

Annual List of Rulemaking Activity
Rules Adopted January 1, 2020 to December 31, 2020
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) 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: **2020-152**
Effective date: 7/12/2020
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 years 2021 and 2022, 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*, regarding the allocating and administering of the credit for calendar year 2020.

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*.

Fiscal impact of rule:

The 2021 State of Maine ceiling of federal low-income housing tax credits is projected to raise approximately \$32,600,000 of private investor capital, and the 2022 State of Maine ceiling of federal low-income housing tax credits is projected to raise approximately \$30,600,000 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(1) and (15), 4991
et seq.; 42 USCA §§ 8621 *et seq.*
Chapter number/title: **Ch. 24**, Home Energy Assistance Program Rule
Filing number: **2020-153**
Effective date: 7/12/2020
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 *Horne 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: amends the definitions of "Dwelling Unit", "Live-in Care Attendant", and "Priority Applicant"; allows expired government-issued photo identification cards to be accepted as documentation for a Primary Applicant; expands Dwelling Unit eligibility; modifies the amount of a Household's HEAP Benefit that can be recuperated to address Overpayments; establishes the Benefit amount available for eligible Households that have no calculated energy costs; expands allowable costs for Energy Crisis Intervention Program funds; removes the requirement that all Central Heating Improvement Program jobs over \$1,000 have a final inspection; allows Subgrantees to charge support costs associated with taking and processing HEAP Applications to Administrative dollars; removes the option to have HEAP Benefits retroactively applied to Horne Energy deliveries that have already been paid; adjusts the minimum monthly payment amount for Households entering into a repayment agreement for an Overpayment; and clarifies that HEAP Applicants will be provided an opportunity for a fair administrative hearing if they dispute the amount of their HEAP Benefit. Other changes correct errors or provide clarification to the previous version of the rule.

Fiscal impact of rule:
None.

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Agency name: **Maine State Housing Authority**
Umbrella-Unit: **99-346**
Statutory authority: 30-A MRS §§ 4722, 4741.1; 36 MRS §5219-WW
Chapter number/title: **Ch. 35** (*New*), State Low Income Housing Tax Credit Rule
Filing number: **2020-218**
Effective date: 10/13/2020
Type of rule: Routine Technical
Emergency rule: No

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

Basis statement:

The state low income housing tax credit law was enacted to provide funds for the development and preservation of multi-family affordable housing. Under the law, the amount of the state low income housing tax credit a project receives for new rental units is equal to the amount of federal low income housing tax credits the project receives in conjunction with the issuance of tax exempt bonds. At least 10% of the credit to be allocated in a calendar year, must be set aside for qualified rural development preservation projects that incur at least \$100,000 in improvements and do not receive federal low income housing tax credits. The law requires MaineHousing to allocate and administer the credit and define “rural areas.”

Fiscal impact of rule:

\$10,000,000 per year tax credits.