July 23, 1992 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)

STATE OF MINNESOTA

Office of the Attorney General

TO : RENEE J. DICKINSON
Legal Division
Minnesota Housing Finance Agency
400 Sibley Street, Suite 300
St. Paul

DATE : August 18, 1992

FROM : MARY JO MURRAY
Special Assistant
Attorney General

PHONE : 296-3258

SUBJECT : In the Matter of the Adopted Rule Relating to Special Needs for Homeless Persons Program

The above-referenced rule has been approved as to its legality by the Attorney General on August 18, 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.

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

MJM:jj.rules.az5

Housing Finance Agency

Adopted Permanent Rules Relating to Special Needs for Homeless Persons Program

Rules as Adopted

4900.3410 SCOPE.

Parts 4900.3410 to 4900.3414 govern special needs housing for homeless persons loans or grants for the construction, acquisition, or rehabilitation of residential housing for occupancy by the following persons: low-income individuals and families having an immediate need for temporary or transitional housing; including low-income individuals living in single room occupancy housing; residential housing for migrant farmworkers; and homeless individuals and families.

4900.3411 DEFINITIONS.

Subpart 1. **Scope.** The terms used in parts 4900.3410 to 4900.3414 have the meanings given them in this part.

Subp. 2. **Agency.** "Agency" means the Housing Finance Agency.

Subp. 3. **Applicant.** "Applicant" means one or more entities that submit an application for a special needs housing for homeless persons loan or grant.

Subp. 4. **Application.** "Application" means a submittal requesting a special needs housing for homeless persons loan or grant to pay the cost of the construction, acquisition, or rehabilitation of residential housing for occupancy by the following persons: low-income individuals and families having an immediate need for temporary or transitional housing; low-income individuals living in single room occupancy housing; residential housing for migrant farmworkers; and homeless individuals and families.

Subp. 5. **Low-income and homeless individuals and families.** "Low-income and homeless individuals and families" means, with respect to homeless persons and persons living in

single room occupancy housing, those individuals and families whose income does not exceed 30 percent of the metropolitan area median income for a family of four adjusted for families of five or more. With respect to those persons living in temporary or transitional housing, low-income individuals and families means those individuals and families whose incomes do not exceed 50 percent of the greater of the statewide or area median income adjusted for families of five or more.

Subp. 6. **Residential housing for migrant farmworkers.** "Residential housing for migrant farmworkers" means housing which contains cooking, sleeping, bathroom facilities, and hot and cold running water in the same structure.

Subp. 7. **Temporary or transitional housing.** "Temporary or transitional housing" means housing provided for a limited duration not exceeding 24 months and available for occupancy on a continuous 24-hour basis.

4900.3412 ELIGIBILITY.

To be eligible for selection as a recipient of a loan or grant under the program, the application must satisfy the requirements in items A to E.

A. The proposed residential housing must be exclusively for the use of low-income families and individuals.

B. All occupants of permanent housing financed under this part must be offered a written lease that:

(1) complies with Minnesota Statutes, section 325G.31;

(2) offers the occupants the option to renew; and

(3) prohibits eviction of an occupant without good cause.

C. The amount of the loan or grant requested must not exceed 50 percent of the total development cost of the proposed residential housing.

D. The application must include a comprehensive plan for the development and management of housing for low-income persons and document the ability of the applicant to develop and

maintain that housing for a period of time specified by the agency. At a minimum, this plan must include:

(1) documentation of a need for the type of housing in the proposed geographic area;

(2) a description of the applicants' goals and objectives in meeting the area's need for the type of housing;

(3) a detailed description of how the housing will be developed and managed, including:

(a) a description of the proposed site for the housing;

(b) preliminary architectural plans for the development;

(c) qualifications of the development and management staff; and

(d) a proposed tenant selection plan;

(4) a detailed budget for the development of the proposed housing showing all development costs and the sources of funds to pay them;

(5) a detailed budget for the operation of the housing showing all anticipated operating costs and the proposed rents and other income;

(6) documentation of the experience and fiscal responsibility and capability of the applicant or fiscal agent of the applicant in developing similar housing; and

(7) where the applicant is providing transitional housing, documentation of an ability to provide support services to assist persons in moving into independent or appropriate supportive living situations.

E. Loan or grant funds may not be used for residential care facilities, for facilities that provide housing available for occupancy on less than a 24-hour continuous basis, or for any residential housing that requires occupants to accept board as well as lodging.

4900.3413 ELIGIBLE MORTGAGOR.

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

APPROVED AS TO FORM AND LEGALITY

_____ 19____

HUBERT H. HUMPHREY, III
ATTORNEY GENERAL

BY_____
SPECIAL ASSISTANT ATTORNEY GENERAL

grant under the program, an applicant must be an eligible mortgagor as defined in Minnesota Statutes, section 462A.03, subdivision 13.

4900.3414 SELECTION CRITERIA.

In addition to priority being given to viable proposals with the total lowest cost per person served, the agency shall take the following criteria into consideration when determining whether an application and applicant will be selected for a loan or grant under the program:

A. the prior experience of the applicant in development and managing similar residential agency;

B. the extent to which grant funds are combined with other funds from private or public sources to make the development economically feasible;

C. the ability of the applicant to proceed expeditiously with the development;

D. the documented need for this type of residential housing in the proposed geographic area;

E. the cost and quality of the proposed housing;

F. the extent to which the amount of rent to be charged is less than 30 percent of the income of the low-income person leasing the housing unit;

G. the geographic area to be serviced, to the end that a reasonable distribution of low-income housing can be achieved;

H. the extent of community support for this type of development;

I. the extent to which proposals use donated, leased, abandoned, or empty dwellings owned by a public entity or property being sold by the Resolution Trust Corporation or the Department of Housing and Urban Development;

J. the extent to which the applicant has consulted with advocates for the homeless, representatives from neighborhood groups, and representatives from labor organizations in preparing the proposal;

APPROVED AS TO FORM AND LEGALITY

_____, 19____

HUBERT H. HUMPHREY, III
ATTORNEY GENERAL

BY_____
SPECIAL ASSISTANT ATTORNEY GENERAL

K. if support services are to be provided in conjunction with housing, the availability of funds to pay the ongoing costs of those support services; and

L. the extent to which the structure provides a physical environment that is responsive to the needs of the population to be served.

APPROVED AS TO FORM AND LEGALITY

Aug 18 1992

HUBERT H. HUMPHREY III
ATTORNEY GENERAL

BY

SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED

AUG 18 1992

Joan Anderson Growe
Secretary of State

RC
3:03P

MINNESOTA HOUSING FINANCE AGENCY

July 27, 1992

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 Special Needs Housing for Homeless Persons 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;

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 the author of the rule, Glory Hill, at 296-9827 or Renee J. Dickinson at 296-9793.

Sincerely,

James J. Solem
Commissioner

JJS:rjd
Encs.

STATE OF MINNESOTA

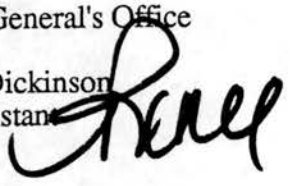
Housing Finance Agency

Office Memorandum

Date: August 6, 1992

To: Patty Nolte
Legal Assistant
Attorney General's Office

From: Renee J. Dickinson
Legal Assistant



Phone: 6-9793

Subject: Rules

Per our conversation this morning, I have enclosed the documentation requested for the three (3) rules.

The Notice of Intent was not executed by the Commissioner. Therefore, I have not included a copy.

If you need anything further, please contact me. Thanks for all your help.

RJD
Enc.

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

RESOLUTION NO. MHFA 92-20

RESOLUTION AUTHORIZING ADOPTION OF RULES RELATING TO TRAINING AND HOUSING PROGRAM FOR HOMELESS ADULTS DEMONSTRATION GRANTS WITHOUT A PUBLIC HEARING

BE IT RESOLVED BY THE MINNESOTA HOUSING FINANCE AGENCY:

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 Training and Housing Program For Homeless Adults Demonstration Grants 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 April, 1992.

Chairman

TRAINING AND HOUSING PROGRAM FOR HOMELESS ADULTS DEMONSTRATION GRANTS

4900.3420 SCOPE.

Parts 4900.3420 to 4900.3424 allows the commissioner of the Housing Finance Agency to make planning and demonstration grants to eligible organizations to develop programs to provide homeownership opportunities, education and training, or services to homeless adults. The purpose of these programs is to promote individual stability and responsibility of homeless adults. The program must include a work experience and training component, job skills component, and life skills component.

4900.3421 DEFINITIONS.

Subpart 1. Scope. The terms used in parts 4900.3420 to 4900.3424 have the meaning given them in this part.

Subpart 2. Agency. "Agency" means the Minnesota Housing Finance Agency.

Subpart 3. Applicant: "Applicant" means one or more entities that submit an application for a training and housing program for homeless adults demonstration grant (hereinafter referred to as a "Demonstration Grant").

Subpart 4. Application: "Application" means a submittal requesting a demonstration grant to provide programs that develop homeownership opportunities, education and training, or services to homeless adults.

Subpart 5. Homeless Individual: Has the meaning given in United States Code Title 42 Section 11302.

Subpart 6. Eligible organization. "Eligible organization" means a non-profit organization run by or for homeless persons.

Subpart 7. Rehabilitation. "Rehabilitation" means the repair, construction, or improvement of existing residential housing with the objective of making such residential housing decent, safe, sanitary and more desirable to live in, of greater market value or in conformance with state, county, or city health, housing, building, fire prevention, and housing maintenance codes and other public standards applicable to housing, as determined by the Agency.

4900.3422 ELIGIBILITY

Subpart 1. Applications. To be eligible for selection as a recipient of a demonstration grant under the program, the application must satisfy the following requirements:

A. The proposed residential housing must be exclusively for the use of homeless individuals.

B. The program must promote individual stability and responsibility of homeless adults through training for jobs that pay a living wage, job placement, life skills development, and access to community support services including health services, counseling, and drug rehabilitation.

C. The program must include all of the following components:

(1) A work experience and training component which provides vocational skill training in an industry where there are potential opportunities for jobs that pay a living wage. A monetary compensation may be provided to program participants. The compensation must be provided to participants who are recipients of public assistance in a manner or amount which will not reduce public assistance benefits. The work experience component must be designed so that work projects result in the expansion of residential units for homeless persons and very low-income individuals and families. The work experience component must include work projects that provide residential units through construction or rehabilitation for the homeless and families with income that does not exceed 50 percent of the median income for the metropolitan area. The program design must include an examination of how program participants may achieve certification as a part of the work experience and training component by entering licensing, apprenticeship, or other educational programs.

(2) A job skills component which provides program participants with job search skills, placement assistance, and other job readiness skills to ensure that participants will be able to compete in the employment market.

(3) A life skills component which includes mentoring to develop homeownership skills, and offer or coordinate participation in parenting and citizenship classes and leadership development to encourage community involvement and responsibility.

4900.3423 ELIGIBLE APPLICANT

To be eligible for selection as a recipient of a planning and demonstration grant under the program the applicant must be a non-profit organization that is run by or for homeless persons.

4900.3424 SELECTION CRITERIA

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

A. The organizations prior experience in operating or developing program successfully;

B. The geographic area to be serviced to the end that a reasonable distribution of funds is received.

C. The extent to which grant funds are matched with non-state money;

D. The extent to which the program promotes individual stability.

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 Special Needs for Homeless Persons 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 May 26, 1992 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 May 22, 1992. 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. (2)

(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)

NOW, THEREFORE, IT IS ORDERED that the rule identified as 4900.3410 is adopted this 23rd day of July, 1992, pursuant to authority vested in the agency by Minnesota Statutes, sections 462A.06, subd. 4 and 11. (9)

James J. Solem, Commissioner

Special Needs Housing for Homeless Persons

Statement of Need and Reasonableness

The 1991 Minnesota Legislature amended Minnesota Statutes 1991, section 462A.05 subdivision 20, by consolidating three previously separate housing programs for homeless persons: the Transitional Housing Program, the Low Income Persons Living Alone Program, and the Housing for Homeless Persons Program.

The Legislature consolidated the funding for the three programs into a single appropriation in the 1989 session, and the Minnesota Housing Finance Agency (hereinafter Agency) has awarded funding under the programs through a single request for proposals since 1989. The 1991 Legislature consolidated the statutory language.

Proposed Minnesota Rules Part 4900.3410 (Scope) describes the scope of the Special Needs Housing Program by referring to four target populations: the three population groups targeted by the three original special needs housing programs; and migrant farmworker families, a target population added by the 1991 legislature.

Proposed Minnesota Rules Part 4900.4311 (Definitions) provides definitions under these rules. The only dispute in the 1991 legislative session over consolidating the three special needs programs was opposition to substantial changes in the income limits for the three programs. Accordingly, in the definition of "low-income and homeless individuals and families," the Agency preserves the different income limits for permanent and transitional housing which were established in the original legislation establishing the three separate programs.

The definition of "low-income and homeless individuals and families" uses the standard of 30% of metropolitan median income for a family of four adjusted for families of five or more for permanent housing funded under the Special Needs Program. This is an appropriate and reasonable standard for a number of reasons. First, this standard preserves in general the income limits which have been used historically for the permanent housing programs under the Special Needs Program. Both permanent housing programs used income limits which were approximately 30% of the metropolitan median income.

Second, the standard uses a percentage of the median income as the benchmark which is a standard issued by the U.S. Department of Housing and Urban Development (HUD). One of the two permanent housing programs used a percentage of the poverty limit as its income limit. Even though the percent of poverty figure was roughly numerically equivalent to the percent of median income figure, it is reasonable to use the percent of median income as the standard since it is the standard used in state and federal housing programs and is familiar to housing developers.

The definition of "low-income and homeless individuals and families" uses the standard of 50% of the greater of state or area median income as the income limit for transitional housing which is the same income limit used since the beginning of the program. It is reasonable to maintain this standard because many of programs which receive funding for capital costs under the Special Needs Program also receive operating support from the Department of Jobs and Training (DJT), and DJT uses the 50% of median income limit.

In addition, using "the greater of state or area median income" is reasonable because it alleviates a barrier to the development of affordable housing caused by the difference between very low median incomes in certain counties in Minnesota and construction costs which are roughly comparable throughout the state.

The definition of temporary or transitional housing which limits occupancy to 24 months derives from the federal McKinney Homeless Assistance Act which provides funding for transitional housing families. It is reasonable to use this definition because many of the transitional housing programs which receive funds under the Special Needs Program also receive funds from the McKinney programs.

Proposed Minnesota Rules 4900.3412 (Eligibility) sets forth five eligibility requirements. Paragraphs A, B, C, and E simply repeat the statute. Paragraph D requires the applicant to submit a comprehensive plan for the development and ongoing management of the proposed housing which includes seven items. The seven items are necessary for the Agency both to evaluate the feasibility of an individual project as well as to evaluate an individual project in comparison to others competing for the limited amount of funds.

The first factor - the need for the type of housing in the area - is a reasonable factor to use to target limited resources effectively to areas of the state with the greatest housing needs. Factors three, four, and five provide evidence necessary to evaluate the economic feasibility of a project which is necessary to ensure that state funds are used for projects with a reasonable prospect for both being completed as well as being affordable for the long term.

Factors two, six, and seven are reasonable factors to use to evaluate the capacity of the applicant to undertake the project. Factor six does not limit the Special Needs Program to applicants who have had prior experience in housing development but allows the experience of a fiscal agent to qualify a project. This is a necessary and reasonable requirement because it allows for the development of the capacity of inexperienced groups while it ensures the presence of experienced oversight of the development process.

Proposed Minnesota Rules 4900.3413 (Eligible Mortgagor) and the statute provide that an applicant must be an eligible mortgagor as defined in Minnesota Statutes Section 462A.03, subdivision 13. Minnesota Statutes Section 462A.03 is the Agency's general definition section and subdivision 13 is the definition of "eligible mortgagor" used in most Agency programs. The definition includes low

and moderate income individuals, nonprofit corporations, units of local government, and for profit limited dividend entities.

Proposed Minnesota Rules 4900.3414 (Selection Criteria) sets forth a priority consideration and twelve additional factors for use in selecting among competing projects. The Legislature required that priority must be given to viable proposals with the lowest total cost per person.

Factors I and J are specified in the legislation. Factors A and C - prior experience and ability to proceed expeditiously - are reasonable criteria because they are measures for evaluating whether or not the housing project will be completed and used for the purposes proposed. Factor E, the cost and quality of the proposed housing, is a reasonable criteria because it is important that state funds be used in housing that is neither poorly constructed nor unnecessarily expensive. Factor L is necessary to ensure that housing designed for persons with special needs is appropriately designed to meet those needs.

Factors B and H are reasonable because they are both a measure of the likelihood of the project to be completed, that is, have sufficient other funds been raised to cover the total development costs, as well as a measure of broad-based support for the project. Factors D and G - need and geographic area to be served - are reasonable because they allow the Agency to target funds to areas of the greatest and also to areas with an undersupply of low-income housing.

Factor F is reasonable because it allows the Agency to focus resources on projects which are relatively more affordable to the tenants. Factor K enables the Agency to determine, in cases where supportive services are offered, whether funds will be available over the long term to pay for the services. This is a reasonable selection criteria because it is important to target construction funds to projects which will be affordable for the long term; where the housing includes services, consideration must be given to the long term availability of the services.

The Agency recognizes the provisions of Minnesota Statutes Section 14.115, "Small Business Considerations in Rulemaking." The proposed rule does not affect small businesses directly. Small businesses which are limited dividend entities may be recipients of funds under this program.

Attached Authority

SONAR type 4900.~~3~~4311 not 4900.4311

Authority -

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 purposes of sections 462A.01 to 462A.24

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

no signed notice of Intent don't have one

no resolution authorizing signing the Notice of Intent

1 copy of the adopted

Housing Finance Agency

Proposed Permanent Rules Relating to Special Needs for Homeless Persons Program

Rules as Proposed (all new material)

4900.3410 SCOPE.

Parts 4900.3410 to 4900.3414 govern special needs housing for homeless persons loans or grants for the construction, acquisition, or rehabilitation of residential housing for occupancy by the following persons: low-income individuals and families having an immediate need for temporary or transitional housing; including low-income individuals living in single room occupancy housing; residential housing for migrant farmworkers; and homeless individuals and families.

4900.3411 DEFINITIONS.

Subpart 1. **Scope.** The terms used in parts 4900.3410 to 4900.3414 have the meanings given them in this part.

Subp. 2. **Agency.** "Agency" means the Housing Finance Agency.

Subp. 3. **Applicant.** "Applicant" means one or more entities that submit an application for a special needs housing for homeless persons loan or grant.

Subp. 4. **Application.** "Application" means a submittal requesting a special needs housing for homeless persons loan or grant to pay the cost of the construction, acquisition, or rehabilitation of residential housing for occupancy by the following persons: low-income individuals and families having an immediate need for temporary or transitional housing; low-income individuals living in single room occupancy housing; residential housing for migrant farmworkers; and homeless individuals and families.

Subp. 5. **Low-income and homeless individuals and families.** "Low-income and homeless individuals and families" means, with respect to homeless persons and persons living in

Approved by Revisor

single room occupancy housing, those individuals and families whose income does not exceed 30 percent of the metropolitan area median income for a family of four adjusted for families of five or more. With respect to those persons living in temporary or transitional housing, low-income individuals and families means those individuals and families whose incomes do not exceed 50 percent of the greater of the statewide or area median income adjusted for families of five or more.

Subp. 6. **Residential housing for migrant farmworkers.** "Residential housing for migrant farmworkers" means housing which contains cooking, sleeping, bathroom facilities, and hot and cold running water in the same structure.

Subp. 7. **Temporary or transitional housing.** "Temporary or transitional housing" means housing provided for a limited duration not exceeding 24 months and available for occupancy on a continuous 24-hour basis.

4900.3412 ELIGIBILITY.

To be eligible for selection as a recipient of a loan or grant under the program, the application must satisfy the requirements in items A to E.

A. The proposed residential housing must be exclusively for the use of low-income families and individuals.

B. All occupants of permanent housing financed under this part must be offered a written lease that:

(1) complies with Minnesota Statutes, section 325G.31;

(2) offers the occupants the option to renew; and

(3) prohibits eviction of an occupant without good cause.

C. The amount of the loan or grant requested must not exceed 50 percent of the total development cost of the proposed residential housing.

D. The application must include a comprehensive plan for the development and management of housing for low-income persons and document the ability of the applicant to develop and

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by Revisor _____

maintain that housing for a period of time specified by the agency. At a minimum, this plan must include:

(1) documentation of a need for the type of housing in the proposed geographic area;

(2) a description of the applicants' goals and objectives in meeting the area's need for the type of housing;

(3) a detailed description of how the housing will be developed and managed, including:

(a) a description of the proposed site for the housing;

(b) preliminary architectural plans for the development;

(c) qualifications of the development and management staff; and

(d) a proposed tenant selection plan;

(4) a detailed budget for the development of the proposed housing showing all development costs and the sources of funds to pay them;

(5) a detailed budget for the operation of the housing showing all anticipated operating costs and the proposed rents and other income;

(6) documentation of the experience and fiscal responsibility and capability of the applicant or fiscal agent of the applicant in developing similar housing; and

(7) where the applicant is providing transitional housing, documentation of an ability to provide support services to assist persons in moving into independent or appropriate supportive living situations.

E. Loan or grant funds may not be used for residential care facilities, for facilities that provide housing available for occupancy on less than a 24-hour continuous basis, or for any residential housing that requires occupants to accept board as well as lodging.

4900.3413 ELIGIBLE MORTGAGOR.

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

Approved
by Revisor _____

grant under the program, an applicant must be an eligible mortgagor as defined in Minnesota Statutes, section 462A.03, subdivision 13.

4900.3414 SELECTION CRITERIA.

In addition to priority being given to viable proposals with the total lowest cost per person served, the agency shall take the following criteria into consideration when determining whether an application and applicant will be selected for a loan or grant under the program:

A. the prior experience of the applicant in development and managing similar residential agency;

B. the extent to which grant funds are combined with other funds from private or public sources to make the development economically feasible;

C. the ability of the applicant to proceed expeditiously with the development;

D. the documented need for this type of residential housing in the proposed geographic area;

E. the cost and quality of the proposed housing;

F. the extent to which the amount of rent to be charged is less than 30 percent of the income of the low-income person leasing the housing unit;

G. the geographic area to be serviced, to the end that a reasonable distribution of low-income housing can be achieved;

H. the extent of community support for this type of development;

I. the extent to which proposals use donated, leased, abandoned, or empty dwellings owned by a public entity or property being sold by the Resolution Trust Corporation or the Department of Housing and Urban Development;

J. the extent to which the applicant has consulted with advocates for the homeless, representatives from neighborhood groups, and representatives from labor organizations in preparing the proposal;

Approved
by Revisor _____

K. if support services are to be provided in conjunction with housing, the availability of funds to pay the ongoing costs of those support services; and

L. the extent to which the structure provides a physical environment that is responsive to the needs of the population to be served.

Approved
by Revisor _____

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Special Needs for Homeless Persons 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

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

RESOLUTION NO. MHFA 92- 65

RESOLUTION AUTHORIZING ADOPTION OF RULES RELATING TO SPECIAL NEEDS HOUSING FOR HOMLESS PERSONS PROGRAM WITHOUT A PUBLIC HEARING

BE IT RESOLVED BY THE MINNESOTA HOUSING FINANCE AGENCY:

That the rule relating to Special Needs Housing for Homless Persons 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 23rd day of July, 1992.

Chairman

Housing Finance Agency

Adopted Permanent Rules Relating to Special Needs for Homeless Persons Program

Rules as Adopted

4900.3410 SCOPE.

Parts 4900.3410 to 4900.3414 govern special needs housing for homeless persons loans or grants for the construction, acquisition, or rehabilitation of residential housing for occupancy by the following persons: low-income individuals and families having an immediate need for temporary or transitional housing; including low-income individuals living in single room occupancy housing; residential housing for migrant farmworkers; and homeless individuals and families.

4900.3411 DEFINITIONS.

Subpart 1. **Scope.** The terms used in parts 4900.3410 to 4900.3414 have the meanings given them in this part.

Subp. 2. **Agency.** "Agency" means the Housing Finance Agency.

Subp. 3. **Applicant.** "Applicant" means one or more entities that submit an application for a special needs housing for homeless persons loan or grant.

Subp. 4. **Application.** "Application" means a submittal requesting a special needs housing for homeless persons loan or grant to pay the cost of the construction, acquisition, or rehabilitation of residential housing for occupancy by the following persons: low-income individuals and families having an immediate need for temporary or transitional housing; low-income individuals living in single room occupancy housing; residential housing for migrant farmworkers; and homeless individuals and families.

Subp. 5. **Low-income and homeless individuals and families.** "Low-income and homeless individuals and families" means, with respect to homeless persons and persons living in

single room occupancy housing, those individuals and families whose income does not exceed 30 percent of the metropolitan area median income for a family of four adjusted for families of five or more. With respect to those persons living in temporary or transitional housing, low-income individuals and families means those individuals and families whose incomes do not exceed 50 percent of the greater of the statewide or area median income adjusted for families of five or more.

Subp. 6. **Residential housing for migrant farmworkers.** "Residential housing for migrant farmworkers" means housing which contains cooking, sleeping, bathroom facilities, and hot and cold running water in the same structure.

Subp. 7. **Temporary or transitional housing.** "Temporary or transitional housing" means housing provided for a limited duration not exceeding 24 months and available for occupancy on a continuous 24-hour basis.

4900.3412 ELIGIBILITY.

To be eligible for selection as a recipient of a loan or grant under the program, the application must satisfy the requirements in items A to E.

A. The proposed residential housing must be exclusively for the use of low-income families and individuals.

B. All occupants of permanent housing financed under this part must be offered a written lease that:

(1) complies with Minnesota Statutes, section 325G.31;

(2) offers the occupants the option to renew; and

(3) prohibits eviction of an occupant without good cause.

C. The amount of the loan or grant requested must not exceed 50 percent of the total development cost of the proposed residential housing.

D. The application must include a comprehensive plan for the development and management of housing for low-income persons and document the ability of the applicant to develop and

maintain that housing for a period of time specified by the agency. At a minimum, this plan must include:

(1) documentation of a need for the type of housing in the proposed geographic area;

(2) a description of the applicants' goals and objectives in meeting the area's need for the type of housing;

(3) a detailed description of how the housing will be developed and managed, including:

(a) a description of the proposed site for the housing;

(b) preliminary architectural plans for the development;

(c) qualifications of the development and management staff; and

(d) a proposed tenant selection plan;

(4) a detailed budget for the development of the proposed housing showing all development costs and the sources of funds to pay them;

(5) a detailed budget for the operation of the housing showing all anticipated operating costs and the proposed rents and other income;

(6) documentation of the experience and fiscal responsibility and capability of the applicant or fiscal agent of the applicant in developing similar housing; and

(7) where the applicant is providing transitional housing, documentation of an ability to provide support services to assist persons in moving into independent or appropriate supportive living situations.

E. Loan or grant funds may not be used for residential care facilities, for facilities that provide housing available for occupancy on less than a 24-hour continuous basis, or for any residential housing that requires occupants to accept board as well as lodging.

4900.3413 ELIGIBLE MORTGAGOR.

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

grant under the program, an applicant must be an eligible mortgagor as defined in Minnesota Statutes, section 462A.03, subdivision 13.

4900.3414 SELECTION CRITERIA.

In addition to priority being given to viable proposals with the total lowest cost per person served, the agency shall take the following criteria into consideration when determining whether an application and applicant will be selected for a loan or grant under the program:

A. the prior experience of the applicant in development and managing similar residential agency;

B. the extent to which grant funds are combined with other funds from private or public sources to make the development economically feasible;

C. the ability of the applicant to proceed expeditiously with the development;

D. the documented need for this type of residential housing in the proposed geographic area;

E. the cost and quality of the proposed housing;

F. the extent to which the amount of rent to be charged is less than 30 percent of the income of the low-income person leasing the housing unit;

G. the geographic area to be serviced, to the end that a reasonable distribution of low-income housing can be achieved;

H. the extent of community support for this type of development;

I. the extent to which proposals use donated, leased, abandoned, or empty dwellings owned by a public entity or property being sold by the Resolution Trust Corporation or the Department of Housing and Urban Development;

J. the extent to which the applicant has consulted with advocates for the homeless, representatives from neighborhood groups, and representatives from labor organizations in preparing the proposal;

K. if support services are to be provided in conjunction with housing, the availability of funds to pay the ongoing costs of those support services; and

L. the extent to which the structure provides a physical environment that is responsive to the needs of the population to be served.

CERTIFICATE OF THE

MINNESOTA HOUSING FINANCE AGENCY

RESOLUTION ADOPTING THE RULE

I, Robert A. Worthington, do hereby certify that I am a member and the Chairman of the Minnesota Housing Finance Agency, an Agency duly authorized under the laws of the State of Minnesota, and that the following is a true, complete, and correct copy of a resolution adopted at a meeting of the Agency, duly and properly called and held on the 23rd day of July, 1992, that a quorum was present, and that a majority of those present voted for the resolution which has not been rescinded or modified.

RESOLVED, that the rule relating to Special Needs Housing for Homeless Persons Program is approved and adopted, purusant to authority vested in the Agency by Minnesota Statutes 462A.06, Subd. 4 and 11. James J. Solem, the Commissioner of the Minnesota Housing Finance Agency is authorized to sign the findings of fact, conclusions, and order adopting the rule and further is authorized by the attorney general and to perform the necessary acts to provide that the rule shall have the force and effect of law.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 23rd day of July, 1992.

Chairman

Attest by one other Board member.

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 Special Needs for Homeless Persons 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 portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule within the 30-day comment period. (4) If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. (6) Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. (7) If a public hearing is required, the agency will proceed pursuant to Minnesota Statutes, sections 14.131 to 14.20.

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

Renee J. Dickinson, Legal Division
Minnesota Housing Finance Agency
400 Sibley St., Suite 300
St. Paul, MN 55101-1998
Telephone: 612/296-9793

(8) The proposed rule may be modified if the modifications are supported by data and views submitted to the agency and do not result in a substantial change in the proposed rule as noticed.

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

(12) A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from Renee J. Dickinson upon request.

(9) If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General or who wish to receive a copy of the adopted rule must submit the written request to Renee J. Dickinson.

Date: May 19, 1992

James J. Solem
Commissioner

In the Matter of the Proposed Adoption of the Rule of the Minnesota Housing Finance Agency Governing the Special Needs for Homeless Persons Program
Special Needs for Homeless Persons Program

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

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

Renee J. Dickinson, 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 22nd day of May, 1992.

That on the 22nd day of May, 1992, 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.

Renee J. Dickinson

Renee J. Dickinson, Legal Assistant

Subscribed and sworn to before me
this 22nd day of May, 1992.

S. K. Noren

Notary Public

S. K. NOREN
NOTARY PUBLIC-MINNESOTA
RAMSEY COUNTY
MY COMMISSION EXPIRES APRIL 8, 1997

Subp. 4. **Application.** "Application" means a submittal requesting a loan or grant for special needs housing for adults with chronic chemical dependency.

Subp. 5. **Low-income and homeless individuals and families.** "Low-income and homeless individuals and families" means, with respect to persons living in housing for adults with chronic chemical dependency, those individuals whose income does not exceed 50 percent of the greater of the statewide or area median income.

4900.3402 ELIGIBILITY.

To be eligible for selection as a recipient of a loan or grant under the program, the application must satisfy the requirements in items A to D.

A. The proposed residential housing must be exclusively for the use of low-income persons.

B. Grant funds may not be used for residential care facilities, for facilities that provide housing available for occupancy on less than a 24-hour continuous basis.

C. The housing for chronic chemically dependent adults must satisfy the following conditions:

(1) be certified by the Department of Health or the city as a board and lodging facility or single residence occupancy housing;

(2) meet all applicable health, building, fire safety, and zoning requirements;

(3) be located in an area significantly distant from the present location of county detoxification service sites;

(4) make available the services of trained personnel to appraise each client before or upon admission and to provide information about medical, job training, and chronic chemical dependency services as necessary;

(5) provide on-site security designed to assure the health and safety of clients, staff, and neighborhood residents; and

(6) operate with the guidance of a neighborhood-based board.

D. To the extent possible, an applicant shall combine the loan or grant with other funds obtained from public and private sources.

4900.3403 ELIGIBLE MORTGAGOR.

To be eligible for selection as a recipient of a loan or grant under the program, an applicant may be a for-profit, limited-dividend, or nonprofit entity.

4900.3404 SELECTION CRITERIA.

The agency shall take the following criteria into consideration when determining whether an application and applicant will be selected for a loan or grant under the program. Priority will be given to proposals that address the needs of the Native American population and veterans of military service:

A. the prior experience of the applicant in development and managing similar residential housing;

B. the extent to which loan or grant funds are combined with other funds from private or public sources to make the development economically feasible;

C. the documented need for this type of residential housing in the proposed geographic area;

D. the geographic area to be serviced, to the end that a reasonable distribution of low-income housing can be achieved;

E. the extent to which the structure must provide a physical environment that is responsible to the needs to the population to be served; and

F. the ability of the applicant to proceed expeditiously with the development.

Housing Finance Agency

Proposed Permanent Rules Relating to Special Needs for Homeless Persons 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

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.

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:

Renee J. Dickinson, Legal Division
Minnesota Housing Finance Agency
400 Sibley St., Suite 300
St. Paul, MN 55101-1998
Telephone: 612/296-9793

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 Renee J. Dickinson 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 Renee J. Dickinson.

Date: 22 May 1992

James J. Solem
Commissioner

Rules as Proposed (all new material)

4900.3410 SCOPE.

Parts 4900.3410 to 4900.3414 govern special needs housing for homeless persons loans or grants for the construction, acquisition, or rehabilitation of residential housing for occupancy by the following persons: low-income individuals and families having an immediate need for temporary or transitional housing; including low-income individuals living in single room occupancy housing; residential housing for migrant farmworkers; and homeless individuals and families.

4900.3411 DEFINITIONS.

Subpart 1. **Scope.** The terms used in parts 4900.3410 to 4900.3414 have the meanings given them in this part.

Subp. 2. **Agency.** "Agency" means the Housing Finance Agency.

Subp. 3. **Applicant.** "Applicant" means one or more entities that submit an application for a special needs housing for homeless persons loan or grant.

Subp. 4. **Application.** "Application" means a submittal requesting a special needs housing for homeless persons loan or grant to pay the cost of the construction, acquisition, or rehabilitation of residential housing for occupancy by the following persons: low-income individuals and families having an immediate need for temporary or transitional housing; low-income individuals living in single room occupancy housing; residential housing for migrant farmworkers; and homeless individuals and families.

Subp. 5. **Low-income and homeless individuals and families.** "Low-income and homeless individuals and families" means, with respect to homeless persons and persons living in single room occupancy housing, those individuals and families whose income does not exceed 30 percent of the metropolitan area median income for a family of four adjusted for families of five or more. With respect to those persons living in temporary or transitional housing, low-income individuals and families means those individuals and families whose incomes do not exceed 50 percent of the greater of the statewide or area median income adjusted for families of five or more.

Subp. 6. **Residential housing for migrant farmworkers.** "Residential housing for migrant farmworkers" means housing which contains cooking, sleeping, bathroom facilities, and hot and cold running water in the same structure.

Subp. 7. **Temporary or transitional housing.** "Temporary or transitional housing" means housing provided for a limited duration not exceeding 24 months and available for occupancy on a continuous 24-hour basis.

4900.3412 ELIGIBILITY.

To be eligible for selection as a recipient of a loan or grant under the program, the application must satisfy the requirements in items A to E.

A. The proposed residential housing must be exclusively for the use of low-income families and individuals.

B. All occupants of permanent housing financed under this part must be offered a written lease that:

(1) complies with *Minnesota Statutes*, section 325G.31;

(2) offers the occupants the option to renew; and

(3) prohibits eviction of an occupant without good cause.

C. The amount of the loan or grant requested must not exceed 50 percent of the total development cost of the proposed residential housing.

D. The application must include a comprehensive plan for the development and management of housing for low-income persons and document the ability of the applicant to develop and maintain that housing for a period of time specified by the agency. At a minimum, this plan must include:

(1) documentation of a need for the type of housing in the proposed geographic area;

(2) a description of the applicants' goals and objectives in meeting the area's need for the type of housing;

(3) a detailed description of how the housing will be developed and managed, including:

(a) a description of the proposed site for the housing;

(b) preliminary architectural plans for the development;

(c) qualifications of the development and management staff; and

(d) a proposed tenant selection plan;

(4) a detailed budget for the development of the proposed housing showing all development costs and the sources of funds to pay them;

(5) a detailed budget for the operation of the housing showing all anticipated operating costs and the proposed rents and other income;

(6) documentation of the experience and fiscal responsibility and capability of the applicant or fiscal agent of the applicant in developing similar housing; and

(7) where the applicant is providing transitional housing, documentation of an ability to provide support services to assist persons in moving into independent or appropriate supportive living situations.

E. Loan or grant funds may not be used for residential care facilities, for facilities that provide housing available for occupancy on less than a 24-hour continuous basis, or for any residential housing that requires occupants to accept board as well as lodging.

4900.3413 ELIGIBLE MORTGAGOR.

To be eligible for selection as a recipient of a loan or grant under the program, an applicant must be an eligible mortgagor as defined in *Minnesota Statutes*, section 462A.03, subdivision 13.

4900.3414 SELECTION CRITERIA.

In addition to priority being given to viable proposals with the total lowest cost per person served, the agency shall take the following criteria into consideration when determining whether an application and applicant will be selected for a loan or grant under the program:

A. the prior experience of the applicant in development and managing similar residential agency;

B. the extent to which grant funds are combined with other funds from private or public sources to make the development economically feasible;

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

C. the ability of the applicant to proceed expeditiously with the development;

D. the documented need for this type of residential housing in the proposed geographic area;

E. the cost and quality of the proposed housing;

F. the extent to which the amount of rent to be charged is less than 30 percent of the income of the low-income person leasing the housing unit;

G. the geographic area to be serviced, to the end that a reasonable distribution of low-income housing can be achieved;

H. the extent of community support for this type of development;

I. the extent to which proposals use donated, leased, abandoned, or empty dwellings owned by a public entity or property being sold by the Resolution Trust Corporation or the Department of Housing and Urban Development;

J. the extent to which the applicant has consulted with advocates for the homeless, representatives from neighborhood groups, and representatives from labor organizations in preparing the proposal;

K. if support services are to be provided in conjunction with housing, the availability of funds to pay the ongoing costs of those support services; and

L. the extent to which the structure provides a physical environment that is responsive to the needs of the population to be served.

Department of Revenue

Proposed Permanent Rules Relating to Motor Fuels Taxation

Notice of Intent to Adopt a Rule Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Department of Revenue intends to adopt the above entitled rules without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in *Minnesota Statutes* section 14.22 to 14.28. The statutory authority to adopt the rules is *Minnesota Statutes* section 270.06, subdivision 13.

All persons have 30 days, through June 25, 1992, in which to submit comments in support of or in opposition to any of the proposed rules or any part or subpart of any of the proposed rules. Comments are 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*, section 14.131 to 14.20.

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

Mark D. Pederson, Attorney
Appeals, Legal Services and Criminal Investigation Division
10 River Park Plaza
Mail Station 2220
St. Paul, MN 55146-2220
(612) 296-1902 Extension 126

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 free copy of the rule is also available upon request from:

Mark D. Pederson, Attorney
Appeals, Legal Services and Criminal Investigation Division
10 River Park Plaza
Mail Station 2220
St. Paul, MN 55146-2220
(612) 296-1902 Extension 126

A STATEMENT OF NEED AND REASONABLENESS that describes the need for and reasonableness of each provision of the

In the Matter of the Adoption
of the Rule of the Minnesota
Housing Finance Agency
Governing the Special Needs for
Homeless Persons 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: July 23, 1992