

Michigan Office of Administrative Hearings and Rules
Administrative Rules Division (ARD)

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REQUEST FOR RULEMAKING (RFR)

1. Department:

Labor and Economic Opportunity

2. Bureau:

Michigan Housing Development Authority

3. Promulgation type:

Full Process

4. Title of proposed rule set:

State Housing Development Authority – General Rules

5. Rule numbers or rule set range of numbers:

R 124.101 - R 125.224

6. Estimated time frame:

6 months

Name of person filling out RFR:

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7. Describe the general purpose of these rules, including any problems the changes are intended to address.

The MSHDA administrative rule set defines guidelines for a variety of programs authorized by the State Housing Development Authority Act of 1966. Proposed revisions and changes are generally to address clarity, modern usage, and adherence to current Rule Style Guide. R 125.203(d) is revised to incorporate federal definition; R 125.111 adds sub (3) to impose time limit on appeals from Authority decisions where no statutory or rule limit otherwise applies. R 125.146(6) revised to reflect industry standard practice, and R 125.146(8) added for internal clarity. Note that intent is to remove "Part 9A" as designation, such that R125.193 through R125.199 will fall within Part 9 for clarity and consistency.

8. Please cite the specific promulgation authority for the rules (i.e. department director, commission, board, etc.).

The authority possesses all powers necessary or convenient to carry out the State Housing Development Authority Act of 1966, including the power to promulgate rules necessary to carry out the purposes of the Act.

A. Please list all applicable statutory references (MCLs, Executive Orders, etc.).

MCL 125.1422(o), MCL 125.1415a(7), and MCL 125.1458b(7).

B. Are the rules mandated by any applicable constitutional or statutory provision? If so, please explain.

MCL 125.1422(o), MCL 125.1415a(7), and MCL 125.1458b(7).

9. Please describe the extent to which the rules conflict with or duplicate similar rules, compliance requirements, or other standards adopted at the state, regional, or federal level.

None. These revisions were in part developed to remove conflict and duplication while ensuring consistency with applicable federal rules.

10. Is the subject matter of the rules currently contained in any guideline, handbook, manual, instructional bulletin, form with instructions, or operational memoranda?

The general subject matter, MSHDA programs, is addressed in a variety of guidelines and forms. Only guidelines and forms related to single family mortgage loans should be affected by revision per R 125.146; these guidelines and forms will be simplified with the proposed rule revision.

11. Are the rules listed on the department's annual regulatory plan as rules to be processed for the current year?

Yes.

12. Will the proposed rules be promulgated under Section 44 of the Administrative Procedures Act, 1969 PA 306, MCL 24.244, or under the full rulemaking process?

Full Process

13. Please describe the extent to which the rules exceed similar regulations, compliance requirements, or other standards adopted at the state, regional, or federal level.

The revisions do not exceed similar regulations, compliance regulations, or other standards.

14. Do the rules incorporate the recommendations received from the public regarding any complaints or comments regarding the rules? If yes, please explain.

The proposed rule revisions were initiated by MSHDA staff as most existing rules have not been reviewed since 2009. The proposed revisions were circulated to external stakeholders for informal comment, which comments informed the proposed revisions.

15. If amending an existing rule set, please provide the date of the last evaluation of the rules and the degree, if any, to which technology, economic conditions, or other factors have changed the regulatory activity covered by the rules since the last evaluation.

Prior evaluation was 2009. Administrative Rule Style Guide, industry parlance, and applicable federal terminology have changed since last evaluation.

16. Are there any changes or developments since implementation that demonstrate there is no continued need for the rules, or any portion of the rules?

No.

17. Is there an applicable decision record (as defined in MCL 24.203(6) and required by MCL 24.239(2))? If so, please attach the decision record.

No