

**Annual List of Rulemaking Activity**  
**Rules Adopted January 1, 2018 to December 31, 2018**  
*Prepared by the Secretary of State pursuant to 5 MRS §8053-A, sub-§5*

**Agency name:** **Maine State Housing Authority**  
**Umbrella-Unit:** **99-346**  
**Statutory authority:** 30-A MRS §4741.1  
**Chapter number/title:** **Ch. 2**, Cooperation with Local *Governments (Repeal)*  
**Ch. 13**, Allocation of State Ceiling for Housing-Related Bonds *(Repeal)*  
**Ch. 17**, Natural Disaster Home Assistance Program *(Repeal)*  
**Ch. 21**, Land Acquisition/Improvement and Housing Opportunity  
Zones Program *(Repeal)*  
**Filing number:** **2018-050 thru 053**  
**Effective date:** 4/8/2018  
**Type of rule:** Routine Technical  
**Emergency rule:** No

**Principal reason or purpose for rule:**

*(See Basis Statement)*

**Basis statement:**

**Ch. 2, 17, 21:** Recent changes to the *Maine Housing Authorities Act* eliminated the requirements and programs which these rules addressed and rendered the rules obsolete.

**Ch. 13:** Repeal of rule, which is unnecessary and obsolete since the state ceiling for issuing tax exempt bonds is plentiful and Maine State Housing Authority has not been asked to allocate bond cap to a local issuer since the 1980's.

**Fiscal impact of rule:**

None.

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**Agency name:** Maine State Housing Authority  
**Umbrella-Unit:** 99-346  
**Statutory authority:** 30-A MRS §4741.1  
**Chapter number/title:** Ch. 1, Home Mortgage Program Rule  
**Filing number:** 2018-077  
**Effective date:** 5/9/2018  
**Type of rule:** Routine Technical  
**Emergency rule:** No

**Principal reason or purpose for rule:**  
*(See Basis Statement)*

**Basis statement:**

This replacement rule repeals and replaces in its entirety the current *Home Mortgage Program Rule*. The replacement rule does the following: (i) MSHA references are changed to MaineHousing; (ii) the new mortgage requirement is clarified to state that a homebuyer may not currently have a mortgage on the residence; (iii) mobile home security requirements are updated to comply with current law; (iv) the requirement for fidelity insurance on condominiums is changed from condominiums with greater than 30 units to condominiums with greater than 20 units; (v) language allowing MaineHousing to limit mortgage insurers by type of mortgage insurer is added; (vi) the section on application requirements for lenders to participate in our single family requirements is expanded; (vii) the Servicing Agreement is referenced in the section requiring indemnification from a Qualified Servicer.

**Fiscal impact of rule:**  
None.

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**Agency name:** **Maine State Housing Authority**  
**Umbrella-Unit:** **99-346**  
**Statutory authority:** 30-A MRS §§ 4741(1), 4741(14); Section 42 of the *Internal Revenue Code of 1986*, as amended  
**Chapter number/title:** **Ch. 16**, Low Income Housing Tax Credit Rule  
**Filing number:** **2018-116**  
**Effective date:** 7/4/2018  
**Type of rule:** Routine Technical  
**Emergency rule:** No

**Principal reason or purpose for rule:**

The rule is the qualified allocation plan for allocating and administering the federal low-income housing tax credit in the State of Maine, including without limitation the State's housing credit ceiling for calendar year 2019, as required pursuant to Section 42 of the *Internal Revenue Code*. The rule repeals and replaces the current Ch. 16, *Low-Income Housing Tax Credit Rule*.

**Basis statement:**

This rule is the qualified allocation plan for allocating and administering federal low income housing tax credits ("LIHTC") in the State of Maine, which MaineHousing, as the State's designated housing credit agency, is required to adopt pursuant to Section 42 of the *Internal Revenue Code* and sections of the *Maine Housing Authorities Act*.

This rule replaces the prior rule and includes the following changes:

- Overhaul and reformatting to make the rule more concise, clearer, and easier to use.
- Total development cost per unit cap is changed to an index based on per unit and per bedroom cost.
- Adjustment to upper and lower limits in new construction cost containment scoring category.
- Telemed requirement allows for a plan rather than a separate room.
- High Opportunity Area category takes into account quality education, healthcare, services, and economic activity.
- Monitoring fee increased from \$800 to \$1,000 per credit unit.
- Removal of self-scoring from scoring process.
- Acceptance of HUD Section 811 Project Rental Assistance is a threshold requirement.
- Points adjusted to accommodate removal of criteria and slightly greater/lessor focus in specific areas.
- Service center communities list updated.
- Allows for two consecutive years of submitting required reports past the deadline before loss of points.

**Fiscal impact of rule:**

The State's housing credit ceiling for calendar year 2019 is expected to generate approximately \$35,500,000 of private investor capital. Additional capital may be generated through the allocation of federal low-income housing tax credits for housing that is financed with tax-exempt facility bonds pursuant to Section 42(h)(4) of the *Internal Revenue Code*. The capital generated by the syndication of the federal low-income housing tax credits will be used to develop affordable housing for low- and very low-income persons in the State of Maine. The rule will not impose any costs on municipalities or counties for implementation or compliance.

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**Agency name:** **Maine State Housing Authority**  
**Umbrella-Unit:** **99-346**  
**Statutory authority:** 30-A MRS §§ 4722(1)(W), 4741(15), 4991 *et seq.*; 42 USCA §§ 8621 *et seq.*  
**Chapter number/title:** **Ch. 24**, Home Energy Assistance Program Rule  
**Filing number:** **2018-174**  
**Effective date:** 9/1/2018  
**Type of rule:** Routine Technical  
**Emergency rule:** No

**Principal reason or purpose for rule:**  
*(See Basis Statement)*

**Basis statement:**

This replacement rule repeals and replaces in its entirety the current *Home Energy Assistance Program Rule*. The rule establishes standards for administering fuel assistance, emergency fuel assistance, Supplemental Benefits funded by TANF funds, weatherization, and heating system repair and replacement funds to low income households in the State of Maine. The replacement rule: (i) describes the TANF Supplemental Benefits program; (ii) extends the Application period to July 15 for all Applicants; (iii) eliminates the necessity of an Applicant having to provide proof of SSN if his/her SSN can be verified electronically; (iv) includes Social Security card as an acceptable form of documentation for any Household member that is not a U.S. citizen; (v) allows Primary Applicant to include or exclude dependents who are full-time college students as Household members; (vi) disallows the deduction of business expenses if self-employment income cannot be documented through a filed tax return for the current or previous year; (vii) excludes certain types of income in order to increase the pool of eligible Applicants, increase the amount of a Household's Benefits, and achieve greater alignment with other MaineHousing administered programs: exclusions include assets drawn down from financial institutions, foster care payments, adoption assistance, in-kind payments received in lieu of payment for work, and capital gains; (viii) allows court ordered child support to be deducted from Applicant income provided the amount paid during the income verification can be documented; (ix) removes the clause restricting Applicant eligibility for ECIP if the Applicant has the ability to receive credit from the vendor; (x) allows the Subgrantee to issue the maximum ECIP benefit amount in a single delivery (removes "An Eligible Household will receive an ECIP benefit equal to the maximum ECIP benefit or the cost of a standard minimum delivery of Home Energy, whichever is less"); and (xi) increases the income limits for weatherization so as to be consistent with the Department of Energy income threshold of 200% of federal poverty.

**Fiscal impact of rule:**  
None.

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**Umbrella-Unit:** 99-346  
**Statutory authority:** 30-A MRS §4741(1); 36 MRS §5219-PP  
**Chapter number/title:** Ch. 33, AccessAble Home Tax Credit Rule  
**Filing number:** 2018-175  
**Effective date:** 9/1/2018  
**Type of rule:** Routine Technical  
**Emergency rule:** No

**Principal reason or purpose for rule:**

This replacement rule repeals and replaces the current *Home Modification Tax Credit Rule* with the *AccessAble Home Tax Credit Rule*. The replacement rule: (1) changes the name to *AccessAble Home Tax Credit Rule*; and (2) corrects the statutory reference in paragraph 1.d. and paragraph 5; and (3) provides that the credit will be taken in the year MaineHousing issues a certificate rather than in the year the modification expenses are incurred.

**Basis statement:**

Under a new law individual taxpayers whose income does not exceed \$55,000 may receive an income tax credit up to \$9,000 for expenses incurred for modifications to make their home accessible to an individual with a disability who lives or will live in the home. This rule sets forth the types of home modification expenditures that qualify for the credit, the building standards applicable to the modifications, and the process MaineHousing will use to determine that a taxpayer's expenditures qualify for the credit.

**Fiscal impact of rule:**

None.