

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

MJM
11/30/92

RULE REVIEW CHECKLIST

File No. 1973
DATE RECEIVED 11-28-92
REVIEW DATE 12/2/92
DUE DATE 12/7/92
(DIS)APPROVED 12/7/92
WITHDRAWN

Docket No. D50009 043 J
ADOPTED W/O HEARING
EMERGENCY RULE
TO REVISOR ON 11-30-92
REVISOR (DIS)APPROVED 12-1-92
FILED W/SEC. OF STATE 12-8-92
RETURNED TO AGENCY 12-8-92

✓ Rule as adopted (4 copies)

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

Petition for Adoption of a Rule

Board's Authorizing Resolution
July 23, 1992 Date adopted

✓ Proposed Rule
✓ Revisor's Certificate

✓ Notice of Intent to Adopt Rule
462A.06 subd 4 and 11 Statutory Authority
___ Small Business Statement
___ Expenditure of public money statement
September 25, 1992 Signature

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

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

✓ Publication in State Register
September 28, 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
November 19, 1992 Date adopted

✓ Findings of Fact, Conclusions & Order Adopting
Nov 19, 1992 Date

Written Requests, Submissions or Comments

Declaration of Attorney
___ 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 : December 8, 1992

FROM : MARY JO MURRAY
Special Assistant
Attorney General

PHONE : 296-3258

SUBJECT : In the Matter of the Adopted Rule Relating to Publicly Owned Transitional or Battered Women or Other Crime Victims Housing Program

The above-referenced rule has been approved as to its legality by the Attorney General on December 7, 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.be0

Minnesota Housing Finance Agency

Adopted Permanent Rules Relating to Publicly Owned Transitional or Battered Women or Other Crime Victims Housing Program

Rules as Adopted

PUBLICLY OWNED TRANSITIONAL OR BATTERED WOMEN OR OTHER CRIME VICTIMS HOUSING PROGRAM

4900.3100 SCOPE.

Parts 4900.3100 to 4900.3130 govern the implementation of the publicly owned transitional or battered women or other crime victims housing program.

4900.3110 DEFINITIONS.

Subpart 1. **Scope.** The terms used in parts 4900.3100 to 4900.3130 have the meanings given them in this part.

[For text of subp 2, see M.R.]

Subp. 3. **Applicant.** "Applicant" means one or more entities that submit an application for housing program financial assistance.

Subp. 4. **Application.** "Application" means a submittal requesting housing program financial assistance to pay the cost of the acquisition, improvement, construction, or rehabilitation of a structure to provide housing for low- and moderate-income persons.

Subp. 4a. **Financial assistance.** "Financial assistance" means a loan for purposes of the publicly owned transitional housing program or a grant for purposes of the publicly owned battered women or other crime victims housing program.

Subp. 4b. **Housing program.** "Housing program" means the publicly owned transitional or battered women or other crime victims housing program.

[For text of subp 5, see M.R.]

Subp. 6. **Persons and families of low- and moderate-income.** "Persons and families of low- and moderate-income" means those persons and families whose income does not exceed 50 percent of

the greater of the statewide or area median household income as estimated by the United States Department of Housing and Urban Development adjusted for families of five or more.

[For text of subp 7, see M.R.]

Subp. 7a. **Shelter or facility.** "Shelter" or "facility" means transitional housing or a facility that houses services in conjunction with housing for battered women or other crime victims.

Subp. 8. **Structure.** "Structure" means a building to be acquired, improved, constructed, or rehabilitated for use as transitional or battered women or other crime victims housing.

[For text of subps 9 and 10, see M.R.]

Subp. 11. [See repealer.]

4900.3120 ELIGIBILITY.

Subpart 1. **Applicants.** To be eligible for selection for financial assistance, an applicant shall satisfy the requirements in items A to E.

[For text of item A, see M.R.]

B. The applicant must provide a comprehensive plan for meeting the existing need for the proposed housing and for the placement of persons in independent housing. At a minimum, this plan must include:

(1) documentation of the need for the proposed housing by the population to be served by the structure;

[For text of subitems (2) and (3), see M.R.]

(4) a detailed budget for the operation of the housing program for the first year and projected budgets for future years; and

(5) a detailed budget for the construction or acquisition and rehabilitation of the structure.

[For text of item C, see M.R.]

D. The applicant shall own and operate the property as housing for 20 years, at which time all restrictions regarding the ownership and operation of the property shall cease, and the transitional housing loan shall be deemed paid in

full or the battered women or other crime victims housing grant terms shall be fully satisfied. The property may be sold prior to the expiration of the 20-year period provided the sale repays the lesser of the net proceeds of the sale or the amount of the financial assistance. The applicant may contract with a nonprofit organization to manage the property, including the improvement or rehabilitation of the property, and to operate a housing program on the property on behalf of the applicant.

E. Where the applicant intends to contract with a nonprofit organization to develop or manage the property or to operate the housing program, the nonprofit organization may provide any or all of the information required under items B and C.

Subp. 2. **Structures.** To be eligible for selection for financial assistance, the proposed housing structure must satisfy the requirements in items A to D.

A. The structure must provide housing for persons and families of low- and moderate-income.

[For text of items B to D, see M.R.]

4900.3130 SELECTION CRITERIA FOR FINANCIAL ASSISTANCE.

Preference shall be given to local units of government that propose to acquire properties being sold by the Resolution Trust Corporation or the Department of Housing and Urban Development.

In addition, the agency shall take the following criteria into consideration when determining which applications will be funded:

A. the extent to which the requested funds are combined with funds or in-kind contributions from other public and private sources;

B. the availability and source of funds to pay the cost of acquisition, construction, or rehabilitation of the structure not funded by the financial assistance;

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

F. the immediacy of the need documented for temporary housing in the area in which the structure is located;

G. if the applicant requests funding for a structure in which a housing program is currently operating:

(1) the need for an additional housing program in the area and the extent to which additional housing will be produced if the application is funded; or

(2) the extent to which funding for ongoing operating costs is declining and government ownership of the structure will ensure continued operation of the program;

H. if the applicant requests funding for shelters or facilities for other crime victims, priority shall be given to applicants who serve victims of crimes against the person;

I. the capacity of the applicant to proceed promptly with the acquisition, improvement, construction, or rehabilitation of the structure;

J. the amount of the financial assistance requested as compared to the total resources available from the program;

K. the extent to which the application receives the support and participation of the local community including the extent to which, if the applicant proposes to contract with or lease the property to a nonprofit organization, the governing board of the nonprofit organization represents the cultural diversity of the community;

L. the geographic location of the structure in relation to support services, retail facilities, recreational facilities, medical facilities, and transportation;

M. the reasonableness of the acquisition, improvement, construction, or rehabilitation cost with preference given to applications that minimize the cost per housing units produced; and

N. the experience of the applicant, or if the applicant proposes to contract with a nonprofit organization, then the experience of the nonprofit organization in developing or managing housing, providing support services, and servicing the specific target population.

REPEALER. Minnesota Rules, part 4900.3110, subpart 11, is

repealed.

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
DEC 8 1992
Secretary of State

APPROVED AS TO FORM AND LEGALITY

, 19 92

HUBERT H. HUMPHREY, III
ATTORNEY GENERAL

BY _____
SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED

DEC 8 1992

Joan Anderson Growe
Secretary of State

12:10 PM

PB

Statutory Authority 462A.06 subd 4 and 11

.. Agency shall have the general powers granted in this section

subd 4 It may make and from time time amend and repeal rules not encosistant with the provisions of 462A.01 to 462A.24

subd 11

It may make and publish rules pursuant to chapter 14 respecting its . . .

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

RESOLUTION NO. MHFA 92- 64

RESOLUTION AUTHORIZING ADOPTION OF RULES RELATING TO PUBLICLY OWNED TRANSITIONAL HOUSING AND BATTERED WOMEN AND OTHER CRIME VICTIMS FACILITY 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 Publicly Owned Transitional Housing and Battered Women and Other Crime Victims Facility 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 July, 1992.

Chairman

CERTIFICATE OF THE

MINNESOTA HOUSING FINANCE AGENCY

AUTHORIZING RESOLUTION

I, Robert A. Worthington, do hereby certify that I am a member and the Chairman of the Minnesota Housing Finance Agency, an agency duly authorized under the laws of the State of Minnesota, and that the following is a true, complete and correct copy of a resolution adopted at a meeting of the agency duly and properly called and held on the 23rd day of 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 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 Publicly Owned Transitional Housing and Battered Women and Other Crime Victims Facility 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 July, 1992.

Chairman

Attest by one other Board Member

In the Matter of the Adoption
of the Rule of the Minnesota
Housing Finance Agency
Governing the Publicly Owned Transitional
or Battered Women or Other Crime Victims Housing 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: November 19, 1992

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

RESOLUTION NO. MHFA 92- 100

RESOLUTION AUTHORIZING ADOPTION OF RULES RELATING TO PUBLICLY OWNED TRANSITIONAL OR BATTERED WOMEN OR OTHER CRIME VICTIMS HOUSING PROGRAM WITHOUT A PUBLIC HEARING

BE IT RESOLVED BY THE MINNESOTA HOUSING FINANCE AGENCY:

That the rule relating to Publicly Owned Transitional or Battered Women or Other Crime Victims Housing 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 19th day of November, 1992.

Chairman

Minnesota Housing Finance Agency

Adopted Permanent Rules Relating to Publicly Owned Transitional or Battered Women or Other Crime Victims Housing Program

Rules as Adopted

PUBLICLY OWNED TRANSITIONAL OR BATTERED WOMEN OR OTHER CRIME VICTIMS HOUSING PROGRAM

4900.3100 SCOPE.

Parts 4900.3100 to 4900.3130 govern the implementation of the publicly owned transitional or battered women or other crime victims housing program.

4900.3110 DEFINITIONS.

Subpart 1. **Scope.** The terms used in parts 4900.3100 to 4900.3130 have the meanings given them in this part.

[For text of subp 2, see M.R.]

Subp. 3. **Applicant.** "Applicant" means one or more entities that submit an application for housing program financial assistance.

Subp. 4. **Application.** "Application" means a submittal requesting housing program financial assistance to pay the cost of the acquisition, improvement, construction, or rehabilitation of a structure to provide housing for low- and moderate-income persons.

Subp. 4a. **Financial assistance.** "Financial assistance" means a loan for purposes of the publicly owned transitional housing program or a grant for purposes of the publicly owned battered women or other crime victims housing program.

Subp. 4b. **Housing program.** "Housing program" means the publicly owned transitional or battered women or other crime victims housing program.

[For text of subp 5, see M.R.]

Subp. 6. **Persons and families of low- and moderate-income.** "Persons and families of low- and moderate-income" means those persons and families whose income does not exceed 50 percent of

the greater of the statewide or area median household income as estimated by the United States Department of Housing and Urban Development adjusted for families of five or more.

[For text of subp 7, see M.R.]

Subp. 7a. **Shelter or facility.** "Shelter" or "facility" means transitional housing or a facility that houses services in conjunction with housing for battered women or other crime victims.

Subp. 8. **Structure.** "Structure" means a building to be acquired, improved, constructed, or rehabilitated for use as transitional or battered women or other crime victims housing.

[For text of subps 9 and 10, see M.R.]

Subp. 11. [See repealer.]

4900.3120 ELIGIBILITY.

Subpart 1. **Applicants.** To be eligible for selection for financial assistance, an applicant shall satisfy the requirements in items A to E.

[For text of item A, see M.R.]

B. The applicant must provide a comprehensive plan for meeting the existing need for the proposed housing and for the placement of persons in independent housing. At a minimum, this plan must include:

(1) documentation of the need for the proposed housing by the population to be served by the structure;

[For text of subitems (2) and (3), see M.R.]

(4) a detailed budget for the operation of the housing program for the first year and projected budgets for future years; and

(5) a detailed budget for the construction or acquisition and rehabilitation of the structure.

[For text of item C, see M.R.]

D. The applicant shall own and operate the property as housing for 20 years, at which time all restrictions regarding the ownership and operation of the property shall cease, and the transitional housing loan shall be deemed paid in

full or the battered women or other crime victims housing grant terms shall be fully satisfied. The property may be sold prior to the expiration of the 20-year period provided the sale repays the lesser of the net proceeds of the sale or the amount of the financial assistance. The applicant may contract with a nonprofit organization to manage the property, including the improvement or rehabilitation of the property, and to operate a housing program on the property on behalf of the applicant.

E. Where the applicant intends to contract with a nonprofit organization to develop or manage the property or to operate the housing program, the nonprofit organization may provide any or all of the information required under items B and C.

Subp. 2. **Structures.** To be eligible for selection for financial assistance, the proposed housing structure must satisfy the requirements in items A to D.

A. The structure must provide housing for persons and families of low- and moderate-income.

[For text of items B to D, see M.R.]

4900.3130 SELECTION CRITERIA FOR FINANCIAL ASSISTANCE.

Preference shall be given to local units of government that propose to acquire properties being sold by the Resolution Trust Corporation or the Department of Housing and Urban Development.

In addition, the agency shall take the following criteria into consideration when determining which applications will be funded:

A. the extent to which the requested funds are combined with funds or in-kind contributions from other public and private sources;

B. the availability and source of funds to pay the cost of acquisition, construction, or rehabilitation of the structure not funded by the financial assistance;

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

F. the immediacy of the need documented for temporary housing in the area in which the structure is located;

G. if the applicant requests funding for a structure in which a housing program is currently operating:

(1) the need for an additional housing program in the area and the extent to which additional housing will be produced if the application is funded; or

(2) the extent to which funding for ongoing operating costs is declining and government ownership of the structure will ensure continued operation of the program;

H. if the applicant requests funding for shelters or facilities for other crime victims, priority shall be given to applicants who serve victims of crimes against the person;

I. the capacity of the applicant to proceed promptly with the acquisition, improvement, construction, or rehabilitation of the structure;

J. the amount of the financial assistance requested as compared to the total resources available from the program;

K. the extent to which the application receives the support and participation of the local community including the extent to which, if the applicant proposes to contract with or lease the property to a nonprofit organization, the governing board of the nonprofit organization represents the cultural diversity of the community;

L. the geographic location of the structure in relation to support services, retail facilities, recreational facilities, medical facilities, and transportation;

M. the reasonableness of the acquisition, improvement, construction, or rehabilitation cost with preference given to applications that minimize the cost per housing units produced; and

N. the experience of the applicant, or if the applicant proposes to contract with a nonprofit organization, then the experience of the nonprofit organization in developing or managing housing, providing support services, and servicing the specific target population.

REPEALER. Minnesota Rules, part 4900.3110, subpart 11, is

repealed.

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 19th day of November, 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 Publicly Owned Transitional or Battered Women or Other Crime Victims Housing 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 19th day of November, 1992.

Chairman

Attest by one other Board member.

MINNESOTA HOUSING FINANCE AGENCY

In the Matter of the Proposed Adoption of the Rule of the Minnesota Housing the Minnesota Housing Finance Agency Governing the Publicly Owned Transitional and Battered Women and Other Crime Victims Housing Program

NOTICE OF INTENT TO ADOPT A RULE WITHOUT A PUBLIC HEARING

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

(2) All persons have 30 days in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Comment is encouraged. (3) Each comment should identify the portin of the proposed rule addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule within the 30-day comment period ending October 28, 1992. (4) If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. (6) Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. (7) If a public hearing is required, the agency will proceed pursuant to Minnesota Statutes, sections 14.131 to 14.20.

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

(5)

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

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

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

(12) A Statement of Need and Reasonableness that describes the need for an reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from 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: September 25, 1992

James J. Solem
Commissioner

In the Matter of the Proposed Adoption of the Rule of the Minnesota Housing Finance Agency Governing the Publicly Owned Transitional or Battered Women or Other Crime Victims Housing 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 25th day of September, 1992.

That on the 25th day of September, 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 Secretary

Subscribed and sworn to before me
this 25th day of September, 1992.

S K Noren

Notary Public

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

STATE OF MINNESOTA

HOUSING FINANCE AGENCY

Publicly Owned Transitional or Battered Women or Other Crime Victims Housing Program

Statement of Need and Reasonableness

In 1990, the Minnesota Legislature appropriated $1.5 million in proceeds from general obligation bonds to fund publicly owned transitional housing. The Minnesota Constitution imposes restrictions on the use of general obligation bond proceeds; and the 1990 bill was the first time that the Legislature appropriated general obligation bond proceeds for an affordable housing program. The Minnesota Housing Finance Agency (Agency) promulgated the Publicly Owned Transitional Housing Program rules to implement the Program.

The 1992 Minnesota Legislature amended the publicly owned transitional housing statute to clarify a number of problems which had arisen regarding the terms and conditions of loans made under the program. In addition, the 1992 Legislature appropriated $1 million in proceeds from general obligation bonds to fund publicly owned housing for battered women or other crime victims.

The proposed amendments to the Publicly Owned Transitional Housing Program rule address the statutory changes made in 1992 to the Transitional Housing Program and add the new Battered Women and Other Crime Victims Program to the rule.

The statute governing the Publicly Owned Transitional Housing Program is detailed and specific. It was written in consultation with the state's bond counsel to ensure that provisions consistent with the State Constitutional restrictions on the use of general obligation bonds were included. The legislative authorization for the Battered Women and Other Crime Victims Program, on the other hand, is contained in a few sentences in a rider in the 1992 Bonding Bill and includes little specific direction regarding terms and conditions of the Program. The Agency is proposing to operate The Battered Women and Other Crime Victims Program under the same rule as the Publicly Owned Transitional Housing Program.

This is necessary and reasonable for several reasons. Because the Transitional Housing Program and the Battered Women and Other Crime Victims Program are both funded with general obligation bond proceeds and therefore subject to the same limitations imposed by the Minnesota Constitution, it is reasonable to operate both Programs under the same rule to ensure compliance with Constitutional restrictions. Second, the restrictions required by the Constitutional limitations make these Programs more difficult for units of local government to use than a program funded with state general fund appropriations. Operating the Battered Women and Other Crime Victims Programs under the rules which have been developed for the Transitional Housing Program simplifies the Program for applicants by using rules and forms which are familiar. Third, using the Publicly Owned Transitional Housing Program rules simplifies the Program and increases efficiency for Agency staff because the many problems which arise in the administration of any program have been resolved as a result of the experience with the Publicly Owned Transitional Housing Program.

The proposed amendment to Minnesota Rules Part 4900.3100 (Scope) expands the scope of the Publicly Owned Transitional Housing Program rules by adding the Battered Women and Other Crime Victims Program passed by the 1992 Legislature.

The proposed amendments to Minnesota Rules Part 4900.3110 (Definitions) in subparts 3, 4, and 4a concern the addition of a definition of "financial assistance." The Legislature used the word "loan" in the Publicly Owned Transitional Housing Program and the word "grant" in the Battered Women and Other Crime Victims Program. In either case, however, in order to ensure that the Constitutional restrictions on the use of general obligation proceeds are met, the Agency must establish terms and conditions on the use of the funds. A loan under the Program is a deferred loan which is forgiven if certain terms are met. A grant under the Program is a grant with restrictions on its use which must be satisfied. By using the term "financial assistance" instead of "loan" or "grant," the rules can address both Programs.

The proposed addition of the word "construction" in Minnesota Rules Part 4900.3110 subparts 4 and 8 is necessary because the Legislature added new construction as an eligible activity to the Publicly Owned Transitional Housing Program. Eligible activities were previously restricted to acquisition and rehabilitation.

The proposed amendment to Minnesota Rules Part 4900.3110 subpart 7a provides a definition of "shelter or facility." The 1992 legislation uses the words "shelter or facility" to describe the Battered Women and Other Crime Victims Program. The definition is necessary to clarify that "shelter or facility" means housing or a facility that provides housing and services, and does not include commercial space in which an agency providing only services to battered women or other crime victims is located. This definition is reasonable and necessary because the Agency has no underlying authority to finance commercial space. If the Legislature had intended the program to finance commercial space, it would have appropriated the funds to an agency with authority to do so.

The proposed amendments to Minnesota Rules 4900.3120 (Eligibility) subparts 1, 1B(5), and 2 add the words "financial assistance" and "construction" for the reasons discussed above.

The proposed amendments to Minnesota Rules 4900.3120 (Eligibility) subpart 1D make changes to comply with the 1992 statutory changes which clarified the statute governing the Publicly Owned Transitional Housing Program to provide that after 20 years the loan is deemed paid in full, and that prior to the expiration of the 20-year period the property may be sold and the lesser of the proceeds of the sale of the amount of the financial assistance be repaid to the Agency.

The proposed amendments to Minnesota Rules 4900.3120 (Eligibility) in subpart 1D and 1E also eliminate the authority of an applicant to contract with a for profit organization to manage the property. This proposed change implements the identical change made by the 1992 Legislature.

The proposed amendments to Minnesota Rules 4900.3130 (Selection Criteria for Financial Assistance) in paragraphs B, I, J, and M add the words "financial assistance" and "construction" for the reasons discussed above. The words "or for profit" are deleted in paragraph N for the reasons discussed above.

The proposed addition in paragraph H establishes a priority in selection for projects which will serve victims of crimes against the person as opposed to property crimes. This is a necessary and reasonable priority for a number of reasons. First, it is necessary to set some type of priority because the funding for the program is

limited in light of the high costs of constructing or rehabilitating housing. Second, the funding for the Battered Women and Other Crime Victims Program came initially from the Omnibus Crime Bill which contained a number of legislative responses to a series of well-publicized violent crimes, all of which were crimes against the person. Third, victims of crimes against the person, particularly victims of crimes by family members, are more likely to need temporary housing in order to ensure their safety than victims of property crime.

Paragraph K is an existing selection criteria regarding support and participation of the local community. The proposed amendment to Paragraph K requires that the Agency consider, in cases where an applicant plans to contract with or lease the property to a nonprofit organization, the extent to which the governing board of the nonprofit organization represents the cultural diversity of the community. This is a reasonable consideration because it helps ensure that the housing and services provided by the project will be available on a nondiscriminatory basis and will be provided in a manner more likely to be effective in the local community.

The proposed deletion in Paragraph N of the words "of homeless persons" is necessary because the rule is intended to govern both the Publicly Owned Transitional Housing Program, which serves homeless persons, and the Battered Women and Other Crime Victims Program, which does not necessarily serve only homeless persons. The proposed deletion makes Paragraph N applicable to both programs.

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

November 20, 1992

RECEIVED
NOV 23 1992
Office of the Attorney General
Government Services Section
Capitol Office Bldg., Suite
525 Park Street
St. Paul, MN

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 Publicly Owned Transitional or Battered Women or Other Crime Victims Housing 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.

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, Denise Holter, at 297-4294 or Renee J. Dickinson at 296-9793.

Sincerely,

James J. Solem
Commissioner

JJS:rjd
Encs.

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 Publicly Owned Transitional or Battered Women or Other Crime Victims Housing 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 September 28, 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 September 25, 1992. (2) The statement of need and reasonableness was prepared before the notice of intent to adopt a rule without a public hearing was mailed to all persons on the rulemaking mailing list and published in the State Register and was available to the public.

(4) All persons were given the opportunity to submit comments on the rule for 30 days after notice of proposed rulemaking. (5) No requests for a public hearing on the rule were received by the agency.

(6) 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:

(8) The above rule is needed and reasonable.

(9) NOW, THEREFORE, IT IS ORDERED that the rule identified as 4900.3100 is adopted this 19th day of November, 1992, pursuant to authority vested in the agency by Minnesota Statutes, sections 462A.06, subd. 4 and 11.

James J. Solem, Commissioner

Minnesota Housing Finance Agency

Proposed Permanent Rules Relating to Publicly Owned Transitional or Battered Women or Other Crime Victims Housing Program

Rules as Proposed

PUBLICLY OWNED TRANSITIONAL OR BATTERED WOMEN OR OTHER CRIME VICTIMS HOUSING PROGRAM

4900.3100 SCOPE.

Parts 4900.3100 to 4900.3130 govern the implementation of the publicly owned transitional or battered women or other crime victims housing program.

4900.3110 DEFINITIONS.

Subpart 1. **Scope.** The terms used in parts 4900.3100 to 4900.3130 have the ~~meaning~~ meanings given them in this part.

[For text of subp 2, see M.R.]

Subp. 3. **Applicant.** "Applicant" means one or more entities that submit an application for ~~a transitional~~ housing program ~~grant~~ financial assistance.

Subp. 4. **Application.** "Application" means a submittal requesting ~~a transitional~~ housing program ~~grant~~ financial assistance to pay the cost of the acquisition, improvement, construction, or rehabilitation of a structure to provide ~~transitional~~ housing for low- and moderate-income persons.

Subp. 4a. **Financial assistance.** "Financial assistance" means a loan for purposes of the publicly owned transitional housing program or a grant for purposes of the publicly owned battered women or other crime victims housing program.

Subp. 4b. **Housing program.** "Housing program" means the publicly owned transitional or battered women or other crime victims housing program.

[For text of subp 5, see M.R.]

Subp. 6. **Persons and families of low- and moderate-income.** "Persons and families of low- and moderate-income" means those

Approved by Revisor

persons and families whose income does not exceed 50 percent of the greater of the statewide or area median household income as estimated by the United States Department of Housing and Urban Development adjusted for families of five or more.

[For text of subp 7, see M.R.]

Subp. 7a. **Shelter or facility.** "Shelter" or "facility" means transitional housing or a facility that houses services in conjunction with housing for battered women or other crime victims.

Subp. 8. **Structure.** "Structure" means a building to be acquired, improved, constructed, or rehabilitated for use as transitional or battered women or other crime victims housing.

[For text of subps 9 and 10, see M.R.]

Subp. 11. [See repealer.]

4900.3120 ELIGIBILITY.

Subpart 1. **Applicants.** To be eligible for selection for ~~a grant~~ financial assistance, an applicant shall satisfy the requirements in items A to E.

[For text of item A, see M.R.]

B. The applicant must provide a comprehensive plan for meeting the existing need for ~~transitional~~ the proposed housing and for the placement of persons in independent housing. At a minimum, this plan must include:

(1) documentation of ~~a~~ the need for ~~transitional~~ the proposed housing by the population to be served by the structure;

[For text of subitems (2) and (3), see M.R.]

(4) a detailed budget for the operation of the ~~transitional~~ housing program for the first year and projected budgets for future years; and

(5) a detailed budget for the construction or acquisition and rehabilitation of the structure.

[For text of item C, see M.R.]

D. The applicant ~~must agree to retain ownership of~~ shall own and operate the property as housing for ~~at least~~ 20

Approved by Revisor _____

years.---After-20-years,-the-sale-of-a-property-before-the expiration-of-its-useful-life-must-be-at-its-fair-market-value, and-the-net-proceeds-of-the-sale-must-be-used-for-the-same purpose-or-repaid-to-the-agency-for-deposit-in-the-local government-unit-housing-account., at which time all restrictions regarding the ownership and operation of the property shall cease, and the transitional housing loan shall be deemed paid in full or the battered women or other crime victims housing grant terms shall be fully satisfied. The property may be sold prior to the expiration of the 20-year period provided the sale repays the lesser of the net proceeds of the sale or the amount of the financial assistance. The applicant may contract with a nonprofit or-for-profit organization to manage the property, including the improvement or rehabilitation of the property, and to operate a transitional housing program on the property on behalf of the applicant.

E. Where the applicant intends to contract with a nonprofit or-for-profit organization to develop or manage the property or to operate the transitional housing program, the nonprofit or-for-profit organization may provide any or all of the information required under items B and C.

Subp. 2. **Structures.** To be eligible for selection for a grant financial assistance, a the proposed transitional housing structure must satisfy the requirements in items A to D.

A. The structure must provide transitional housing for persons and families of low- and moderate-income.

[For text of items B to D, see M.R.]

4900.3130 SELECTION CRITERIA FOR GRANTS FINANCIAL ASSISTANCE.

Preference shall be given to local units of government that propose to acquire properties being sold by the Resolution Trust Corporation or the Department of Housing and Urban Development.

In addition, the agency shall take the following criteria into consideration when determining which applications will be funded:

A. the extent to which the grant-is requested funds

Approved by Revisor _____

are combined with funds or in-kind contributions from other public and private sources;

B. the availability and source of funds to pay the cost of acquisition, construction, or rehabilitation of the structure not funded by the ~~grant~~ financial assistance;

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

F. the immediacy of the need documented for temporary housing in the area in which the structure is located;

G. if the applicant requests funding for a structure in which a ~~transitional~~ housing program is currently operating:

(1) the need for an additional ~~transitional~~ housing program in the area and the extent to which additional ~~transitional~~ housing will be produced if the application is funded; or

(2) the extent to which funding for ongoing operating costs is declining and government ownership of the structure will ensure continued operation of the program;

H. if the applicant requests funding for shelters or facilities for other crime victims, priority shall be given to applicants who serve victims of crimes against the person;

I. the capacity of the applicant to proceed promptly with the acquisition, improvement, construction, or rehabilitation of the structure;

~~I.~~ J. the amount of the ~~grant~~ financial assistance requested as compared to the total resources available ~~for these grants~~ from the program;

~~J.~~ K. the extent to which the application receives the support and participation of the local community including the extent to which, if the applicant proposes to contract with or lease the property to a nonprofit organization, the governing board of the nonprofit organization represents the cultural diversity of the community;

~~K.~~ L. the geographic location of the structure in relation to support services, retail facilities, recreational facilities, medical facilities, and transportation;

~~L.~~ M. the reasonableness of the acquisition,

Approved by Revisor _____

improvement, construction, or rehabilitation cost with preference given to applications that minimize the cost per ~~transitional~~ housing units produced; and

~~M.--the-extent-to-which-the-application-uses innovative-cost-effective-support-services-that-are-appropriate to-the-needs-of-the-population-served;-and~~

N. the experience of the applicant, or if the applicant proposes to contract with a nonprofit ~~or-for-profit~~ organization, then the experience of the nonprofit ~~or-for-profit~~ organization in developing or managing housing, providing support services, and servicing the specific target population ~~of-homeless-persons~~.

REPEALER. Minnesota Rules, part 4900.3110, subpart 11, is repealed.

Approved
by Revisor _____

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Publicly Owned Transitional or Battered Women or Other Crime Victims Housing Program

AGENCY: Minnesota Housing Finance Agency

MINNESOTA RULES: Chapter 4900

The attached rules are approved for publication in the State Register

Carla M. Riehle
Assistant Revisor

Minnesota Housing Finance Agency

Proposed Permanent Rules Relating to Publicly Owned Transitional or Battered Women or Other Crime Victims Housing 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 ending October 28, 1992. 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: 612/296-9794

The proposed rule may be modifed 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.

Dated: 25 September 1992

James J. Solem
Commissioner

Rules as Proposed

PUBLICLY OWNED TRANSITIONAL OR BATTERED WOMEN OR OTHER CRIME VICTIMS HOUSING PROGRAM

4900.3100 SCOPE.

Parts 4900.3100 to 4900.3130 govern the implementation of the publicly owned transitional or battered women or other crime victims housing program.

4900.3110 DEFINITIONS.

Subpart 1. **Scope.** The terms used in parts 4900.3100 to 4900.3130 have the ~~meaning~~ meanings given them in this part.

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.

[For text of subp 2, see M.R.]

Subp. 3. **Applicant.** "Applicant" means one or more entities that submit an application for ~~a transitional~~ housing program ~~grant~~ financial assistance.

Subp. 4. **Application.** "Application" means a submittal requesting ~~a transitional~~ housing program ~~grant~~ financial assistance to pay the cost of the acquisition, improvement, construction, or rehabilitation of a structure to provide ~~transitional~~ housing for low- and moderate-income persons.

Subp. 4a. **Financial assistance.** "Financial assistance" means a loan for purposes of the publicly owned transitional housing program or a grant for purposes of the publicly owned battered women or other crime victims housing program.

Subp. 4b. **Housing program.** "Housing program" means the publicly owned transitional or battered women or other crime victims housing program.

[For text of subp 5, see M.R.]

Subp. 6. **Persons and families of low- and moderate-income.** "Persons and families of low- and moderate-income" means those persons and families whose income does not exceed 50 percent of the greater of the statewide or area median household income as estimated by the United States Department of Housing and Urban Development adjusted for families of five or more.

[For text of subp 7, see M.R.]

Subp. 7a. **Shelter or facility.** "Shelter" or "facility" means transitional housing or a facility that houses services in conjunction with housing for battered women or other crime victims.

Subp. 8. **Structure.** "Structure" means a building to be acquired, improved, constructed, or rehabilitated for use as transitional or battered women or other crime victims housing.

[For text of subps 9 and 10, see M.R.]

Subp. 11. [See repealer.]

4900.3120 ELIGIBILITY.

Subpart 1. **Applicants.** To be eligible for selection for ~~a grant~~ financial assistance, an applicant shall satisfy the requirements in items A to E.

[For text of item A, see M.R.]

B. The applicant must provide a comprehensive plan for meeting the existing need for ~~transitional~~ the proposed housing and for the piacement of persons in independent housing. At a minimum, this plan must include:

(1) documentation of ~~a~~ the need for ~~transitional~~ the proposed housing by the population to be served by the structure;

[For text of subitems (2) and (3), see M.R.]

(4) a detailed budget for the operation of the ~~transitional~~ housing program for the first year and projected budgets for future years; and

(5) a detailed budget for the construction or acquisition and rehabilitation of the structure.

[For text of item C, see M.R.]

D. The applicant ~~must agree to retain ownership of~~ shall own and operate the property as housing for ~~at least~~ 20 years. ~~After 20 years, the sale of a property before the expiration of its useful life must be at its fair market value, and the net proceeds of the sale must be used for the same purpose or repaid to the agency for deposit in the local government unit housing account.~~, at which time all restrictions regarding the ownership and operation of the property shall cease, and the transitional housing loan shall be deemed paid in full or the battered women or other crime victims housing grant terms shall be fully satisfied. The property may be sold prior to the expiration of the 20-year period provided the sale repays the lesser of the net proceeds of the sale or the amount of the financial assistance. The applicant may contract with a nonprofit ~~or for-profit~~ organization to manage the property, including the improvement or rehabilitation of the property, and to operate a ~~transitional~~ housing program on the property on behalf of the applicant.

E. Where the applicant intends to contract with a nonprofit ~~or for-profit~~ organization to develop or manage the property or to operate the ~~transitional~~ housing program, the nonprofit ~~or for-profit~~ organization may provide any or all of the information required under items B and C.

Subp. 2. **Structures.** To be eligible for selection for ~~a grant~~ financial assistance, ~~a~~ the proposed ~~transitional~~ housing structure must satisfy the requirements in items A to D.

A. The structure must provide ~~transitional~~ housing for persons and families of low- and moderate-income.

[For text of items B to D, see M.R.]

4900.3130 SELECTION CRITERIA FOR ~~GRANTS~~ FINANCIAL ASSISTANCE.

Preference shall be given to local units of government that propose to acquire properties being sold by the Resolution Trust Corporation or the Department of Housing and Urban Development.

In addition, the agency shall take the following criteria into consideration when determining which applications will be funded:

A. the extent to which the ~~grant is~~ requested funds are combined with funds or in-kind contributions from other public and private sources;

B. the availability and source of funds to pay the cost of acquisition, construction, or rehabilitation of the structure not funded by the ~~grant~~ financial assistance;

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

F. the immediacy of the need documented for temporary housing in the area in which the structure is located;

G. if the applicant requests funding for a structure in which a ~~transitional~~ housing program is currently operating:

(1) the need for an additional ~~transitional~~ housing program in the area and the extent to which additional ~~transitional~~ housing will be produced if the application is funded; or

(2) the extent to which funding for ongoing operating costs is declining and government ownership of the structure will ensure continued operation of the program;

H. if the applicant requests funding for shelters or facilities for other crime victims, priority shall be given to applicants who serve victims of crimes against the person;

I. the capacity of the applicant to proceed promptly with the acquisition, improvement, construction, or rehabilitation of the structure;

~~I.~~ J. the amount of the ~~grant~~ financial assistance requested as compared to the total resources available ~~for these grants~~ from the program;

~~J.~~ K. the extent to which the application receives the support and participation of the local community including the extent to which, if the applicant proposes to contract with or lease the property to a nonprofit organization, the governing board of the nonprofit organization represents the cultural diversity of the community;

~~K.~~ L. the geographic location of the structure in relation to support services, retail facilities, recreational facilities, medical facilities, and transportation;

~~L.~~ M. the reasonableness of the acquisition, improvement, construction, or rehabilitation cost with preference given to applications that minimize the cost per ~~transitional~~ housing units produced; and

~~M. the extent to which the application uses innovative cost-effective support services that are appropriate to the needs of the population served; and~~

N. the experience of the applicant, or if the applicant proposes to contract with a nonprofit ~~or for-profit~~ organization, then the experience of the nonprofit ~~or for-profit~~ organization in developing or managing housing, providing support services, and servicing the specific target population ~~of homeless persons~~.

REPEALER. *Minnesota Rules*, part 4900.3110, subpart 11, is repealed.

Department of Revenue

Proposed Permanent Rules Relating to United States Interest Subtraction

Notice of Intent to Adopt a Rule Without a Public Hearing

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

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.