

Housing Trust Fund Rules (current as of 6/29/05)

4900.3705 DEFINITIONS.

Subpart 1. **Scope.** The terms used in parts [4900.3700](#) to [4900.3769](#) have the meanings given them in this part.

Subp. 2. **Administrator.** "Administrator" means an entity that has applied for and has been awarded funds from the housing trust fund program for rental assistance.

Subp. 3. **Agency.** "Agency" means the Minnesota Housing Finance Agency created by Minnesota Statutes, chapter 462A.

Subp. 4. **Application guide.** "Application guide" means the informational materials developed by the agency for the purposes of soliciting applications for and releasing funds under the housing trust fund program.

Subp. 5. **Assisted unit.** "Assisted unit" means a unit of housing that complies with part [4900.3727](#) in a housing development for which the agency has made a loan or grant under the housing trust fund program.

Subp. 6. **Continuum of care plan.** "Continuum of care plan" means a community plan prescribed by HUD to organize and deliver housing and services to meet the specific needs of people who are homeless as they move to stable housing and maximum self-sufficiency and includes action steps to end homelessness and prevent a return to homelessness.

Subp. 7. **Cooperatively developed plan.** "Cooperatively developed plan" means a plan that encompasses multiple affordable housing and related service initiatives in a geographically defined area that is developed through the cooperation and input of a city or county, or agency thereof, or a regional unit of government and one or more of the following entities:

- A. a neighborhood group or community group;
- B. housing providers; and
- C. housing funders.

Subp. 8. **Deferred loan.** "Deferred loan" means a non- or low-interest-bearing loan made without periodic payments and repaid in full at the end of the loan term.

Subp. 8a. **Gross income.** "Gross income" means total annual household income received by members age 18 and older from all sources, including, but not limited to wages, salaries, tips, interest, dividends, and self-employment, and subject to exclusions as approved by agency board members and available to applicants in writing.

Subp. 9. **Gross rent.** "Gross rent" means the sum of the rent paid to the owner or management agent, plus the utilities for which the tenant is responsible.

Subp. 9a. **Homeless.** "Homeless" means a household lacking a permanent place to live.

Subp. 10. **Household at risk of becoming homeless.** "Household at risk of becoming homeless" means a household that is faced with a situation or set of circumstances that is likely to cause the household to become homeless in the future, including living in substandard housing, living in housing that is inadequate for the size of the household, living in housing with a person who engages in domestic violence, paying more than 50 percent of household income for rent, or having insufficient household resources to pay for current housing and meet other basic needs.

Subp. 10a. **Households experiencing long-term homelessness.** "Households experiencing long-term homelessness" means persons, including individuals, unaccompanied youth, and families with children, lacking a permanent place to live continuously for one year or more or at least four times in the past three years. Any period of institutionalization or incarceration shall be excluded when determining the length of time a household has been homeless.

Subp. 11. **Metropolitan area.** "Metropolitan area" means the area defined in Minnesota Statutes, section [462A.03](#), subdivision 23.

Subp. 12. **Permanent rental housing.** "Permanent rental housing" means housing for which the term of tenancy may be extended indefinitely beyond the initial lease term and consists, at minimum, of a private room having sleeping accommodations.

Subp. 13. **Permanent supportive housing.** "Permanent supportive housing" means permanent rental housing affordable to the population served where support services are available to residents. Permanent supportive housing is available to individuals and families with multiple barriers to obtaining and maintaining housing, including those who are formerly homeless or at risk of homelessness and those with mental illness, substance abuse disorders, HIV/AIDS, or a combination of these conditions.

Subp. 14. **Project-based rental assistance.** "Project-based rental assistance" means a rental subsidy provided for an individual household that resides in a specific housing development owned by the administrator of the project-based rental assistance.

Subp. 15. **Public housing agency.** "Public housing agency" means any state, county, municipality, or other governmental entity or public body, or agency thereof, that is authorized to engage or assist in the development or operation of low-income

housing.

Subp. 16. **Rental housing.** "Rental housing" means housing that is used to provide living accommodations to persons or families on a rental basis. This definition does not include owner-occupied housing.

Subp. 17. **Rental subsidy.** "Rental subsidy" means that portion of the gross rent paid to an owner or management agent on behalf of a tenant.

Subp. 18. **Sponsor-based rental assistance.** "Sponsor-based rental assistance" means a rental subsidy provided for an individual household through a sponsor organization that owns or leases rental housing units in various locations and that has contracts with property owners or management agents to make the rental housing units available to eligible households.

Subp. 19. **Super request for proposals (RFP) round.** "Super request for proposals (RFP) round" means the agency's multifamily request for proposals as authorized by the agency board members.

Subp. 20. **Tenant-based rental assistance.** "Tenant-based rental assistance" means a rental subsidy provided for an individual household that chooses its own rental housing unit.

Subp. 21. **Underserved populations.** "Underserved populations" means individuals or households of color, single female heads of households with minor children, and disabled individuals.

Subp. 22. **Utilities for which the tenant is responsible.** "Utilities for which the tenant is responsible" means one or more of the following utilities, as specifically provided for in the lease agreement between an owner or management agent and a tenant:

- A. water;
- B. sewer;
- C. gas; and
- D. electric.

STAT AUTH: MS s [462A.06](#)

HIST: 26 SR 1511; 29 SR 1479

Current as of 06/29/05

4900.3710 ALLOCATION AND AVAILABILITY OF FUNDS.

Subpart 1. **Permitted activities.** The agency may use funds from the housing trust fund program to fund the following activities:

- A. capital financing;

B. operating subsidies for unique costs and revenue shortfall; and

C. rental assistance.

The agency shall issue an application guide prior to each round of funding under the housing trust fund program.

Subp. 2. **Allocation of funds among activities.** Each biennium, the agency shall determine how the funds will be allocated among the activities permitted under the housing trust fund program. The agency shall take into consideration the following factors when determining the allocation of funds among the activities:

A. past allocation of agency resources among activities;

B. market conditions such as vacancy rates, rent levels, utilization of Section 8 vouchers, and Section 8 waiting lists;

C. unanticipated events such as natural disasters;

D. other agency resources that are available to meet the need for housing trust fund program activities; and

E. other nonagency resources that are available to meet the need for housing trust fund program activities.

The agency shall review the allocation of funds between capital financing, operating subsidy, and rental assistance activities periodically and no less frequently than during each super request for proposals round. The agency may make adjustments to this allocation based on the factors listed in items A to E, the number of applications received in each funding round, and the quality of applications received in each funding round.

Subp. 3. **Availability of funds.** The agency shall accept applications for housing trust fund program funding in every super request for proposals round in which funding is available. The agency may set aside funds and accept applications for housing trust fund program funding outside the super request for proposals rounds under the following circumstances:

A. unanticipated changes in market conditions such as vacancy rates, rent levels, utilization of Section 8 vouchers, and Section 8 waiting lists;

B. unanticipated events such as natural disasters;

C. changes in nonagency resources that are available to meet the need for housing trust fund program activities;

D. to fund applications requiring immediate repairs, or where committed financing or unique housing opportunities would be lost if consideration were delayed; and

E. to modify existing awards and contracts of previously selected proposals according to policies established by agency board members, and in a manner not detrimental to a project's financing.

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HIST: 26 SR 1511; 29 SR 1479

Current as of 06/29/05

4900.3720 CAPITAL FUNDING.

The agency shall provide construction and permanent financing for rental housing from the housing trust fund program in the form of a deferred loan. The agency shall provide housing trust fund program funds in the form of a grant if:

A. the applicant provides documentation confirming that another funding source requires the agency's funds to be provided in the form of a grant; and

B. the other funding source is providing a greater amount of funding than the agency is providing.

STAT AUTH: MS s [462A.06](#)

HIST: 26 SR 1511; 29 SR 1479

Current as of 06/29/05

4900.3721 LOANS.

Subpart 1. **Loan type and term.** The agency shall award housing trust fund program loans in the form of a deferred loan unless an amortizing loan is requested by the borrower and deemed financially feasible by the agency. The agency will base its determination of financial feasibility on whether the rental housing will generate enough cash flow to support the amortizing loan. In making this determination, the agency will consider the rental housing's projected income less its projected expenses. The term of the loan is 30 years from the date of the loan closing; however, the agency may adjust the loan term based on any of the following factors:

A. requirements and conditions of other funding sources related to loan term;

B. the existence of a leasehold mortgage on the property benefited by the loan; or

C. economic analysis by agency staff demonstrating that the housing will not have sufficient value at the end of the loan term to allow the borrower to repay the loan.

Subp. 2. **Interest rate and repayment.** Housing trust fund program loans bear interest at a rate of zero percent unless a

higher interest rate is necessary to allow housing trust fund program funds to be used with other funding sources. Principal and interest, if any, are due and payable at the end of the 30-year term.

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HIST: 26 SR 1511
Current as of 06/29/05
4900.3722 GRANTS.

Subpart 1. **Term.** The term of housing trust fund program grants is 30 years from the date of the grant award; however, the agency may adjust the grant term based on requirements and conditions of other funding sources related to the grant term or the existence of a leasehold mortgage on the property benefited by the grant.

Subp. 2. **Repayment.** Housing trust fund program grants must be repaid in full to the agency if the grant recipient does not comply with the conditions of its grant agreement with the agency and shall be forgiven in full at the end of the 30-year term if the grant recipient complies with the grant agreement throughout the grant term.

STAT AUTH: MS s [462A.06](#)

HIST: 26 SR 1511
Current as of 06/29/05
4900.3723 REPAYMENT PROCESSING FEE.

The agency shall charge borrowers a repayment processing fee when a housing trust fund program loan or grant is repaid in full, as provided in the loan or grant agreement between the borrower or grant recipient and the agency. The amount of the processing fee is equal to the approximate administrative costs incurred by the agency in processing the repayment.

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HIST: 26 SR 1511
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4900.3724 SALE OF HOUSING OR ASSUMPTION OF LOAN.

The agency shall approve the sale of rental housing financed, or the assumption of a loan or grant made, under this part if the entity purchasing the rental housing or assuming the loan satisfies the eligibility requirements of part [4900.3725](#) and the organizational capacity standards in part [4900.3729](#), subpart 3, items A to D. The agency shall charge the original borrower or grant recipient an assumption fee in an amount equal to the approximate administrative costs incurred by the agency in processing the sale or assumption, as provided in the loan or grant agreement between the borrower or grant recipient and the agency.

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4900.3725 ELIGIBLE APPLICANTS.

To be eligible to apply for capital funding under the housing trust fund program, an applicant must be:

- A. a nonprofit organization, as defined in Minnesota Statutes, section [462A.03](#), subdivision 22;
- B. a for-profit organization;
- C. a limited dividend entity, as defined in part [4900.0010](#), subpart 14;
- D. a cooperative housing corporation, as defined in part [4900.0010](#), subpart 8;
- E. a city, as defined in Minnesota Statutes, section [462A.03](#), subdivision 21;
- F. a joint powers board established by two or more cities;
- G. a public housing agency;
- H. an Indian tribe or tribal housing corporation; or
- I. a natural person.

STAT AUTH: MS s [462A.06](#)

HIST: 26 SR 1511
Current as of 06/29/05

4900.3726 ELIGIBLE APPLICATIONS.

The applicant shall provide an application in the form prescribed by the agency. The application for capital funding must include:

- A. a description of the applicants' goals and objectives in meeting the area's need for the type of housing proposed;
- B. a detailed description of how the housing will be developed and managed, including a description of the proposed site for the housing and preliminary architectural plans or proposed work scope for the housing;
- C. a description of the development and management staffs' qualifications;
- D. a detailed budget for the development of the housing showing all development costs and the sources of funds to pay for them;

E. a detailed budget for the operation of the housing showing all anticipated operating costs and the proposed rents and other income;

F. a description of the proposed development, management, and operation of any common or commercial space;

G. a detailed description of whether the proposal involves temporary or permanent displacement or relocation of persons living in affected housing. If the proposal involves temporary or permanent displacement or relocation of persons living in affected housing, the applicant shall develop and submit a plan for minimizing relocation and displacement of the affected persons;

H. for housing developments where tenants will need social and related services in order to establish or maintain residency, a plan for how the service needs of tenants will be met, including, as appropriate, a detailed budget showing the costs of the services and proposed funding sources for the services;

I. specific documentation, as requested by the agency, that will allow the agency to evaluate the ability of the proposal to meet the selection standards in part [4900.3729](#) and the funding priorities in part [4900.3730](#); and

J. a proposed tenant selection plan.

STAT AUTH: MS s [462A.06](#)

HIST: 26 SR 1511; 29 SR 1479
Current as of 06/29/05

4900.3727 ELIGIBLE USES OF FUNDS.

To be eligible for capital funding under the housing trust fund program, rental housing must satisfy the following requirements.

A. The proposed housing development must consist of living accommodations for persons and families. Nursing homes, board and care facilities, and supervised living facilities licensed by the Department of Health or a delegated local department of health are not eligible housing developments, nor are properties where all residents require an individual 24-hour plan for supervision, medical, or health care.

B. The assisted units in the proposed housing development must provide rental housing for persons and families whose gross incomes, at the time of initial occupancy, do not exceed 60 percent of median income as determined by HUD for the metropolitan area. This median income may be adjusted for family size for families with five or more people. A household with Section 8 project-based or voucher assistance is deemed to meet the income requirements of this item.

C. The proposed housing developments must consist of

a minimum of four rental housing units.

D. The use restrictions in this part must remain in effect until the later of:

(1) the date on which the loan is repaid or the grant agreement is terminated; or

(2) the date that is 15 years from the closing date of the loan or grant.

E. At least 75 percent of funds in the housing trust fund program must be used for the benefit of persons and families whose gross incomes, at the time of initial occupancy, do not exceed 30 percent of the median family income for the metropolitan area. This median income may be adjusted for family size for families with five or more people. A household with Section 8 project-based or voucher assistance is deemed to meet the income requirements of this item.

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HIST: 26 SR 1511; 29 SR 1479
Current as of 06/29/05

4900.3728 HOUSING-RELATED SPACE.

The proposed housing development may include housing-related space such as community, administrative, or program space. The agency shall consider the following factors when determining the amount of housing-related space that will be funded:

A. the extent to which the proposed use of the space fits with the service needs of the tenants of the proposed housing development and does not expose the tenants to security risks or the development to financial risk;

B. the ease with which the space is convertible to residential space;

C. the capacity of the applicant or any partner organization to operate and manage the space;

D. whether similar services or facilities that are appropriate for the tenants of the proposed housing development are located nearby;

E. whether the space will be used exclusively by the tenants of the proposed housing development; and

F. the availability of other funding for the space.

STAT AUTH: MS s [462A.06](#)

HIST: 26 SR 1511
Current as of 06/29/05

4900.3729 SELECTION STANDARDS.

Subpart 1. **Generally.** To be considered for capital funding under the housing trust fund program, applicants must comply with the requirements in Minnesota Statutes, section [462A.201](#), parts [4900.3725](#) to [4900.3728](#), and satisfy the threshold criteria in subparts 2 and 3.

Subp. 2. **Overall project feasibility.** The agency shall consider the following factors in determining whether an applicant has demonstrated overall project feasibility:

- A. the nature of the proposed site;
- B. whether the proposed housing is needed in the market that is intended to be served, based upon the population, job growth, and very low housing vacancy rates;
- C. whether costs of developing the housing are reasonable and whether the housing is economically viable; and
- D. for permanent supportive housing, whether the applicant has secured long-term funding for the support services that address the special needs of proposed tenants.

Subp. 3. **Organizational capacity.** The agency shall consider the following factors in determining whether an applicant has demonstrated sufficient organizational capacity:

- A. the applicant's purpose and mission;
- B. the applicant's related housing experience;
- C. whether the applicant has successfully completed similar projects or is partnering with other organizations that have successfully completed similar projects; and
- D. whether the applicant has the strong current and expected ongoing capacity to complete the proposed housing as well as other proposals being developed by the organization and the expected ongoing capacity to maintain the rental housing long term.

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HIST: 26 SR 1511

Current as of 06/29/05

4900.3730 FUNDING PRIORITIES.

Among proposals that satisfy the selection standards in part [4900.3729](#), the agency shall give priority in awarding loans or grants for capital funding under the housing trust fund program to those proposals that best address the greatest number of the following priorities:

- A. the extent to which the proposed housing will serve persons and families whose gross incomes, at the time of initial occupancy, do not exceed 30 percent of the median family

income for the metropolitan area. This median income may be adjusted for family size for families with five or more people;

B. the extent to which the amount of rent to be paid by tenants of the proposed housing does not exceed 30 percent of 30 percent of the area median income as determined by HUD. This median income may be adjusted for family size for families with five or more people;

C. the extent to which the proposal addresses the housing needs of underserved populations;

D. the extent to which the proposal contains clearly identified goals relating to the housing element of a cooperatively developed plan consistent with the mission of the agency;

E. the extent to which the proposed housing is located near jobs; transportation, including regional and interregional transportation corridors and transitways; recreation; retail services; social and other services; and schools;

F. the extent to which the proposed housing is part of the infrastructure necessary to sustain economic vitality;

G. the extent to which the proposed housing maximizes the adaptive reuse of existing buildings and the use of existing infrastructure. If the proposal includes new housing, the agency shall consider the extent to which the efficient use of land and infrastructure is maximized and the loss of agricultural land and green space is minimized;

H. the extent to which private investment or investment of local units of government is included as a funding source;

I. the projected long-term affordability of the proposed housing;

J. the extent to which the proposed housing provides or maintains housing opportunities for households with a wide range of incomes and housing needs within a community or provides housing opportunities for a wide range of incomes within the proposed housing;

K. the extent to which the cost per unit is held as low as possible while not compromising the quality and sustainability of the proposed housing;

L. the extent to which the proposal identifies and includes identifiable cost avoidance or cost reductions from regulatory changes, incentives, or waivers by the local governing body, including, but not limited to:

(1) density bonuses;

- (2) reduced setbacks and parking requirements;
- (3) decreased road widths;
- (4) flexibility in site development standards and zoning code requirements and waiver of permit or impact fees;
- (5) fast-track permitting and approvals; and
- (6) other regulatory incentives that will result in cost avoidance or reductions.

If a proposal identifies and includes cost savings, the application must provide a quantified breakdown of the cost savings due to regulatory incentives;

M. the extent to which the proposal reflects locally determined priorities described in the continuum of care plan;

N. the extent to which the site and design of the proposed housing development is suitable for the housing needs of the proposed tenant population;

O. the extent to which the applicant has the capacity to complete the proposed housing development in a timely fashion and maintain the housing development after completion;

P. temporary priorities, as established by the agency board members or the legislature, that reflect unexpected short-term changes in the demand for housing. An example of an unexpected short-term change is the need to direct resources to respond to a natural disaster, such as a flood or tornado. Temporary priorities are described in the application guide;

Q. the extent to which an application would develop housing for households experiencing long-term homelessness;

R. the extent to which an application that would develop housing for households experiencing long-term homelessness has a commitment of project-based rental assistance or operating subsidy from other sources; and

S. the extent to which an application would develop permanent supportive housing.

STAT AUTH: MS s [462A.06](#)

HIST: 26 SR 1511; 29 SR 1479

Current as of 06/29/05

4900.3731 MANAGEMENT AND OPERATION.

Subpart 1. **Generally.** Applicants that are awarded housing trust fund program funds must comply with the management and operations requirements in this part.

Subp. 2. **Rent increases.** All rent increases must be approved by the agency and must comply with the terms of any

lease and applicable law.

Subp. 3. **Prohibition against discrimination.** The housing development owner or its management agent shall not violate any federal, state, or local law or regulation prohibiting discrimination in the provision of housing and shall not refuse to rent to a household solely on the basis of the household's status as a recipient of tenant-based rental assistance.

Subp. 4. **Screening and affirmative marketing.** The housing development owner or its management agent shall provide the agency with the screening criteria and the affirmative fair housing marketing plan to be used in managing the housing development.

Subp. 5. **Utilization of units.** The housing development owner or its management agent shall rent housing units to households in sizes appropriate to the unit size, with a ratio of at least one person per bedroom. If the household size changes during the course of tenancy, the household may request in writing to the owner or management agent to transfer to another unit or be placed on a waiting list for a transfer. In the event of a decrease in household size, the household shall be required to move to the next available suitably sized smaller unit if a smaller unit is available in the housing development. If the decrease in household size is not expected to last for six months beyond the month of departure of a household member, the household shall not be required to move. The owner or management agent may also establish transfer criteria in house rules.

STAT AUTH: MS s [462A.06](#)

HIST: 26 SR 1511; 29 SR 1479

Current as of 06/29/05

4900.3740 OPERATING SUBSIDY.

The agency may provide an operating subsidy from the housing trust fund program for rental housing for which the agency has provided capital funding. The operating subsidy is available in two forms: (1) operating subsidy-unique costs, for those costs of operating rental housing that are unique to the operation of low-income rental or supportive housing; or (2) operating subsidy-revenue shortfall. The agency shall award the operating subsidy in the form of a grant.

STAT AUTH: MS s [462A.06](#)

HIST: 26 SR 1511; 29 SR 1479

Current as of 06/29/05

4900.3741 ELIGIBLE APPLICANTS.

To be eligible to apply for an operating subsidy under the housing trust fund program, an applicant must be:

A. the owner of a housing development that is funded with a loan or a grant from the agency; or

B. an applicant for a loan or grant from the agency to fund the acquisition, construction, or rehabilitation of rental housing.

STAT AUTH: MS s [462A.06](#)

HIST: 26 SR 1511
Current as of 06/29/05

4900.3742 ELIGIBLE APPLICATIONS.

The applicant shall provide an application in the form prescribed by the agency. The application for an operating subsidy must include:

A. for existing housing developments, the most recent budget for the operation of the housing development showing all operating costs and rents and other income;

B. a ten-year projected budget for the operation of the housing development showing all operating costs and the rents and other income;

C. a description of the applicant's goals and objectives in meeting the area's need for the type of housing proposed;

D. a detailed description of how the housing will be developed and managed, including:

(1) the qualifications of the development and management staff;

(2) a proposed tenant selection plan;

(3) a description of the existing or proposed development, management, and operation of any community, administrative, or program space; and

(4) a description of the existing or proposed development, management, and operation of any commercial space;

E. for housing developments where tenants will need social and related services in order to establish or maintain residency, a plan for how the service needs of tenants will be met, including, as appropriate, a detailed budget showing the costs of the services and proposed funding sources for the services; and

F. specific documentation, as requested by the agency, that will allow the agency to evaluate the ability of the proposal to meet the selection standards in part [4900.3744](#) and the funding priorities in part [4900.3745](#).

STAT AUTH: MS s [462A.06](#)

HIST: 26 SR 1511; 29 SR 1479

Current as of 06/29/05

4900.3743 ELIGIBLE USES OF FUNDS.

Subpart 1. **Generally.** At least 75 percent of funds in the housing trust fund program must be used for the benefit of persons and families whose gross incomes, at the time of the initial occupancy, do not exceed 30 percent of the median family income for the metropolitan area. This median income may be adjusted for family size for families with five or more people. A household with Section 8 project-based or voucher assistance is deemed to meet the income requirements of this subpart.

Subp. 2. **Operating subsidy-unique costs.** The agency may fund those costs of operating rental housing that are unique to the operation of low-income rental housing and supportive housing. To be eligible for operating subsidy-unique costs funding under the housing trust fund program, applicants must satisfy the requirements in items A and B.

A. The proposed operating costs must be critical both to the economic viability of the housing development and to serving the population for whom the housing is designed. Examples of operating costs that are eligible for funding under this subpart include front desk operation, costs of operating service-related space, security, tenant coordinator, and interpretative services.

B. The housing trust fund program funds must be used to provide an operating subsidy for a housing development in which the assisted units provide housing for persons and families whose gross incomes at the time of initial occupancy do not exceed 60 percent of median income as determined by HUD for the metropolitan area. This median income may be adjusted for family size for families with five or more people. A household with Section 8 project-based or voucher assistance is deemed to meet the income requirements of this item.

Subp. 3. **Operating subsidy-revenue shortfall.** The agency may provide an operating subsidy to cover a housing development's revenue shortfall. To be eligible for operating subsidy-revenue shortfall funding under the housing trust fund program, applicants must satisfy the requirements in items A and B.

A. The operating subsidy funds must be used to reduce the difference between the costs of operating the housing development and the rents that the tenants expected to reside in the assisted units can afford to pay. The operating subsidy funds may not be used to pay an asset management fee to the owner of the housing development.

B. The housing trust fund program funds must be used to provide an operating subsidy for a housing development in which the assisted units provide housing for persons and families whose gross incomes, at the time of initial occupancy, do not exceed 60 percent of median income as determined by HUD for the metropolitan area. This median income may be adjusted

for family size for families with five or more people. A household with Section 8 project-based or voucher assistance is deemed to meet the income requirements of this item.

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4900.3744 SELECTION STANDARDS.

To be considered for operating subsidy funding under the housing trust fund program, applicants must comply with the requirements in Minnesota Statutes, section [462A.201](#), parts [4900.3741](#) to [4900.3743](#), and satisfy the threshold criteria in this part. To determine whether an applicant will be selected for operating subsidy funding, the agency shall consider:

- A. whether the proposed operating subsidy is needed in the market to be served;
- B. the financial feasibility of the housing development without the proposed operating subsidy;
- C. the likelihood that the applicant or its partner organization will be able to implement and operate the proposed operating subsidy;
- D. the availability of funds from private or public sources to assist in making the housing development economically feasible; and
- E. for permanent supportive housing, the extent to which long-term funding is secured for the support services that address the special needs of proposed tenants.

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Current as of 06/29/05

4900.3745 FUNDING PRIORITIES.

Among proposals that satisfy the selection standards in part [4900.3744](#), the agency shall give priority in awarding operating subsidies under the housing trust fund program to those proposals that best address the greatest number of the following priorities:

- A. the extent to which the proposed housing will serve persons and families whose gross incomes at the time of initial occupancy do not exceed 30 percent of the median family income for the metropolitan area. This median income may be adjusted for family size for families with five or more people;
- B. the extent to which the amount of rent to be paid by tenants of the proposed housing does not exceed 30 percent of 30 percent of the area median income as determined by HUD. This median income may be adjusted for family size for families with

five or more people;

C. the extent to which the proposal addresses the housing needs of underserved populations;

D. the extent to which the proposal contains clearly identified goals relating to the housing element of a cooperatively developed plan consistent with the mission of the agency;

E. the extent to which the proposed housing is located near jobs; transportation, including regional and interregional transportation corridors and transitways; recreation; retail services; social and other services; and schools;

F. the extent to which the proposed housing is part of the infrastructure necessary to sustain economic vitality;

G. the extent to which private investment or investment of local units of government is included as a funding source;

H. the projected long-term affordability of the proposed housing;

I. the extent to which the proposed housing provides or maintains housing opportunities for households with a wide range of incomes and housing needs within a community or provides housing opportunities for a wide range of incomes within the proposed housing;

J. the extent to which the operating subsidy is held as low as possible while not compromising the economic viability of the proposed housing;

K. a priority for permanent supportive housing developments;

L. a priority for the creation of newly assisted housing units;

M. the extent to which the proposal reflects locally determined priorities described in the continuum of care plan;

N. for operating subsidies-unique costs, whether the proposed housing development includes creative approaches to the provision of affordable housing that can be replicated and serve as a model for other providers of affordable housing;

O. temporary priorities, as established by the agency board members or the legislature, that reflect unexpected short-term changes in the demand for housing. An example of an unexpected short-term change is the need to direct resources to respond to a natural disaster, such as a flood or tornado. Temporary priorities are described in the application guide; and

P. the extent to which an application assists households experiencing long-term homelessness.

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4900.3746 ADMINISTRATION OF OPERATING SUBSIDY.

Subpart 1. **Unique costs.**

A. The agency shall provide operating subsidy-unique costs to the owner of the benefited housing development according to the agreement between the owner and the agency governing the use of the operating subsidy.

B. The operating subsidy-unique costs may be provided for up to ten years.

C. The agency may terminate the operating subsidy if (1) the operating subsidy is no longer needed to ensure the economic viability of the housing development; or (2) the owner of the benefited housing development has failed to comply with any agreement with the agency governing the use of the operating subsidy.

D. The agency may reduce the operating subsidy if the full amount of the operating subsidy is not necessary to ensure the economic viability of the housing development.

Subp. 2. **Revenue shortfall.**

A. The agency shall provide an operating subsidy-revenue shortfall to the owner of the benefited housing development in the form of periodic payments for the benefit of a fixed number of units. In determining the amount of funding to be awarded, the agency shall consider the following factors:

(1) the most recent budget for the operation of the housing development, if applicable;

(2) a ten-year projected budget for the operation of the housing development;

(3) the ability of the tenants expected to reside in the housing development to pay the proposed rents; and

(4) the reasonableness of rents and operating costs for the housing development based on housing industry standards.

B. Owners of housing developments benefited by an operating subsidy-revenue shortfall under the housing trust fund program will be responsible for the following:

(1) recruiting tenants;

(2) maintaining a current waiting list of applicants;

(3) determining the eligibility of tenants according to Minnesota Statutes, section [462A.201](#), subdivision 2, paragraph (b);

(4) verifying tenant incomes at initial occupancy;

(5) providing and adhering to a budget for the operation of the housing development showing all operating costs, rents and other income, and rent schedules;

(6) requisitioning operating subsidy payments from the agency;

(7) meeting agency reporting requirements;

(8) maintaining and retaining records as required by the agency; and

(9) other requirements as described in any agreement with the agency governing the use of the operating subsidy.

C. The operating subsidy-revenue shortfall may be provided for up to ten years.

D. The agency may terminate the operating subsidy if (1) the operating subsidy is no longer needed to ensure the economic viability of the housing development; or (2) the owner of the benefited housing development has failed to comply with any agreement with the agency governing the use of the operating subsidy.

E. The agency may reduce the number of units for which an operating subsidy is provided, or the amount of assistance per unit, if the full amount of the operating subsidy is not necessary to ensure the economic viability of the housing development.

Subp. 3. **Economic viability.** As used in this part, a determination of economic viability is based on whether the rental housing can generate sufficient operating income to meet its operating expenses if the operating subsidy provided under the housing trust fund program is reduced or eliminated.

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HIST: 26 SR 1511

Current as of 06/29/05

4900.3760 RENTAL ASSISTANCE.

The agency may provide rental assistance to an administrator from the housing trust fund program. The agency shall award all forms of rental assistance in the form of a

grant. Rental assistance from the housing trust fund program is intended to be temporary in nature and to provide assistance through an administrator to an individual household.

STAT AUTH: MS s [462A.06](#)

HIST: 26 SR 1511; 29 SR 1479
Current as of 06/29/05

4900.3761 ELIGIBLE APPLICANTS.

To be eligible to apply for rental assistance funding under the housing trust fund program, an applicant must be:

A. a nonprofit organization, as defined in Minnesota Statutes, section [462A.03](#), subdivision 22;

B. a for-profit organization;

C. a limited dividend entity, as defined in part [4900.0010](#), subpart 14;

D. a cooperative housing corporation, as defined in part [4900.0010](#), subpart 8;

E. a city, as defined in Minnesota Statutes, section [462A.03](#), subdivision 21;

F. a joint powers board established by two or more cities;

G. a public housing agency;

H. an Indian tribe or tribal housing corporation; or

I. a natural person.

Applicants must demonstrate experience and ability in the administration of tenant-based, sponsor-based, or project-based rental assistance or must partner with an organization with demonstrated experience and ability in the administration of tenant-based, sponsor-based, or project-based rental assistance.

Applicants for project-based rental assistance must be the owner of a rental housing development that is funded with a loan or a grant from the agency or an applicant for a loan or grant from the agency to fund the acquisition, construction, or rehabilitation of rental housing.

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HIST: 26 SR 1511
Current as of 06/29/05

4900.3762 ELIGIBLE APPLICATIONS.

The applicant shall provide an application in the form prescribed by the agency. The application must include:

A. a description of the population to be served and its need for rental assistance;

B. a description of the applicant's service area and goals and objectives in providing rental assistance;

C. a description of how the applicant will:

- (1) recruit and select tenants for participation;
- (2) terminate tenants from its rental assistance program; and
- (3) locate rental housing units;

D. a plan for transitioning tenants off housing trust fund program rental assistance;

E. a description of the applicant's experience and ability to administer a tenant-based, sponsor-based, or project-based rental assistance program or its partnership with an organization that has this experience and ability;

F. a detailed budget for the rental assistance, including how the applicant will determine the amount of rental subsidy that it will pay on behalf of the tenants, and administrative fees as permitted by part [4900.3767](#), subpart 6;

G. a description of how the applicant will ensure that the rental assistance is used only in rental housing units that meet the requirements set forth in Minnesota Statutes, section [462A.201](#), subdivision 2, paragraph (c);

H. if the administrator plans to allow more than annual recertifications of tenant income, a description of how often and under what circumstances recertification will be allowed;

I. specific documentation, as required by the agency, that will allow the agency to evaluate the ability of the proposal to meet the selection standards in part [4900.3765](#) and the funding priorities in part [4900.3766](#); and

J. a description of how the administrator will notify tenants of the opportunity for a meeting to consider decisions of the administrator under parts [4900.3767](#) and [4900.3768](#).

STAT AUTH: MS s [462A.06](#)

HIST: 26 SR 1511; 29 SR 1479
Current as of 06/29/05

4900.3763 ELIGIBLE USES OF FUNDS.

A. Funds from the housing trust fund program may be used to provide tenant-based rental assistance, sponsor-based rental assistance, or project-based rental assistance and to pay security deposits, damage claims or fees, application fees,

vacancy payments, utility connection fees, and other fees necessary to obtain owner participation or to prevent repeat episodes of homelessness.

B. Administrators of tenant-based rental assistance and sponsor-based rental assistance may receive administrative fees under the housing trust fund program according to part [4900.3767](#), subpart 6. Administrators of project-based rental assistance may not receive administrative fees under the housing trust fund program.

C. At least 75 percent of funds in the housing trust fund program must be used for the benefit of persons and families whose gross incomes, at the time of initial occupancy, do not exceed 30 percent of the median family income for the metropolitan area. This median income may be adjusted for family size for families with five or more people.

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HIST: 26 SR 1511; 29 SR 1479

Current as of 06/29/05

4900.3764 ELIGIBLE TENANTS.

Eligible tenants are persons or families whose gross incomes, at the time of initial occupancy, do not exceed 60 percent of median income as determined by HUD for the metropolitan area. This median income may be adjusted for family size for families with five or more people.

Tenants do not have to be eligible for the Section 8 tenant-based rental assistance housing choice voucher program in order to be eligible for rental assistance funded by the housing trust fund program.

STAT AUTH: MS s [462A.06](#)

HIST: 26 SR 1511; 29 SR 1479

Current as of 06/29/05

4900.3765 SELECTION STANDARDS.

To be considered for rental assistance funding under the housing trust fund program, applicants must comply with the requirements in Minnesota Statutes, section [462A.201](#) and parts [4900.3761](#) to [4900.3764](#), and satisfy the threshold criteria in this part. To determine whether an applicant will be selected for rental assistance funding, the agency shall consider:

A. the likelihood that the applicant's rental assistance program will be implemented in a timely manner; and

B. the likelihood that the applicant will be able to implement and operate the proposed rental assistance program, based on a consideration of whether the:

(1) purpose of the applicant is housing related;

(2) proposed rental assistance program is consistent with the applicant's mission;

(3) applicant or its partner organization has demonstrated experience and ability in administering rental assistance; and

(4) applicant has sufficient, qualified staff to administer the proposed rental assistance program.

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HIST: 26 SR 1511

Current as of 06/29/05

4900.3766 FUNDING PRIORITIES.

Among proposals that satisfy the selection standards in part [4900.3765](#), the agency shall give priority in awarding rental assistance funding under the housing trust fund program to those proposals that best address the greatest number of the following priorities:

A. the extent to which the rental assistance program proposes to serve persons and families whose gross incomes at the time of initial occupancy do not exceed 30 percent of the median family income for the metropolitan area. This median income may be adjusted for family size for families with five or more people;

B. the extent to which the amount of rent to be paid by tenants of the proposed housing does not exceed 30 percent of 30 percent of the area median income as determined by HUD. This median income may be adjusted for family size for families with five or more people;

C. the extent to which the rental assistance program reflects locally determined priorities described in the continuum of care plan;

D. the extent to which the applicant's plan to transition households off rental assistance under the housing trust fund program includes components necessary to stabilize a household by either increasing the household's income or locating a source of rental assistance that is not time limited;

E. the extent to which the proposal addresses the housing needs of underserved populations;

F. the extent to which the proposed administrative fees are reasonable and demonstrate cost effectiveness;

G. the extent to which the rental subsidy is kept as low as possible without compromising the stability of the tenant;

H. the extent to which other resources are not available to provide rental assistance in the service area,

including but not limited to, the availability of Section 8 rental assistance;

I. the extent to which the applicant has demonstrated success in transitioning households off state-funded rental assistance programs;

J. the extent to which the application assists households experiencing long-term homelessness, and coordinates or provides linkages or a plan for resident support services to the extent necessary, such as information and referral, outreach and engagement, advocacy, case management, self-reliance training, employment readiness, employment training, or resident association and community building activities, contingent upon an agreement with an established organization providing such services to residents and financial plans demonstrating feasibility; and

K. temporary priorities, as established by the agency board members or the legislature, that reflect unexpected short-term changes in the demand for housing. An example of an unexpected short-term change is the need to direct resources to respond to a natural disaster, such as a flood or tornado. Temporary priorities are described in the application guide.

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HIST: 26 SR 1511; 29 SR 1479

Current as of 06/29/05

4900.3767 ADMINISTRATION OF TENANT-BASED AND SPONSOR-BASED RENTAL ASSISTANCE.

Subpart 1. **Amount of assistance.** There is no minimum amount of rental subsidy that an administrator must provide to each tenant. The maximum amount of rental subsidy provided to each tenant will be no greater than the difference between 30 percent of the tenant's gross income and the payment standard as established by the local public housing agency or housing and redevelopment authority according to Code of Federal Regulations, title 24, part 982.

Subp. 2. **Form of funding.** The agency shall provide tenant-based and sponsor-based rental assistance funding to the administrator according to the agreement between the administrator and the agency governing the use of the rental assistance funding.

Subp. 3. **Length of time.** An eligible tenant shall not receive rental assistance for longer than five consecutive years. This time limit does not apply to eligible tenants who have applied for federal rental assistance but have not been accepted in such programs due to funding limitations, or who are ineligible for federal rental assistance.

An administrator shall not commit to provide rental assistance to an eligible tenant for amounts or terms in excess of funding allowable under the grant agreement between the

administrator and the agency.

Subp. 4. Termination of rental subsidy.

A. An administrator must terminate a tenant's rental subsidy, according to the termination procedures in subpart 5, item A, when, upon annual recertification and verification of income, it determines that 30 percent of the household's monthly gross income for the preceding four consecutive months equals or exceeds the market rent for the unit in which the household resides plus the utilities for which the tenant is responsible. The utilities for which the tenant is responsible will be determined by using the utility allowance calculation provided by the local public housing agency or housing and redevelopment authority.

B. An administrator may terminate a tenant's rental subsidy, according to the termination procedures in subpart 5, item B, if the tenant is evicted for (1) serious or repeated violations of terms and conditions of the lease or (2) violation of any federal, state, or local law that imposed obligation on the tenant in connection with occupancy or use of the unit in which the tenant resides.

C. An administrator may terminate a tenant's rental subsidy, according to the termination procedures in subpart 5, item C, if the tenant fails to cooperate with the annual recertification process, including property inspection.

Subp. 5. Notice of termination.

A. If an administrator gives notice to terminate a tenant's rental subsidy because the tenant's household gross income at recertification exceeds the limits in subpart 4, item A, the administrator shall provide written notice to both the tenant and the owner or management agent that the rental subsidy will end on the last day of the second month following the month in which the notice is given. A tenant shall be given an opportunity to meet with the administrator and submit any information documenting that income did not exceed the limits and justifies continuing the subsidy.

Example: if on January 12 the administrator determines that 30 percent of the tenant's gross income for each of the four months from September through December equals or exceeds the market rent for the unit in which the household resides plus the utilities for which the tenant is responsible, the administrator will provide notice to the tenant that the rental subsidy will end on the last day of March.

B. If an administrator gives notice to terminate a tenant's rental subsidy because the tenant is being evicted under the conditions in subpart 4, item B, the administrator shall provide written notice to both the tenant and the owner or management agent that the rental subsidy will end on the last day of the month in which the tenant vacates the unit.

C. If an administrator gives notice to terminate a tenant's rental subsidy because the tenant is not cooperating with the annual recertification process under the conditions in subpart 4, item C, the administrator shall submit written notice to the tenant and owner or management agent that the tenant has 60 days to comply with recertification requirements. If the tenant does not comply with recertification requirements within 60 days, the administrator shall submit written notice to the tenant and owner or management agent that the rental subsidy will end on the last day of the month in which the tenant receives the notice.

D. If an administrator gives notice to terminate a tenant's subsidy for reasons outlined in items B and C, the tenant shall be given an opportunity to meet with the administrator to determine if the conditions causing possible termination can be resolved and the tenant can continue receiving the subsidy.

Subp. 6. **Administrative fees.** The agency shall pay administrators of tenant-based and sponsor-based rental assistance a monthly administrative fee for each month in which an eligible household resides in a rental housing unit. The applicant shall propose an administrative fee in its application. The applicant's proposed monthly administrative fee may not exceed the fee paid by HUD to administrators of the Section 8 housing assistance program in the same jurisdiction, as described in Code of Federal Regulations, title 24, section 982.152.

Subp. 7. **Responsibilities of administrators.** Administrators of tenant-based and sponsor-based rental assistance are responsible for the following activities:

- A. recruiting tenants and owners;
- B. determining the eligibility of tenants according to Minnesota Statutes, section [462A.201](#), subdivision 2, paragraph (b);
- C. assuring the quality of the housing according to Minnesota Statutes, section [462A.201](#), subdivision 2, paragraph (c);
- D. conducting verification and annual recertifications of tenant incomes;
- E. requisitioning rental subsidy payments from the agency;
- F. paying rental subsidies directly to owners or management agents in a timely manner;
- G. meeting agency reporting requirements;
- H. maintaining and retaining records;

I. implementing plans for transitioning tenants off housing trust fund program rental assistance, as described in part [4900.3762](#); and

J. ensuring that a process is in place for notifying tenants of the opportunity for a meeting under part 4900.3767.

Subp. 8. **Termination of administrator.** The agency shall terminate an administrator if the administrator has failed to comply with any agreement with the agency governing the use of the rental assistance funds within the time allowed by any applicable cure period. Under such circumstances, the administrator shall provide written notice to all applicable tenants and owners or management agents that the rental subsidy will end on the last day of the second month following the month in which the notice is given.

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4900.3768 ADMINISTRATION OF PROJECT-BASED RENTAL ASSISTANCE.

Subpart 1. **Amount of assistance.** There is no minimum amount of rental subsidy that an administrator must provide to each tenant. The maximum amount of rental subsidy provided to each tenant will be no greater than the difference between 30 percent of the tenant's gross income and the payment standard as established by the local public housing agency or housing and redevelopment authority in accordance with Code of Federal Regulations, title 24, part 982.

Subp. 2. **Form of funding.** The agency shall provide project-based rental assistance funding to the administrator according to the agreement between the administrator and the agency governing the use of the rental assistance funding.

Subp. 3. **Length of time.** An eligible tenant shall not receive rental assistance for longer than five consecutive years. This time limit does not apply to eligible tenants who have applied for federal rental assistance but have not been accepted in such programs due to funding limitations, or who are ineligible for federal rental assistance.

An administrator shall not commit to provide rental assistance to an eligible tenant for amounts or terms in excess of funding allowable under the grant agreement between the administrator and the agency.

Subp. 4. **Termination of rental subsidy.**

A. An administrator must terminate a tenant's rental subsidy, according to the termination procedures in subpart 5, when, upon annual recertification and verification of income, it determines that 30 percent of the household's monthly gross income for the preceding four consecutive months equals or exceeds the market rent for the unit in which the household

resides plus the utilities for which the tenant is responsible. The utilities for which the tenant is responsible will be determined by using the utility allowance calculation provided by the local public housing agency or housing and redevelopment authority.

B. An administrator may terminate a tenant's rental subsidy, according to the termination procedures in subpart 5, item B, if the tenant is evicted for:

(1) serious or repeated violations of terms and conditions of the lease; or

(2) violation of any federal, state, or local law that imposes obligations on the tenant in connection with occupancy or use of the unit in which the tenant resides.

C. An administrator may terminate a tenant's rental subsidy, according to the termination procedures in subpart 5, item C, if the tenant fails to cooperate with the annual recertification process, including property inspection.

Subp. 5. Notice of termination.

A. If an administrator gives notice to terminate a tenant's rental subsidy because the tenant's household gross income at recertification exceeds the limits in subpart 4, the administrator shall provide written notice to both the tenant and the owner or management agent that the rental subsidy will end on the last day of the second month following the month in which the notice is given. A tenant shall be given an opportunity to meet with the administrator and submit any information documenting that income did not exceed the limits and justifies continuing the subsidy.

Example: if on January 12 the administrator determines that 30 percent of the tenant's gross income for each of the four months from September through December equals or exceeds the market rent for the unit in which the household resides plus the utilities for which the tenant is responsible, the administrator will provide notice to the tenant that the rental subsidy will end on the last day of March.

B. If an administrator gives notice to terminate a tenant's rental subsidy because the tenant is being evicted under the conditions in subpart 4, item B, the administrator shall provide written notice to the tenant and owner or management agent that the rental subsidy will end on the last day of the month in which the tenant vacates the unit.

C. If an administrator gives notice to terminate a tenant's rental subsidy because the tenant is not cooperating with the annual recertification process under the conditions in subpart 4, item C, the administrator shall submit written notice to the tenant and owner or management agent that the tenant has 60 days to comply with recertification requirements. If the tenant does not comply with recertification requirements within

60 days, the administrator shall submit written notice to the tenant and owner or management agent that the rental subsidy will end on the last day of the month in which the tenant receives the notice.

D. If an administrator gives notice to terminate a tenant's rental subsidy for reasons outlined in items B and C, the tenant shall be given an opportunity to meet with the administrator to review if the conditions causing proposed termination can be resolved and the tenant can continue receiving the subsidy.

Subp. 6. **Responsibilities of administrators.** Administrators of project-based rental assistance shall be responsible for the following activities:

A. recruiting tenants and determining their eligibility according to Minnesota Statutes, section [462A.201](#), subdivision 2, paragraph (b);

B. maintaining a waiting list of tenants;

C. assuring the quality of the housing according to Minnesota Statutes, section [462A.201](#), subdivision 2, paragraph (c);

D. conducting verification and annual recertifications of tenant incomes;

E. requisitioning rental subsidy payments from the agency;

F. meeting agency reporting requirements;

G. maintaining and retaining records;

H. implementing plans for transitioning tenants off housing trust fund rental assistance as described in part [4900.3762](#); and

I. ensuring that a process is in place for notifying tenants of the opportunity for a meeting under this part.

Subp. 7. **Termination of administrator.** The agency shall terminate an administrator if the administrator has failed to comply with any agreement with the agency governing the use of the rental assistance funds within the time allowed by any applicable cure period. Under such circumstances, the administrator shall provide written notice to all applicable tenants and owners or management agents that the rental subsidy will end on the last day of the second month following the month in which the notice is given.

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4900.3769 EXTENSION OF FUNDING FOR RENTAL ASSISTANCE.

A. The agency shall review the performance of administrators on an annual basis. Administrators may, at that annual review, apply for an extension of rental assistance funding.

B. The agency shall consider the following factors when determining whether an administrator will receive an extension of funding:

(1) the performance of the administrator, including its timely expenditure of rental assistance funds and its success in reaching the goals and objectives described in its application;

(2) the availability of funding for housing trust fund program rental assistance;

(3) the availability of funding for rental assistance from sources other than the housing trust fund program;

(4) market conditions in the administrator's service area, such as area vacancy rates, market rents, and the utilization of Section 8 vouchers; and

(5) the selection standards in part [4900.3765](#) and the funding priorities in part [4900.3766](#).

If the agency does not approve an extension of funding for an administrator, the administrator shall give written notice to all participating tenants and owners or management agents that the rental subsidies will end. This notice must be given no fewer than six months before the rental subsidy will end.

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