

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

AVK
8/6/92

RULE REVIEW CHECKLIST

File No. 1937
DATE RECEIVED 8-6-92
REVIEW DATE 8-17-92
DUE DATE 8-20-92
(DIS)APPROVED 8-20-92
WITHDRAWN _____

Docket No. 05,0009,0450
ADOPTED W/O HEARING _____
EMERGENCY RULE _____
TO REVISOR ON 8-6-92
REVISOR (DIS)APPROVED 8/7/92
FILED W/SEC. OF STATE 8-21-92
RETURNED TO AGENCY 8-21-92

_____ Rule as adopted (4 copies)) 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, 199- Date adopted

✓ Proposed Rule
✓ Revisor's Certificate

✓ Notice of Intent to Adopt Rule
462A.06 subd 4 and 5 Statutory Authority
no statement Small Business Statement
_____ Expenditure of public money statement
May 22, 1992 Signature unsigned Do not have a signed one

✓ 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
✓ 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

NA 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 21, 1992

FROM : AMY J. KVALSETH
Special Assistant
Attorney General

PHONE : 296-9422

SUBJECT : In the Matter of the Adopted Rule Relating to Special Needs Housing for Adults with Chronic Chemical Dependency

The above-referenced rule has been approved as to its legality by the Attorney General on August 20, 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

AVK:jj.rules.az9

Housing Finance Agency

Adopted Permanent Rules Relating to Special Needs Housing for Adults with Chronic Chemical Dependency

Rules as Adopted

4900.3400 SCOPE.

Parts 4900.3400 to 4900.3404 govern the implementation of the special needs housing for adults with chronic chemical dependency program.

4900.3401 DEFINITIONS.

Subpart 1. **Scope.** The terms used in parts 4900.3400 to 4900.3404 have the meanings given them in this part.

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

Subp. 3. **Applicant.** "Applicant means one or more entities that submit an application for a special needs housing for adults with chronic chemical dependency loan or grant.

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.

APPROVED AS TO FORM AND LEGALITY

August 20 1992

HUBERT H. HUMPHREY, III
ATTORNEY GENERAL

BY Tony V. Kvilseth
SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED

AUG 21 1992

Joan Anderson Growe
Secretary of State

RC
11:00

Special Needs Housing for Adults With Chronic Chemical Dependency

Statement of Need and Reasonableness

The 1991 Minnesota Legislature created the Special Needs Housing Program for Adults with Chronic Chemical Dependency and appropriated $100,000 to the Minnesota Housing Finance Agency (hereinafter Agency) for the program. The legislation was amended in 1992 to eliminate a restriction that housing funded under the program be transitional or temporary housing.

Proposed Minnesota Rules Part 4900.3400 (Scope) describes the scope of the Special Needs Housing Program for Adults with Chronic Chemical Dependency.

Proposed Minnesota Rules Part 4900.3401 (Definitions) provides definitions under these rules. 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 the Special Needs Program for Adults with Chronic Chemical Dependency. This is a reasonable standard to use for two reasons. First, it is consistent with the standard used by a variety of programs under the federal McKinney Homeless Assistance Act which might be tapped to provide operating funds or additional construction funds for a project.

Second, 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.

Proposed Minnesota Rules 4900.3402 (Eligibility) sets forth four eligibility requirements. All four criteria repeat the statute. Factor B is reasonable because it ensures that the funds will be used for residential housing and not a residential care facility or a temporary shelter. Factor D is reasonable because it encourages leveraging other funds.

Proposed Minnesota Rules 4900.3403 (Eligible Mortgagor) and the statute provide that an applicant may be a for profit limited dividend entity or a nonprofit entity.

Proposed Minnesota Rules 4900.3404 (Selection Criteria) sets forth a priority consideration and six additional factors for use in selecting among competing projects. The Legislature required that priority must be given to viable proposals that address the needs of the Native American population and veterans of military service.

Factors A and F - prior experience and ability to proceed expeditiously - are reasonable criteria because they are a measure for evaluating whether or not the housing project will be completed, used for the purposes proposed, and managed effectively over the long term.

Factor B is reasonable because it is 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, and a measure of the economic feasibility of the project as proposed. Factors C and D - need and geographic area to be served - are reasonable because they allow the Agency to target funds to areas of the greatest need and also to areas with an undersupply of low-income housing.

Factor E is necessary to ensure that housing designed for persons with chronic chemical dependency is appropriately designed to meet those needs.

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 section.

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 Adults with Chronic Chemical Dependency

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.

400 Sibley Street, Suite 300, St. Paul, Minnesota 55101 (612) 296-7608 Telecopier (612) 296-8139 TDD (612) 297-2361
Equal Opportunity Housing and Equal Opportunity Employment

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.

Stat 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 inconsistent with the provisions of sections 462A.01 to 462A.24

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

no signed Notice of Intent - don't have one

no resolution authorizing signing the Notice of Intent

no 4 copies of the rules

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

RESOLUTION NO. MHFA 92-22

RESOLUTION AUTHORIZING ADOPTION OF RULES RELATING TO SPECIAL NEEDS HOUSING FOR ADULTS WITH CHEMICAL DEPENDENCY 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 Special Needs Housing For Adults with Chemical Dependency 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

SPECIAL NEEDS HOUSING FOR ADULTS WITH CHEMICAL DEPENDENCY

4900.3400 SCOPE.

Parts 4900.3400 to 4900.3404 govern the implementation of the special needs housing for adults with chemical dependency program.

4900.3401 DEFINITIONS.

Subpart 1. Scope. The terms used in parts 4900.3400 to 4900.3404 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 special needs housing for adults with chemical dependency loan/grant.

Subpart 4. Application: "Application" means a submittal requesting a loan/grant for special needs housing for adults with chronic chemical dependency.

Subpart 5. Low Income and Homeless Individuals and Families. Means, with respect to persons living in housing for adults with chemical dependency, those individuals whose incomes does not exceed 50 percent of the greater of the statewide or area median income.

4900.3402 ELIGIBILITY

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

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 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, a sponsor shall combine the loan/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/grant under the program, an applicant may be a for-profit, limited-dividend, or nonprofit sponsor, as defined by the agency.

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/grant under the program. Priority will be given to proposals that address the needs of the Native American population and veterans of military services.

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

B. The extent to which loan/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.

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

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 Adults with Chronic Chemical Dependency 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
400 Sibley Street
St. Paul, Minnesota 55101-1998

RESOLUTION NO. MHFA 92-66

RESOLUTION AUTHORIZING ADOPTION OF RULES RELATING TO SPECIAL NEEDS FOR ADULTS WITH CHRONIC CHEMICAL DEPENDENCY WITHOUT A PUBLIC HEARING

BE IT RESOLVED BY THE MINNESOTA HOUSING FINANCE AGENCY:

That the rule relating to Special Needs Housing for Adults with Chronic Chemical Dependency 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 Housing for Adults with Chronic Chemical Dependency

Rules as Adopted

4900.3400 SCOPE.

Parts 4900.3400 to 4900.3404 govern the implementation of the special needs housing for adults with chronic chemical dependency program.

4900.3401 DEFINITIONS.

Subpart 1. **Scope.** The terms used in parts 4900.3400 to 4900.3404 have the meanings given them in this part.

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

Subp. 3. **Applicant.** "Applicant means one or more entities that submit an application for a special needs housing for adults with chronic chemical dependency loan or grant.

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 Housing for Adults with Chronic Chemical Dependency

Rules as Proposed (all new material)

4900.3400 SCOPE.

Parts 4900.3400 to 4900.3404 govern the implementation of the special needs housing for adults with chronic chemical dependency program.

4900.3401 DEFINITIONS.

Subpart 1. **Scope.** The terms used in parts 4900.3400 to 4900.3404 have the meanings given them in this part.

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

Subp. 3. **Applicant.** "Applicant means one or more entities that submit an application for a special needs housing for adults with chronic chemical dependency loan or grant.

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

Approved by Revisor

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.

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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

Approved
by Revisor _____

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.

Approved
by Revisor _____

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Special Needs Housing for Adults with Chronic Chemical Dependency

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

In the Matter of the Proposed Adoption of the Rule of the Minnesota Housing the Minnesota Housing Finance Agency Governing the Special Needs Housing for Adults with Chronic Chemical Dependency

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. 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 Assistant
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 22, 1992

James J. Solem
Commissioner

In the Matter of the Adoption
of the Rule of the Minnesota
Housing Finance Agency
Governing the Special Needs Housing for
Adults with Chronic Chemical Dependency

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

In the Matter of the Proposed Adoption of the Rule of the Minnesota Housing Finance Agency Governing the Special Needs Housing for Adults with ChronicChemical Dependency Special Needs Housing for Adults with Chronic Chemical Dependency

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

A. the organization's prior experience in operating or developing programs 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 nonstate money; and

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

Housing Finance Agency

Proposed Permanent Rules Relating to Special Needs Housing for Adults with Chronic Chemical Dependency

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:

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)

4900.3400 SCOPE.

Parts 4900.3400 to 4900.3404 govern the implementation of the special needs housing for adults with chronic chemical dependency program.

4900.3401 DEFINITIONS.

Subpart 1. **Scope.** The terms used in parts 4900.3400 to 4900.3404 have the meanings given them in this part.

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

Subp. 3. **Applicant.** "Applicant means one or more entities that submit an application for a special needs housing for adults with chronic chemical dependency loan or grant.

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.

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 Housing for Adults with Chronic Chemical Dependency	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 (2) 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)

NOW, THEREFORE, IT IS ORDERED that the rule identified as 4900.3400 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