

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

MOAHR-Rules@michigan.gov

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 125.103 - 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 throughout are generally to address clarity, modern usage, and adherence to current Rule Style Guide, and to clarify staff tasks relative to member tasks. R 103 and R 111 are amended to clarify supremacy of federal guidelines as to federal programs administered by the agency. R 132 and R 152 update dollar figures for inflation since 2015. R 190 through R 199 are updated as to the Housing Community and Development Fund as that section has not been revised in the last two administrative rule updates and has recently been revived with new funding. R 211 is amended to emphasize that federal debarment functions as state debarment as to federal programs administered by the agency. New rules R 225 and R 227 address the new statutorily created agency participation in the Brownfield Redevelopment Act.

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(8), and MCL 125.1458b(7).

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

The rules are not mandated.

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.

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 lending and grant programs, is addressed in a variety of guidelines and forms, all generated and maintained by MSHDA.

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 to 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 rule amendments reflect public comment regarding the need to clarify staff responsibilities vs. member responsibilities. All public comment to be received during the public comment period will be honored as required by the rulemaking process.

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.

The latest evaluation of the rules was completed in early 2023, with the adoption of the present rule set. Public comment, funding by the legislature of the previously- unfunded Housing and Community Development Fund program, and inclusion by the legislature of the agency in the Brownfield Redevelopment Act, are new since the 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?

None.

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

Based on the information provided in this RFR, MOAHR concludes that there are sufficient policy and legal bases for approving the RFR. The RFR satisfies the requirements of the Administrative Procedures Act of 1969, 1969 PA 306, MCL 24.201 to 24.328, and Executive Order No. 2019-6.