

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

MJM 8/6/92

RULE REVIEW CHECKLIST

File No. 1938
DATE RECEIVED 8-6-92
REVIEW DATE 8-17-92
DUE DATE 8-20-92
~~(DIS)~~APPROVED MJM 8/18/92
WITHDRAWN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 8-18-92
RETURNED TO AGENCY 8-19-92

✓ Rule as adopted (1 copy) 1 copy B

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 ~~no~~ missing

✓ Proposed Rule
✓ Revisor's Certificate

Notice of Intent to Adopt Rule
462A.06 and 4 and Statutory Authority
No statement Small Business Statement
Expenditure of public money statement
May 22, 1992 Signature not signed - don't have one

✓ Statement of Need and Reasonableness (if applicable)
✓ Small Business Statement Poor
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 18, 1992

FROM : MARY JO MURRAY
Special Assistant
Attorney General

PHONE : 296-3258

SUBJECT : In the Matter of the Adopted Rule Relating to Training and Housing Program for Homeless Adults Demonstration 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.az8

Housing Finance Agency

Adopted Permanent Rules Relating to Training and Housing Program for Homeless Adults Demonstration Program

Rules as Adopted

4900.3420 SCOPE.

Parts 4900.3420 to 4900.3424 allow 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 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 training and housing program for a demonstration grant.

Subp. 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.

Subp. 5. **Demonstration grant.** "Demonstration grant" means a homeless adults demonstration grant.

Subp. 6. **Homeless individual.** "Homeless individual" has the meaning given in United States Code, title 42, section 11302.

Subp. 7. **Eligible organization.** "Eligible organization" means a nonprofit organization run by or for homeless persons.

Subp. 8. **Rehabilitation.** "Rehabilitation" means the repair, construction, or improvement of existing residential

housing with the objective of making the housing decent, safe, sanitary, and more desirable to live in, of greater market value, or to conform with state, county, or city health, housing, building, fire prevention, and housing maintenance codes and other public standards applicable to housing.

4900.3422 ELIGIBILITY.

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

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 components in subitems (1) to (3).

(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 nonprofit 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 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.

APPROVED AS TO FORM AND LEGALITY

8/18 19____

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

PC
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 Training and Housing Program for Homeless Adults Demonstration 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 92-21

RESOLUTION AUTHORIZING ADOPTION OF RULES RELATING TO SPECIAL NEEDS HOUSING FOR HOMELESS PERSONS PROGRAM 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 Homeless Persons Program to all persons who have registered their names with the agency for that purpose and publish the notice and rule in the State Register, and to perform any and all acts incidental thereto.

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

Chairman

SPECIAL NEEDS HOUSING FOR HOMELESS PERSONS PROGRAM

4900.3410 SCOPE.

Parts 4900.3410 to 4900.3414 govern special needs housing for homeless persons loans/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 SRO-type 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 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 homeless persons loan/grant.

Subpart 4. Application: "Application" means a submittal requesting a special needs housing for homeless persons loan/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 SRO-type housing; residential housing for migrant farmworkers; and homeless individuals and families.

Subpart 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 SRO-type 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 does not exceed 50 percent of the greater of the statewide or area median income adjusted for families of five or more.

Subpart 6. Residential housing for migrant farmworkers: Housing which contains cooking, sleeping, bathroom facilities, and hot and cold running water in the same structure.

Subpart 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

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 families and individuals.

B. All occupants of permanent housing financed under this subdivision 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/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/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/grant under the program, an applicant must be an eligible mortgagor as defined in 462A.03, subd. 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/grant under the program.

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

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 responsible to the needs to the population to be served.

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

RESOLUTION NO. MHFA 92- 67

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

BE IT RESOLVED BY THE MINNESOTA HOUSING FINANCE AGENCY:

That the rule relating to Training and Housing Program for Homeless Adults Demonstration 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 Training and Housing Program for Homeless Adults Demonstration Program

Rules as Adopted

4900.3420 SCOPE.

Parts 4900.3420 to 4900.3424 allow 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 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 training and housing program for a demonstration grant.

Subp. 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.

Subp. 5. **Demonstration grant.** "Demonstration grant" means a homeless adults demonstration grant.

Subp. 6. **Homeless individual.** "Homeless individual" has the meaning given in United States Code, title 42, section 11302.

Subp. 7. **Eligible organization.** "Eligible organization" means a nonprofit organization run by or for homeless persons.

Subp. 8. **Rehabilitation.** "Rehabilitation" means the repair, construction, or improvement of existing residential

housing with the objective of making the housing decent, safe, sanitary, and more desirable to live in, of greater market value, or to conform with state, county, or city health, housing, building, fire prevention, and housing maintenance codes and other public standards applicable to housing.

4900.3422 ELIGIBILITY.

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

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 components in subitems (1) to (3).

(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 nonprofit 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 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.

Training and Housing Program for Homeless Adults Demonstration Program

Statement of Need and Reasonableness

The 1991 Minnesota Legislature authorized the Minnesota Housing Finance Agency (hereinafter Agency) to make planning grants to nonprofit organizations to develop coordinated training and housing programs for homeless adults. The Legislature appropriated $50,000 to the program. In 1992, the Legislature passed more detailed legislation to govern the $50,000 appropriation.

Proposed Minnesota Rules Part 4900.3420 (Scope) describes the scope of the Training and Housing Program for Homeless Adults Demonstration Program.

Proposed Minnesota Rules Part 4900.3421 (Definitions) provides definitions under these rules. The definitions of "homeless individual" and "eligible organization" are taken from the statute. The definition of "rehabilitation" is the same definition used in Minnesota Statutes Section 462A.03, subdivision 15, which is the Agency's general definition of "rehabilitation." It is reasonable to use this definition because it is consistent with other Agency programs and it limits rehabilitation to basic, non-luxary, health, safety, and housing maintenance repairs.

Proposed Minnesota Rules 4900.3422 (Eligibility) sets forth three eligibility requirements. All three criteria repeat the statute. Factor C sets forth the statutory requirements for the three components required in each proposal: a work experience and training component, a job skills component, and a life skills component.

Proposed Minnesota Rules 4900.3423 (Eligible Applicant) repeats the statutory provision that an applicant must be a nonprofit organization that is run by or for homeless persons.

Proposed Minnesota Rules 4900.3424 (Selection Criteria) sets forth four factors for use in selecting among competing projects.

Factors A - prior experience - is a reasonable criteria because it is a measure for evaluating whether or not the applicant will be able to complete the planning project, undertake the housing project, maintain the housing for the purposes proposed, and manage the housing effectively over the long term.

Factors B - geographic area to be served - is reasonable because it allows the Agency to distribute funds around the state and not concentrate all the funds in one location.

Factor C - match with nonstate money - is reasonable because it will encourage the leveraging of other funds which both expands the impact of the state funds as well as indicates broad-based support for the project.

Factor D is reasonable because the purpose of the program is to promote individual stability and comparing proposals on their plans for achieving this goal is necessary to ensure that the program is successful.

The Agency recognizes the provisions of Minnesota Statutes Section 14.115, "Small Business Considerations in Rulemaking." The proposed rule does not affect small businesses because eligible applicants must be nonprofit organizations run by or for homeless individuals.

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 inconsistant with the provision of sections 462A.01 to 462A.24

subd 11 It may make and publish rules pursuant to Chapter 14 respecting its mortgage, lending ect

SONAR

4900.3422 - what's the legislation

unsigned Notice of Intent

✓ copy of adopted

✓ no authorizing res. to Give Notice

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 Training and Housing Program for Homeless Adults Demonstration 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.

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 Training and Housing Program for Homeless Adults Demonstration 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 4900.3420 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

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 Training and Housing Program for Homeless Adults Demonstration Program

NOTICE OF INTENT TO ADOPT A RULE WITHOUT A PUBLIC HEARING

Notice is hereby given that the Minnesota Housing Finance Agency intends to adopt the above rule without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in Minnesota Statutes sections 14.22 to 14.28. The statutory authority to adopt the rule is Minnesota Statutes 462A.06, subd. 4 and 11.

All persons have 30 days in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule., Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

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

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

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: May 22, 1992

James J. Solem
Commissioner

In the Matter of the Proposed Adoption of the Rule of the Minnesota Housing Finance Agency Governing the Training and Housing Program for Homeless Adults Demonstration Program
Training and Housing Program for Homeless Adults Demonstration 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

Proposed Rules

Pursuant to Minn. Stat. §§ 14.22, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing, as long as the agency determines that the rules will be noncontroversial in nature. The agency must first publish a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. The notice must advise the public:

1. that they have 30 days in which to submit comment on the proposed rules;
2. that no public hearing will be held unless 25 or more persons make a written request for a hearing within the 30-day comment period;
3. of the manner in which persons shall request a hearing on the proposed rules; and
4. that the rule may be modified if the modifications are supported by the data and views submitted.

If, during the 30-day comment period, 25 or more persons submit to the agency a written request for a hearing of the proposed rules, the agency must proceed under the provisions of §§ 14.14-14.20, which state that if an agency decides to hold a public hearing, it must publish a notice of intent in the *State Register*.

Pursuant to Minn. Stat. §§ 14.29 and 14.30, agencies may propose emergency rules under certain circumstances. Proposed emergency rules are published in the *State Register* and, for at least 25 days thereafter, interested persons may submit data and views in writing to the proposing agency.

Housing Finance Agency

Proposed Permanent Rules Relating to Training and Housing Program for Homeless Adults Demonstration Program

Notice of Intent to Adopt a Rule Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Housing Finance Agency intends to adopt the above rule without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in *Minnesota Statutes* sections 14.22 to 14.28. The statutory authority to adopt the rule is *Minnesota Statutes* 462A.06 subd. 4 and 11.

All persons have 30 days in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

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

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)

4900.3420 SCOPE.

Parts 4900.3420 to 4900.3424 allow 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 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 training and housing program for a demonstration grant.

Subp. 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.

Subp. 5. **Demonstration grant.** "Demonstration grant" means a homeless adults demonstration grant.

Subp. 6. **Homeless individual.** "Homeless individual" has the meaning given in United States Code, title 42, section 11302.

Subp. 7. **Eligible organization.** "Eligible organization" means a nonprofit organization run by or for homeless persons.

Subp. 8. **Rehabilitation.** "Rehabilitation" means the repair, construction, or improvement of existing residential housing with the objective of making the housing decent, safe, sanitary, and more desirable to live in, of greater market value, or to conform with state, county, or city health, housing, building, fire prevention, and housing maintenance codes and other public standards applicable to housing.

4900.3422 ELIGIBILITY.

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

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 components in subitems (1) to (3).

(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 nonprofit 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:

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.

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.

Housing Finance Agency

Proposed Permanent Rules Relating to Training and Housing Program for Homeless Adults Demonstration Program

Rules as Proposed (all new material)

4900.3420 SCOPE.

Parts 4900.3420 to 4900.3424 allow 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 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 training and housing program for a demonstration grant.

Subp. 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.

Subp. 5. **Demonstration grant.** "Demonstration grant" means a homeless adults demonstration grant.

Subp. 6. **Homeless individual.** "Homeless individual" has the meaning given in United States Code, title 42, section 11302.

Subp. 7. **Eligible organization.** "Eligible organization" means a nonprofit organization run by or for homeless persons.

Subp. 8. **Rehabilitation.** "Rehabilitation" means the repair, construction, or improvement of existing residential

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housing with the objective of making the housing decent, safe, sanitary, and more desirable to live in, of greater market value, or to conform with state, county, or city health, housing, building, fire prevention, and housing maintenance codes and other public standards applicable to housing.

4900.3422 ELIGIBILITY.

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

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 components in subitems (1) to (3).

(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,

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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 nonprofit 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 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.

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Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Training and Housing Program for Homeless Adults Demonstration Program

AGENCY: Housing Finance Agency

MINNESOTA RULES: Chapter 4900

APPROVED AS TO FORM AND LEGALITY

_____ 19____

HUBERT H. HUMPHREY, III
ATTORNEY GENERAL

BY_____
SPECIAL ASSISTANT ATTORNEY GENERAL

The attached rules are approved for publication in the State Register

Carla M. Riehle
Assistant Revisor

Housing Finance Agency

Proposed Permanent Rules Relating to Training and Housing Program for Homeless Adults Demonstration Program

Rules as Proposed (all new material)

4900.3420 SCOPE.

Parts 4900.3420 to 4900.3424 allow 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 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 training and housing program for a demonstration grant.

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housing with the objective of making the housing decent, safe, sanitary, and more desirable to live in, of greater market value, or to conform with state, county, or city health, housing, building, fire prevention, and housing maintenance codes and other public standards applicable to housing.

4900.3422 ELIGIBILITY.

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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.

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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.

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by Revisor _____

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Training and Housing Program for Homeless Adults Demonstration 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

APPROVED AS TO FORM AND LEGALITY

8/18 1972

HUBERT H. HUMPHREY, III
ATTORNEY GENERAL

BY _____
SPECIAL ASSISTANT ATTORNEY GENERAL

In the Matter of the Adoption
of the Rule of the Minnesota
Housing Finance Agency
Governing the Training and Housing
Program for Homeless Adults Demonstration 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