

99-346

MAINE STATE HOUSING AUTHORITY

**MAINE ADMINISTRATIVE PROCEDURE ACT
2021-2022 REGULATORY AGENDA**

Filing Deadline: July 8, 2021

AGENCY UMBRELLA-UNIT NUMBER: 99-346

AGENCY NAME: **Maine State Housing Authority ("MaineHousing")**

CONTACT PERSON: **Linda Uhl, Chief Counsel, 26 Edison Drive, Augusta, Maine 04330.**

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EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None

EXPECTED 2021-2022 RULE-MAKING ACTIVITY:

CHAPTER 1: Home Mortgage Program Rule

STATUTORY AUTHORITY: 30-A MRSA §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 2022, as necessary.

AFFECTED PARTIES: Lenders, servicers, and homebuyers.

PLAN TO USE CONSENSUS-BASED RULE DEVELOPMENT: No.

CHAPTER 5: Energy Cost and Utility Allowance Determinations

STATUTORY AUTHORITY: 30-A MRSA §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 2022, 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 MRSA §§4741(1), 4936

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

ANTICIPATED SCHEDULE: Prior to October 2022, 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 MRSA §§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 2022, as necessary.

AFFECTED PARTIES: Developers and municipalities.

PLAN TO USE CONSENSUS-BASED RULE DEVELOPMENT: No.

CHAPTER 16: Low Income Housing Tax Credit Rule

STATUTORY AUTHORITY: 30-A MRSA §§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 2022, as necessary.

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

PLAN TO USE CONSENSUS-BASED RULE DEVELOPMENT: No.

CHAPTER 19: Homeless Solutions Rule

STATUTORY AUTHORITY: 30-A MRSA §4741(1) and (18)

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

ANTICIPATED SCHEDULE: Prior to October 2022, as necessary.

AFFECTED PARTIES: Homeless persons and shelter operators.

PLAN TO USE CONSENSUS-BASED RULE DEVELOPMENT: No.

CHAPTER 24: Home Energy Assistance Program Rule

STATUTORY AUTHORITY: 30-A MRSA §§4722(1)(W), 4741(1) and (15), 4991 *et seq.*

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 2022, 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 Assistance Program Rule

STATUTORY AUTHORITY: 30-A MRSA §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 2022, 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 MRSA §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 2022, 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 MRSA §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 2022, 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 Mortgage Loans

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

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 2022, 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 Programs

STATUTORY AUTHORITY: 30-A MRSA §§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 2022, 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

STATUTORY AUTHORITY: 30-A MRSA §§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 2022, 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 Rule

STATUTORY AUTHORITY: 30-A MRSA § 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 2022, as necessary

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

PLAN TO USE CONSENSUS-BASED RULE DEVELOPMENT: No.

CHAPTER 33: AccessAble Home Tax Credit Rule

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

PURPOSE: This rule establishes 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 2022, as necessary

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

PLAN TO USE CONSENSUS-BASED RULE DEVELOPMENT: No

CHAPTER 34: Preservation and Relocation Rule

STATUTORY AUTHORITY: 30-A MRSA §4741.1, §4973, §4976.1 and §4977

PURPOSE: Under the Maine Housing Authorities Act, a landlord who plans to take an action that would result in the termination of financial assistance for tenants in low income housing must give notice to the tenants, to MaineHousing, and to any local housing authority; and give a right of first

refusal to MaineHousing. This rule sets forth the required content of the notices, a mechanism for determining MaineHousing's purchase price, and the terms of relocation assistance to help displaced tenants.

ANTICIPATED SCHEDULE: Prior to October 2022, as necessary

AFFECTED PARTIES: Local housing authorities; landlords; tenants.

PLAN TO USE CONSENSUS-BASED RULE DEVELOPMENT: No

CHAPTER 35: State Low Income Housing Tax Credit Rule

STATUTORY AUTHORITY: 30-A M.R.S.A §§4722 and 4741.1 and 36 M.R.S.A. §5219-WW

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

ANTICIPATED SCHEDULE: Prior to October 2022, as necessary.

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

PLAN TO USE CONSENSUS-BASED RULE DEVELOPMENT: No.

NEW RULE: Rule governing the Lead Hazard Control Program

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

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

ANTICIPATED SCHEDULE: Prior to October 2022, 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 MRSA §§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 2022, as necessary.

AFFECTED PARTIES: Municipalities, developers, counties, State

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 MRSA §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 2022, 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 MRSA §§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 2022, 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 MRSA §§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 2022, 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 MRSA §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 2022, as necessary.

AFFECTED PARTIES: Financial institutions, homeowners, tenants, landlords

PLAN TO USE CONSENSUS-BASED RULE DEVELOPMENT: No.

NEW RULE: Rental Assistance and Voucher Guarantee Program Rule

STATUTORY AUTHORITY: 30-A MRSA §4741(1), §4994-A

PURPOSE: This rule will require MaineHousing to establish and administer the Maine Rental Assistance and Voucher Guarantee Program. The program will include a rental assistance component to assist individuals with the cost of rent and a rental voucher guarantee component to encourage landlords to work with the program and other rental assistance programs in the State.

ANTICIPATED SCHEDULE: Prior to October 2022, as necessary.

AFFECTED PARTIES: Tenants and landlords.

PLAN TO USE CONSENSUS BASED RULE DEVELOPMENT: No

NEW RULE: Assist Public School Students and Families who Are Homeless Rule

STATUTORY AUTHORITY: 30-A MRSA §4741(1), §4762

PURPOSE: This rule will give priority for temporary housing assistance to homeless students and their families who are identified and referred to MaineHousing by a local education agency liaison for children and youth experiencing homelessness under the federal McKinney-Vento Homeless Education Assistance Improvements Act of 2001.

ANTICIPATED SCHEDULE; Prior to October 2022, as necessary.

AFFECTED PARTIES: Homeless persons

PLAN TO USE CONSENSUS BASED RULE DEVELOPMENT: No

NEW RULE: Promote Energy-efficient Affordable Housing Rule

STATUTORY AUTHORITY: 30-A MRSA §4741(1), §4841

PURPOSE: This rule will be used by MaineHousing to fund the construction of energy-efficient affordable housing through the green housing construction project established by legislation.

ANTICIPATED SCHEDULE: Prior to October 2022, as necessary.

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

PLAN TO USE CONSENSUS BASED RULE DEVELOPMENT: No

July 8, 2021

**VIA INTEROFFICE MAIL
AND ELECTRONIC MAIL**

Don Wismer, APA Coordinator – don.wismer@maine.gov
Bureau of Corporation, Elections and Commissions
101 State House Station
Augusta, Maine 04333-0101

RE: Maine State Housing Authority 2021-2022 Regulatory Agenda

Dear Don:

Enclosed is MaineHousing's 2021-2022 Regulatory Agenda. A copy was sent to you electronically today.

Please call if you have any questions.

Sincerely,



Linda Uhl
Chief Counsel

Encl.

