

**Annual List of Rulemaking Activity**  
**Rules Adopted January 1, 2019 to December 31, 2019**  
*Prepared by the Secretary of State pursuant to 5 MRS §8053-A sub-§5*

**Agency name:** **Maine State Housing Authority (MSHA)**  
**Umbrella-Unit:** **99-346**  
**Statutory authority:** 30-A MRS §§ 4722(1)(W), 4741(15)  
**Chapter number/title:** **Ch. 25**, Weatherization Assistance Program Rule  
**Filing number:** **2019-016**  
**Effective date:** 1/23/2019  
**Type of rule:** Routine Technical  
**Emergency rule:** No

**Principal reason or purpose for rule:**

The replacement rule: (i) removes MaineHousing from the definitions; (ii) provides that priority ranking will be established in the State Plan; (iii) modifies the scope of permissible weatherization expenditures to align with industry standards; and (iv) makes minor technical edits and clarifications.

**Basis statement:**

This rule replaces in its entirety the current Weatherization Assistance Program Rule for the following purposes: to remove MaineHousing from the definitions; to provide that priority ranking will be established in the State Plan; to modify the scope of permissible weatherization expenditures to align with industry standards; and to make minor technical edits and clarifications.

**Fiscal impact of rule:**

None.

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**Agency name:** **Maine State Housing Authority (MSHA)**  
**Umbrella-Unit:** **99-346**  
**Statutory authority:** 30-A MRS §§ 4741.1, 4973, 4722(1)(L)  
**Chapter number/title:** **Ch. 29**, Multi-family Mortgage Loans  
**Filing number:** **2019-026**  
**Effective date:** 2/3/2019  
**Type of rule:** Routine Technical  
**Emergency rule:** No

**Principal reason or purpose for rule:**

Maine State Housing Authority (MaineHousing) is repealing and replacing this rule to conform to statutory changes regarding construction lending and make other updates.

**Basis statement:**

This rule provides the framework and basic requirements for MaineHousing's multi-family lending programs. MaineHousing is repealing and replacing this rule to conform to statutory changes regarding construction lending and make other updates.

**Fiscal impact of rule:**

None.

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**Umbrella-Unit:** **99-346**  
**Statutory authority:** 30-A MRS §§ 4741.1, 4973, 4976.1, 4977  
**Chapter number/title:** **Ch. 34** (*New*), Preservation and Relocation Rule  
**Filing number:** **2019-027**  
**Effective date:** 2/3/2019  
**Type of rule:** Routine Technical  
**Emergency rule:** No

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

**Basis statement:**

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.

**Fiscal impact of rule:**  
None.

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**Umbrella-Unit:** **99-346**  
**Statutory authority:** 30-A MRS §§ 4741(1) and (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:** **2019-113**  
**Effective date:** 7/8/2019  
**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 2020, 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 the above-referenced 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.
- TDC scoring (keep Index and Caps) and penalty for past rounds deleted.
- Maximum number of applications per developer deleted.
- Points adjusted to accommodate removal or addition of criteria and slightly greater/lessor focus in specific areas.
- Service center communities list updated.
- Certified Business Friendly Community point deleted.
- Developer Fee Contribution points eliminated.
- Owner Performance – positive points instead of negative. Notice to Proceed deadline penalty and TDC rescoring penalty deleted.
- Management Performance – positive points instead of negative.
- Smart Growth points increased and rebalanced.
- Service Center Needs points increased.
- Telemedicine plan requirement eliminated. Instead broadband capacity using ConnectME Authority build-to-standard at owner's expense required.
- Property Tax Relief years adjusted.
- Maximum Developer Fee and Net Developer Fee simplified.
- Community Revitalization redefined.
- Below Market Capital points no longer attached to TDC scoring criterion.

**Fiscal impact of rule:**

The 2020 State of Maine ceiling of federal low-income housing tax credits is projected to raise approximately \$35,250,000 of private investor capital. The private investor capital generated by the federal low-income housing tax credits will be used to develop affordable housing for low-income persons. Additionally, it is estimated that 1,400 jobs will be created with this investment. 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 (MSHA)**  
**Umbrella-Unit:** **99-346**  
**Statutory authority:** 30-A MRS §§ 4722(1)(W), 4741(15), 6991 *et seq.*;  
42 USCA §§ 8621 *et seq.*  
**Chapter number/title:** **Ch. 24**, Home Energy Assistance Program Rule  
**Filing number:** **2019-114**  
**Effective date:** 7/8/2019  
**Type of rule:** Routine Technical  
**Emergency rule:** No

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

**Basis statement:**

This 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, TANF Supplemental Benefits, weatherization, and heating system repair and replacement funds to low-income households in the State of Maine. The replacement rule: (i) removes the “Discount Off Retail” \$0.07 reduction a Vendor’s Retail Cash Price for all Home Energy deliveries for the fuel type listed on the Vendor Voucher Report or the Credit Notification; (ii) amends the definition of “priority applicant” to include children 72 months (6 years) or younger; (iii) amends language throughout the rule to accommodate pre-delivery payment and post-delivery payment for fuel; and (iv) allows Vendors to return remaining balances for Clients with balances less than \$25 at the time of the Annual Consumption Reporting rather than throughout the year.

**Fiscal impact of rule:**  
None.

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**Agency name:** Maine State Housing Authority (MSHA)  
**Umbrella-Unit:** 99-346  
**Statutory authority:** 30-A MRS §§ 4741(1) and (18); 42 USCA §§ 11301 *et seq.*  
**Chapter number/title:** Ch. 19, Homeless Solutions Rule  
**Filing number:** 2019-185  
**Effective date:** 11/3/2019  
**Type of rule:** Routine Technical  
**Emergency rule:** No

**Principal reason or purpose for rule:**

The rule repeals and replaces the current *Homeless Solutions Rule* in order to (i) revise and update language where appropriate; (ii) address concerns regarding bed utilization; and (iii) make changes to the funding formula allocation.

**Basis statement:**

This rule replaces in its entirety the current *Homeless Solutions Rule*. MaineHousing uses funds from certain federal and state resources to give grants to agencies for a variety of activities to assist people who are experiencing homelessness or the risk of becoming homeless. The rule governs MaineHousing's allocation of resources for such programs. The new rule (i) revises and updates language where appropriate; (ii) addresses concerns regarding bed utilization; and (iii) makes changes to the funding formula allocation.

**Fiscal impact of rule:**

None.

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**Umbrella-Unit:** **99-346**  
**Statutory authority:** 30-A MRS §§ 4722(1)(W), 4741(1) and (15), 4991  
*et seq.*; 42 USCA §§ 8621 *et seq.*  
**Chapter number/title:** **Ch. 24**, Home Energy Assistance Program Rule  
**Filing number:** **2019-186**  
**Effective date:** 11/3/2019  
**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, TANF Supplemental Benefits, weatherization, and heating system repair and replacement funds to low-income households in the State of Maine. This replacement rule is needed to implement a heat pump installation initiative in response to PL 2019 ch. 306 §3., “An Act To Transform Maine’s Heat Pump Market To Advance Economic Security and Climate Objectives.” Other changes correct errors or provide clarification to the previous version of the rule.

**Fiscal impact of rule:**  
None.