99-346

MAINE STATE HOUSING AUTHORITY

MAINE ADMINISTRATIVE PROCEDURE ACT

2016-2017 REGULATORY AGENDA

July 26, 2016

AGENCY UMBRELLA-UNIT NUMBER: **99-346**

AGENCY NAME: **Maine State Housing Authority (“MaineHousing”)**

**CONTACT PERSON**:Linda Uhl, Chief Counsel, 353 Water Street, Augusta, Maine 04330. Telephone: (207) 626-4600. E-mail: [luhl@mainehousing.org](mailto:luhl@mainehousing.org)

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:** None

**EXPECTED 2016-2017 RULE-MAKING ACTIVITY:**

**CHAPTER 1**: Home Mortgage Program Rule

STATUTORY AUTHORITY: 30-A MRS §4741(1)

PURPOSE: This rule sets forth the basic criteria for determining eligible borrowers and the terms governing MaineHousing’s purchase and servicing of loans to eligible borrowers generated by participating lenders.

ANTICIPATED SCHEDULE: Prior to October 2017, as necessary.

AFFECTED PARTIES: Lenders, servicers, and homebuyers.

PLAN TO USE CONSENSUS-BASED RULE DEVELOPMENT: No.

**CHAPTER 2**: Cooperation with Local Governments

STATUTORY AUTHORITY: 30-A MRS §4741(1)

PURPOSE: This rule sets forth the procedures for cooperation with local governments, and establishes MaineHousing's preference for local consent resolutions following generally the statutory form.

ANTICIPATED SCHEDULE: Prior to October 2017, as necessary.

AFFECTED PARTIES: Local governments and housing authorities

PLAN TO USE CONSENSUS-BASED RULE DEVELOPMENT: No.

**CHAPTER 5**: Energy Cost and Utility Allowance Determinations

STATUTORY AUTHORITY: 30-A MRS §4741(1)

PURPOSE: This rule outlines the procedures that MaineHousing utilizes to determine energy costs and utility allowances for tenants of multi-unit housing projects whose rents are subsidized under Section 8 of the U. S. Housing Act of 1937.

ANTICIPATED SCHEDULE: Prior to October 2017, as necessary.

AFFECTED PARTIES: Tenants and landlords.

PLAN TO USE CONSENSUS-BASED RULE DEVELOPMENT: No.

**CHAPTER 7**: Indian Housing Mortgage Insurance Program Rule

STATUTORY AUTHORITY: 30-A MRS §§ 4741(1), 4936

PURPOSE: The rule sets forth eligibility standards and application, closing, default, and insurance claim procedures.

ANTICIPATED SCHEDULE: Prior to October 2017, as necessary.

AFFECTED PARTIES: Indians residing on reservations and lenders.

PLAN TO USE CONSENSUS-BASED RULE DEVELOPMENT: No.

**CHAPTER 12**: Residential Property Municipal Securities Approval Rule

STATUTORY AUTHORITY: 30-A MRS §§ 4741(1), 4722(1)(T)

PURPOSE: This rule sets forth standards pursuant to which MaineHousing may issue certificates of approval under the Municipal Securities Approval Program for issuances of revenue obligation securities to provide financing for projects consisting of multi-family or single family residential property.

ANTICIPATED SCHEDULE: Prior to October 2017, as necessary.

AFFECTED PARTIES: Developers and municipalities.

PLAN TO USE CONSENSUS-BASED RULE DEVELOPMENT: No.

**CHAPTER 13**: Allocation of State Ceiling for Housing Related Bonds

STATUTORY AUTHORITY: 30-A MRS §§ 4741(1), (13)

PURPOSE: This rule revises the Federal formula for allocating that portion of the state ceiling allocated to MaineHousing pursuant to applicable law or Executive Order for housing-related bonds and establishes policies and procedures with respect to allocation and carry-forward designations.

ANTICIPATED SCHEDULE: Prior to October 2017, as necessary.

AFFECTED PARTIES: Developers, homebuyers and other issuers.

PLAN TO USE CONSENSUS-BASED RULE DEVELOPMENT: No.

**CHAPTER 16**: Low-Income Housing Tax Credit Rule

STATUTORY AUTHORITY: 30-A MRS §§ 4741(1), (14); Internal Revenue Code §42

PURPOSE: This rule establishes the policies and procedures for the allocation of low income housing tax credits.

ANTICIPATED SCHEDULE: Prior to October 2017, as necessary.

AFFECTED PARTIES: Developers, contractors, lenders, architects, and accountants.

PLAN TO USE CONSENSUS-BASED RULE DEVELOPMENT: No.

**CHAPTER 17**: Natural Disaster Home Assistance Program

STATUTORY AUTHORITY: 30-A MRS §§ 4741(1), 4922(5)

PURPOSE: This rule established terms of the Natural Disaster Home Assistance Program for the provision of assistance to homeowners and landlords who are victims of natural disasters.

ANTICIPATED SCHEDULE: Prior to October 2017, as necessary.

AFFECTED PARTIES: Homeowners and landlords who are victims of natural disasters.

PLAN TO USE CONSENSUS-BASED RULE DEVELOPMENT: No.

**CHAPTER 19**: Homeless Programs Rule

STATUTORY AUTHORITY: 30-A MRS §4741(1)

PURPOSE: This rule sets forth the basic criteria for determining eligible recipients and the terms governing the grants.

ANTICIPATED SCHEDULE: Prior to October 2017, as necessary.

AFFECTED PARTIES: Homeless persons and shelter operators.

PLAN TO USE CONSENSUS-BASED RULE DEVELOPMENT: No.

**CHAPTER 21**: Land Acquisition/Improvement and Housing Opportunity Zones Program

STATUTORY AUTHORITY: 30-A MRS §§ 4741(1), 5013, 5024, 5052

PURPOSE: This rule establishes the procedures and selection criteria for the use of funds to finance the acquisition and improvement of land to be used in the development of affordable housing and the designation of housing opportunity zones.

ANTICIPATED SCHEDULE: Prior to October 2017, as necessary.

AFFECTED PARTIES: Potential homeowners and renters, municipalities, and nonprofit housing corporations.

PLAN TO USE CONSENSUS-BASED RULE DEVELOPMENT: No.

**CHAPTER 24**: Home Energy Assistance Program Rule

STATUTORY AUTHORITY: 30-A MRS §§ 4741(1) and (15), 4722(1)(W), 4992

PURPOSE: The rule establishes the Home Energy Assistance Program (HEAP) for the State of Maine as administered by MaineHousing. The rule also incorporates standards for the Weatherization component of HEAP and the Central Heating Improvement Program (CHIP).

ANTICIPATED SCHEDULE: Prior to October 2017, as necessary.

AFFECTED PARTIES: Community action program agencies, tenants, landlords, homeowners, oil dealers, wood vendors, contractors, and public utility companies.

PLAN TO USE CONSENSUS-BASED RULE DEVELOPMENT: No.

**CHAPTER 25**: Weatherization Program Rule

STATUTORY AUTHORITY: 30-A MRS §§ 4741(1) and (15), 4722(1)(W)

PURPOSE: The rule establishes the Weatherization Program for the State of Maine as administered by MaineHousing. The Weatherization Program provides weatherization assistance to low-income households.

ANTICIPATED SCHEDULE: Prior to October 2017, as necessary.

AFFECTED PARTIES: Community action program agencies, technical colleges, homeowners, landlords, tenants, and contractors.

PLAN TO USE CONSENSUS-BASED RULE DEVELOPMENT: No.

**CHAPTER 27**: Transfers of Ownership Interests

STATUTORY AUTHORITY: 30-A MRS §4741(1)

PURPOSE: This rule provides guidelines for the transfer of ownership of certain multi-family and supportive housing developments for which MaineHousing is a mortgagee, and where the current owner and prospective new owner would like MaineHousing’s financing to be retained after the ownership transfer.

ANTICIPATED SCHEDULE: Prior to October 2017, as necessary.

AFFECTED PARTIES: Developers, nonprofit housing corporations and social service providers, including state agencies.

PLAN TO USE CONSENSUS-BASED RULE DEVELOPMENT: No.

**CHAPTER 28**: Temporary Housing Assistance Program Rule

STATUTORY AUTHORITY: 30-A MRS §4762

PURPOSE: This rule sets forth the basic criteria for determining eligible sub-grantees and the terms governing the provision of assistance under the Temporary Housing Assistance Program.

ANTICIPATED SCHEDULE: Prior to October 2017, as necessary.

AFFECTED PARTIES: Community action program agencies, homeless shelter operators, social service providers and advocates such as Maine Equal Justice and Pine Tree Legal Assistance.

PLAN TO USE CONSENSUS-BASED RULE DEVELOPMENT: No.

**CHAPTER 29**: Multi-family Development and Supportive Housing Loans and Grants

STATUTORY AUTHORITY: 30-A MRS §§ 4832(2), 4741(1) and 4722(1)

PURPOSE: This rule governs MaineHousing’s allocation of resources for loan and grant programs for the acquisition, construction, rehabilitation, and preservation of residential rental housing for low income persons and for housing for low income persons with supportive service needs, the publication and distribution of program guides, eligibility standards, loan and grant standards, construction and rehabilitation requirements, management requirements, and potential selection criteria in connection with such programs.

ANTICIPATED SCHEDULE: Prior to October 2017, as necessary.

AFFECTED PARTIES: Tenants, landlords, developers, local housing authorities, lenders, contractors, architects, municipal community development offices, homeowners, Department of Health and Human Services, and mental health service providers.

PLAN TO USE CONSENSUS-BASED RULE DEVELOPMENT: No.

**CHAPTER 30**: Single Family Home Improvement Loan Program

STATUTORY AUTHORITY: 30-A MRS §§ 4722(1), 4741(1)

PURPOSE: This rule will govern program design, eligibility standards, mortgage standards, and construction standards for mortgage financing of improvements to single-family homes.

ANTICIPATED SCHEDULE: Prior to October 2017, as necessary.

AFFECTED PARTIES: Homeowners, contractors, community action program agencies, housing organizations, lenders, and State and federal agencies.

PLAN TO USE CONSENSUS-BASED RULE DEVELOPMENT: No.

**CHAPTER 31**: Affordable Housing Development District – Recovery of Public Revenue Rule

STATUTORY AUTHORITY: 30-A MRS §§ 4741(1), 5250-E.2

PURPOSE: This rule provides for the recovery from the municipality of public revenue resulting from beneficial tax shifts resulting from the creation of the affordable housing development district in the event that an affordable housing development district fails to continue satisfying the conditions of its creation.

ANTICIPATED SCHEDULE: Prior to October 2017, as necessary.

AFFECTED PARTIES: Municipalities, developers, counties, State

PLAN TO USE CONSENSUS-BASED RULE DEVELOPMENT: No.

**CHAPTER 32**: State Low Income Home Energy Assistance Program Emergency Rule

STATUTORY AUTHORITY: 30-A MRS §4722.1W and §4741.15

PURPOSE: This rule governs the administration of funds from other than federal resources which MaineHousing may receive to provide fuel assistance to low income households in the State of Maine.

ANTICIPATED SCHEDULE: Prior to October 2017, as necessary

AFFECTED PARTIES: Community action program agencies, tenants, homebuyers, oil dealers and public utility companies.

PLAN TO USE CONSENSUS-BASED RULE DEVELOPMENT: No.

**NEW RULE**: Rule governing the Lead Hazard Control Program

STATUTORY AUTHORITY: 30-A MRS §4741(1)

PURPOSE: This rule will establish policy and guidelines governing MaineHousing’s Lead Hazard Control Program.

ANTICIPATED SCHEDULE: Prior to October 2017, as necessary.

AFFECTED PARTIES: Community action program agencies, homeowners, tenants, landlords, and contractors

PLAN TO USE CONSENSUS-BASED RULE DEVELOPMENT: No.

**NEW RULE**: Rule governing municipal affordable housing development district tax increment financing program

STATUTORY AUTHORITY: 30-A MRS §§ 4741(1), 5250-B

PURPOSE: This rule will allow MaineHousing to carry out its duties imposed by the law establishing a municipal affordable housing development district tax increment financing program and to ensure municipal compliance following designation of an affordable housing development district.

ANTICIPATED SCHEDULE: Prior to October 2017, as necessary.

AFFECTED PARTIES: Municipalities, developers, counties, State

PLAN TO USE CONSENSUS-BASED RULE DEVELOPMENT: No

**NEW RULE**: Housing Component of Comprehensive Plans

STATUTORY AUTHORITY: 30-A MRS §§ 4741(1), 4752.2.B

PURPOSE: This rule will establish standards by which lands and buildings are deemed suitable for development of affordable housing for low-income and moderate-income housing to be use by municipalities and school administrative districts.

ANTICIPATED SCHEDULE: Prior to October 2017, as necessary.

AFFECTED PARTIES: School administrative districts, municipalities, developers, tenants, homebuyers

PLAN TO USE CONSENSUS-BASED RULE DEVELOPMENT: No.

**NEW RULE**: Rule governing the Preservation of Low-Income and Moderate-Income Rental Housing with Federal Assistance

STATUTORY AUTHORITY: 30-A MRS §§ 4741(1), 4977

PURPOSE: This rule will govern implementation of statutory authority given MaineHousing in connection with preservation of low-income and moderate-income rental housing.

ANTICIPATED SCHEDULE: Prior to October 2017, as necessary.

AFFECTED PARTIES: Owners and managers of low-income or moderate-income rental housing, tenants

PLAN TO USE CONSENSUS-BASED RULE DEVELOPMENT: No.

**NEW RULE**: Rule Governing Conversion of Low-Income Rental Housing

STATUTORY AUTHORITY: 30-A MRS §§ 4741(1), 4976.1

PURPOSE: This rule will set tenant relocation standards for owners of low-income rental housing taking action that will result in the termination of rental assistance.

ANTICIPATED SCHEDULE: Prior to October 2017, as necessary.

AFFECTED PARTIES: Tenants, owners and managers of low-income or moderate-income rental housing.

PLAN TO USE CONSENSUS-BASED RULE DEVELOPMENT: No

**NEW RULE**: State Surplus Property

STATUTORY AUTHORITY: 30-A MRS §§ 4741(1), 4756

PURPOSE: This rule will govern implementation of the statute allowing MaineHousing to provide surplus state property at below market value to developers who agree to develop affordable housing for low-income and moderate-income households.

ANTICIPATED SCHEDULE: Prior to October 2017, as necessary.

AFFECTED PARTIES: Developers, tenants, homebuyers

PLAN TO USE CONSENSUS-BASED RULE DEVELOPMENT: No.

**NEW RULE**: Loans to Financial Institutions

STATUTORY AUTHORITY: 30-A MRS §§ 4741(1), 4803.1

PURPOSE: This rule will govern the making by MaineHousing of loans to financial institutions for mortgage loans for the financing of housing units or housing projects for persons of low-income for the purposes of expanding the supply of residential mortgage funds, improving housing for low-income persons, and improving energy conservation.

ANTICIPATED SCHEDULE: Prior to October 2017, as necessary.

AFFECTED PARTIES: Financial institutions, homeowners, tenants, landlords

PLAN TO USE CONSENSUS-BASED RULE DEVELOPMENT: No.

**NEW RULE**: Home Modification Tax Credit

STATUTORY AUTHORITY: 30-A MRS §4741(1), 36 MRSA §5219-NN.2

PURPOSE: This rule will establish standards for a State income tax credit for expenses incurred for certain modifications to make a homestead accessible to individuals with a disability or physical hardship.

ANTICIPATED SCHEDULE: Prior to October 2017, as necessary

AFFECTED PARTIES: Taxpayers; persons with a disability or physical hardship requiring home accessibility modifications

PLAN TO USE CONSENSUS-BASED RULE DEVELOPMENT: No